

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Cork County

Planning Register Reference Number: 16/00438

An Bord Pleanála Reference Number: PL 88.247591

APPEAL by Monica Keevan of 41 Churchhill Close, Calne, Wiltshire, England against the decision made on the 19th day of October, 2016 by Cork County Council to grant subject to conditions a permission to Clogheen Development Limited care of DMCA Consultants Limited of 8 Marino Street, Bantry, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention and completion of partially constructed two number detached dwelling houses, permission for installation of two number individual septic tanks discharging to public sewer and all associated site works at Faunmore, Kilchrohane, Bantry, County Cork.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. On the basis of the information provided with the application and the appeal, the Board cannot be satisfied that there is spare capacity in the existing wastewater treatment plant serving the village of Kilcrohane which can safely accommodate the effluent arising from the proposed development, particularly having regard to the lack of information regarding the design capacity of the existing treatment plant or the date and details of any planned upgrade to this plant. Accordingly, it cannot be proven that the proposed development would not result in a significant breach of the combined approach as required under Section 43 (1) of S.I. No. 684/2007 – Waste Water Discharge (Authorisation) Regulations, 2007. Furthermore, it is an objective of the planning authority, as set out in the Bantry Electoral Area Local Area Plan 2011, (2nd Edition January 2015), DB-01(d) that ‘any new dwellings with the individual wastewater treatment must make provision for connection to the public system in the future and have a sustainable properly maintained private water system. Such proposals will be assessed in line with the appropriate EPA code of practice and will have regard to the cumulative impacts on water quality’. The proposed development would, therefore, represent a disorderly form of development that would materially contravene an objective indicated in the Local Area Plan, would be premature pending the design and provision of necessary upgrade works to the wastewater treatment plant serving the village of Kilcrohane and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of information provided with the application and appeal, the Board cannot be satisfied that the proposed development either individually, or in combination with the other plans or projects, would not be likely to have a significant effect on the Farranamanagh Lough Special Area of Conservation (Site Code 002189), or any other European site, in view of the sites’ conservation objectives. In such circumstances, the Board is precluded from granting approval/permission.

3. The proposed development envisages taking vehicular access onto a minor road which is seriously substandard in terms of width and alignment, with no provision for pedestrians, and at a location where there are inadequate sightlines. The proposed development would, therefore, endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.