

An
Bord
Pleanála

Board Direction
BD-008781-21
ABP-309159-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/07/2021.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the location of the proposed development within the development boundary of Crookhaven village where public services are available, the policies and provisions of the Cork County Development Plan 2014, the policies and provisions West Cork Municipal District Electoral Area Local Area Plan 2017, the design, scale and form of the proposed development, its disposition on the site and distance from the foreshore, it is considered that subject to compliance with the conditions set out below, the proposed development by reason of its high quality innovative design, form, siting and use of materials would not have a negative effect on the setting of the village and would not have a detrimental impact on the protected structure. The proposed development would not seriously injure the residential or visual amenities of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development would be consistent with the pattern of development within the village, where there are policies to encourage backland development, and by reason of its design, use of materials, landscape design and siting, would not seriously injure the residential amenity of adjoining

properties, or the setting of the protected structure of St. Brendan's Church (RPS No.0-0011) or the site of a recorded monument (CO147-058 02/CO1457-058 03) as viewed from the Regional Road R591, would not have a significant visual impact on the views and prospects from the SI02 Scenic Route, would not conflict with the HE 3-1 and HE 4-1 and would be in keeping with the GI 7-1 and GI 7-3 and of the Cork County Development Plan.

Further, the proposed development by reason of its high quality innovative design, its siting below the ridgeline, above the foreshore and to the rear of existing detached houses, and its use of materials and landscaping, would be in compliance with the Objective DB-02 of the West Cork Municipal District Local Area Plan, and in line with Objective HE 4-6 and Section 12.4.23 of the County Development Plan.

The Board noted the reports of the Ecologist of Cork County Council and the County Council Area Engineer, and considered that the recommendation to include waterproof covers to the chambers of sewage disposal system is a standard specification to ensure that surface water cannot enter the foul sewerage network, and is not a mitigation measure in the context of Appropriate Assessment. It is further noted that Irish Water presents no objection subject to pre connection agreement, capacity constraints of the Irish Water Capital Investment Programme and compliance with Irish Water Standards codes and practices, and the West Cork Municipal District Local Area Plan, Table 2.3 which indicates that services are in place with limited or no spare water services capacity, and it is considered that given the nature of the site, and its location within the development boundary of the village, the limited scale of the development proposed, the proposed development would give rise to an insignificant increase in the loading at the Wastewater Treatment Plant, which would in any event be subject to Irish Water consent and would only be given where compliance with EPA licencing in respect of the operation of the plant would not be breached.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development

within a suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than on Barley Cove to Ballyrisode Point SAC (Site Code 001040), Roaringwater Bay and Islands SAC (Site Code 000101), and Sheep's Head to Toe Head SPA (Site Code 004146) which are European Sites for which there is a likelihood of significant effects.

Appropriate Assessment Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on Barley Cove to Ballyrisode Point SAC (Site Code 001040), Roaringwater Bay and Islands SAC (Site Code 000101), and Sheep's Head to Toe Head SPA (Site Code 004146) in view of the above site's Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European

Sites, having regard to the site's conservation objectives, with the exception of the potential impact of the Crookhaven Wastewater Treatment Plant on Barley Cove to Ballyrisode Point SAC (Site Code 001040) and Roaringwater Bay and Islands SAC (Site Code 00010). The Board concluded that the proposed development would give rise to an insignificant increase in the loading at the Wastewater Treatment Plant, which would in any event be subject to Irish Water consent and would only be given where compliance with EPA licencing in respect of the operation of the plant would not be breached.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the site's conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Conditions

1. 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 on the 12th day of January 2021 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Natural Impact Assessment submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. The viewing pavilion shall be omitted from the proposed development.

Reason: In the interest of visual amenity.

4. The applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

5. Details of the materials, colours and textures or all external finishes shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services, and shall be agreed in writing with the Planning Authority prior to commencement of development.

Reason: In the interests of public health and to ensure a proper standard of development.

7. All service cables associated with the proposed development (such as electrical, television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of the visual amenities of the area.

8. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction / demolition waste. The Plan shall be accord with the recognised standard best practice CIRIA Guidance No C532 Control of Water Pollution from Construction Sites and IFI Guidelines on

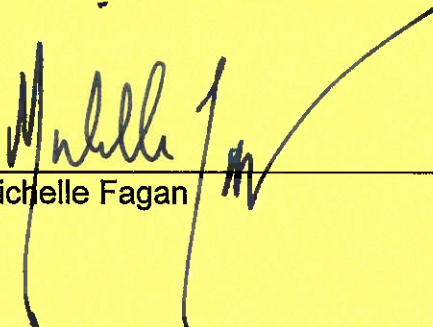
Protection of Fisheries During Construction Works in and Adjacent to Waters
(2016)

Reason: In the interests of public safety and residential amenity and to prevent water pollution.

9. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Board Member


Michelle Fagan

Date: 06/09/2021