

An
Bord
Pleanála

Board Order
ABP-309159-21

Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 20/00568

Appeal by John Hegarty care of HWP Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 7th day of December 2020 by Cork County Council to refuse permission for the proposed development.

Proposed Development: Construction of a single storey, detached, three number bedroom dwelling house, detached viewing pavilion, landscaping and all associated works. The proposed development will be accessed via an existing entrance and access road from the R591, all at Crookhaven, County Cork.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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

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 of the West Cork Municipal District Electoral Area Local Area Plan 2017, the design, scale and form of the proposed development, and 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, therefore, would not materially contravene the current development plan for the area, would not seriously injure the residential or visual amenities of the area, and would otherwise 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 Saint 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 objectives HE 3-1 and HE 4-1 of the Cork County Development Plan and would be in keeping with objectives GI 7-1 and GI 7-3 of that 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 Cork County Development Plan.

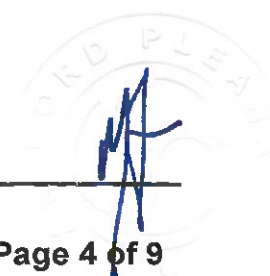
The Board noted the reports of the Ecologist of Cork County Council and the County Council Area Engineer and considered that the recommendation to include waterproof covers to the chambers of sewage disposal system is a standard specification to ensure that surface water cannot enter the foul sewerage 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, and 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 Environmental Protection Agency 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 Special Area of Conservation (Site Code: 001040), Roaringwater Bay and Islands Special Area of Conservation (Site Code: 000101), and Sheep's Head to Toe Head Special Protection Area (Site Code: 004156) which are European Sites for which there is a likelihood of significant effects.



Appropriate Assessment

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 Special Area of Conservation (Site Code: 001040), Roaringwater Bay and Islands Special Area of Conservation (Site Code: 000101), and Sheep's Head to Toe Head Special Protection Area (Site Code: 004156) 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 Special Area of Conservation (Site Code: 001040) and Roaringwater Bay and Islands Special Area of Conservation (Site Code: 000101). 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 information received by An Bord Pleanála 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 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.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Natural Impact Assessment, submitted with the 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. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

5. Details of the materials, colours and textures or all external finishes to the proposed development 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. Details in this regard shall be submitted to and 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.

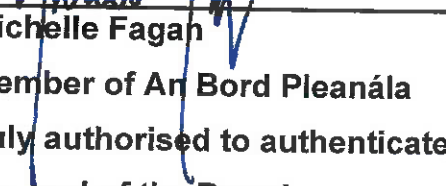
Reason: In the interest of the visual amenities of the area.

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 in accordance with the recognised standard best practice Construction Industry Research and Information Association Guidance Number C532 Control of Water Pollution from Construction Sites and Inland Fisheries Ireland 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

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


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



Dated this  day of  2021.