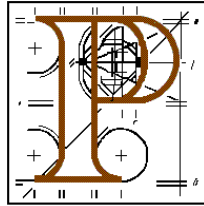

An Bord Pleanála



Inspector's Report

Ref.: PL04.246342

Development: Two storey dwelling house, single storey detached garage, treatment unit & associated site works.

Carrigacrump, Cloyne, Co. Cork.

PLANNING APPLICATION

Planning Authority: Cork County Council

Planning Authority Ref.: 15/6952

Applicant: Sharon Ann Barry

Type of Application: Permission

Planning Authority Decision: Refusal

APPEAL

Type of Appeal: First Party v. Decision

Observers: None.

INSPECTOR: Robert Speer

Date of Site Inspection: 29th June, 2016

1.0 SITE LOCATION AND DESCRIPTION

1.1 The proposed development site is located in the rural townland of Carrigacrump, Co. Cork, approximately 2.5km southwest of Cloyne and 3.4km east of the village of Rostellan, on the southern side of a minor local roadway which extends along an east-west axis. The surrounding landscape is primarily one of undulating rural countryside with intermittent instances of one-off housing and agricultural outbuildings, although there is a relatively small (seemingly disused) quarry on nearby lands to the southwest of the site (The Carrickacrump Quarry proposed Natural Heritage Area). The site itself has a stated site area of 0.0202 hectares, is generally rectangular in shape, and presently comprises part of a larger agricultural field which is set as pasture / grassland. It is bounded by mature hedgerow along the roadside (northern) site boundary and by post and wire fencing to the east whilst the remaining site boundaries are not physically defined at present. There is an existing bungalow-style dwelling house on the adjacent lands to the immediate east whilst the lands to south and west are presently in agricultural use.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 The proposed development consists of the construction of a one and a half storey dwelling house with a stated floor area of 253m² and a ridge height of 7.354m. The overall design of the proposed dwelling house is conventional with a generally symmetrical front elevation including a ground floor bay window and a centrally positioned two-storey front gable feature in addition to vertically emphasised fenestration. External finishes include roof slates, a smooth plaster finish and the feature use of selected stone facing. The proposal also includes for the construction of a detached garage structure (floor area: 32.5m²) which is to be positioned to the immediate east of the dwelling house.

2.2 Access to the site will be obtained directly from the adjacent public road to the immediate north via a new entrance arrangement. It is also proposed to install a wastewater treatment system which will discharge to a polishing filter / percolation area whilst a water supply will be obtained from a private well to be bored on site.

3.0 RELEVANT PLANNING HISTORY

3.1 On Site:

None.

3.2 On Adjacent Sites:

PA Ref. No. 136431. Was refused on 7th April, 2014 refusing Catherine Barry & Aidan Lehane permission for the construction of a new dormer dwelling, entrance, domestic garage, treatment unit and associated site works at Carrigacrump, Cloyne, Co. Cork.

PA Ref. No. 145400. Was granted on 13th January, 2015 permitting Catherine Barry & Aidan Lehane permission for the construction of a new dormer dwelling, entrance, domestic garage, treatment unit and associated site works at Carrigacrump, Cloyne, Co. Cork.

3.3 On Sites in the Immediate Vicinity:

PA Ref. No. 056828. Was refused on 7th December, 2005 refusing Aisling Hallahan permission for a dwelling house and garage at Carrigacrump, Cloyne, Co. Cork.

PA Ref. No. 077095. Was granted on 13th July, 2007 permitting Emma Cahill & Trevor O'Keeffe permission for a dwelling at Farrannamanagh, Cloyne, Co. Cork.

4.0 PLANNING AUTHORITY CONSIDERATIONS AND DECISION

4.1 Decision:

On 24th February, 2016 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- The proposal seeks permission to construct a new dwelling in an area designated as "Rural Area under Strong Urban Influence" under the provisions of the current County Development Plan, 2014. It is the aim of this policy zone as set out under objective RCI 4-2 to restrict new housing development save for where a person demonstrates the requisite eligibility to qualify for a relaxation of the restriction. On the basis of the details submitted, the applicant does not qualify for a relaxation of the restriction as her ties are to the settlement of Saleen and not the rural area in which the site is located. In such instances it is the core strategy of Cork County Council to encourage new development to locate within such settlements. To permit this development therefore would contravene objectives RCI 4-2 of the current County Development Plan as well as conflicting with the

aims of the core strategy and would therefore be contrary to the proper planning and sustainable development of the area.

4.2 Objections / Observations:

None.

4.3 Internal Reports:

Area Engineer: Notes that the site is located within an Inner Source Protection Area with a high vulnerability before stating that there is no objection to the proposed development subject to conditions.

Liaison Officer: Concurs with the recommendation of the Case Planner to refuse permission for the proposed development.

4.4 Prescribed Bodies / Other Consultees:

Irish Water: No objection subject to conditions.

