



Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 20/00079

APPEAL by An Taisce of Tailors' Hall, Back Lane, Dublin against the decision made on the 22nd day of September, 2020 by Cork County Council to grant subject to conditions a permission to Patrick and Gillian O'Dovovan care of McCutcheon Halley Planning and Development Consultants of 6 Joyce House, Barrack Square, Ballincollig, County Cork.

Proposed Development: Demolition of the former hotel and construction of nine number dwellings, realignment and widening of the Coast Road (R598) and all associated landscaping, car parking and site development works, at Little-Island (Townland), Owenhincha, Rosscarbery, County Cork.

Decision

REFUSE permission for the above proposed development in accordance with 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 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 Special Area of Conservation (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 Special Area of Conservation (Site Code: 001061); and
 - The known pathway between the bay into which the wastewater treatment plant discharges and Kilkeran Lake and Castlefreke Dunes Special Area of Conservation (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.

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

Dated this day of 2021.