5.0 GROUNDS OF APPEAL

The grounds of appeal are summarised as follows:

- The applicant was born and raised in Castlemary, Cloyne, (1984-1996) prior to her parents' purchase of a public house (The 'Woodside Inn') in the village of Saleen, Cloyne.
- The applicant resided in the living accommodation associated with the 'Woodside Inn' into her adult years, however, when her parents sold the public house in 2006 / 2007 she proceeded to move in with her grandmother who resided within 200m of that property. Accordingly, both the applicant and her two year old son presently reside with her grandmother.
- It is the applicant's desire to provide a dwelling house in order to allow her to raise her son in a family environment. In this regard it is submitted that as her son has been enrolled in the local school in Saleen and as he will begin schooling there within the next year, it is imperative that they reside within the catchment of the school.
- The applicant's uncle is willing to provide her with a site from his agricultural holding and in this respect the Board is advised that a site was previously disposed of to her cousin from the same landholding and that a dwelling house has since been constructed on same which is immediately adjacent to the subject site.

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- The accompanying map identifies the locations of the ‘Woodside Inn’, the applicant’s grandmother’s house (where she presently resides), the applicant’s original family home, the applicant’s uncle’s residence, and the proposed development site.
 - It is considered that there is a strong argument both in favour of the applicant residing close to her grandmother and in providing a living space for both herself and her son. This is only feasible on the basis that the applicant is able to acquire a site from her uncle under favourable terms.
 - From a review of the Cork County Development Plan, 2014 it is apparent that the settlement of Saleen (including the applicant’s previous place of residence at the ‘Woodside Inn’ public house) is located within a ‘*Rural Area under Strong Urban Pressure*’.
 - The applicant has based her residential status on the information outlined in the County Development Plan which clearly indicates that the settlement of Saleen is located within a ‘*Rural Area under Strong Urban Pressure*’.

6.0 RESPONSE TO GROUNDS OF APPEAL

6.1 Response of the Planning Authority:

None.

7.0 RESPONSE TO SECTION 131 NOTIFICATION:

7.1 Department of Arts, Heritage and the Gaeltacht:

- Notes that the proposed development site is located close to the Carrickacrumpp Quarry proposed Natural Heritage Area (Site Code: 001408). Accordingly, as the quarry is a proposed Natural Heritage Area and is listed in the County Development Plan, it is submitted that the responsibility for the protection of the pNHA is a matter for the Local Authority.

8.0 NATIONAL AND REGIONAL POLICY

8.1 The ‘*Sustainable Rural Housing, Guidelines for Planning Authorities*’, 2005 promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities. Notably, the proposed development site is located in an ‘*Area under Strong Urban Influence*’ as indicatively identified by the Guidelines. Furthermore, in accordance with the provisions of the Guidelines, the Cork

County Development Plan, 2014-2022 includes a detailed identification of the various rural area types specific to the county at a local scale and 'Figure 4.1: Rural Housing Policy Area Types' of the Plan confirms that the site is located within a 'Rural Area under Strong Urban Influence'.

9.0 DEVELOPMENT PLAN

Cork County Development Plan, 2014-2022:-

Chapter 2: Core Strategy:

Section 2.3: The Network of Settlements

Chapter 4: Rural, Coastal and Islands:

RCI 1-1: Rural Communities:

Strengthen rural communities and counteract declining trends within the settlement policy framework provided for by the Regional Planning Guidelines and Core Strategy, while ensuring that key assets in rural areas are protected to support quality of life and rural economic vitality.

RCI 2-1: Urban Generated Housing:

Discourage urban-generated housing in rural areas, which should normally take place in the larger urban centres or the towns, villages and other settlements identified in the Settlement Network.

RCI 2-2: Rural Generated Housing:

Sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community.

Section 4.3: Identifying Rural Area Types:

Section 4.3.6: Rural Area under Strong Urban Influence and Town Greenbelts:

The rural areas of the Greater Cork Area outside the Metropolitan Greenbelt are now within easy commuting distance of Cork City and Environs as a result of road and infrastructural improvements. These areas exhibit characteristics such as rapidly rising population, evidence of considerable pressure from the development of (urban generated) housing in the open countryside due to proximity to such urban areas / major transport corridors, pressures on infrastructure such as the local road network and higher levels of environmental and landscape sensitivity. The Town Greenbelts define the visual setting around

the main towns and have been established to prevent sprawl and control linear roadside development

Section 4.4: *Categories of Rural Generated Housing Need:*

Section 4.4.2: This plan recognises the positive benefits for rural areas to sustain and strengthen the vibrancy of rural communities by allowing qualifying applicants to build a first home for their permanent occupation in a 'local rural area' to which they have strong economic or social links as defined in the following objectives RCI 4-1 to RCI 4-5. The meaning of 'local rural area' is generally defined by reference to the townland, parish or catchment of the local rural school to which the applicant has a strong social and / or economic link.

RCI 4-2: Rural Area under Strong Urban Influence and Town Greenbelts (GB 1-1):

The rural areas of the Greater Cork Area (outside Metropolitan Cork) and the Town Greenbelt areas are under significant urban pressure for rural housing. Therefore, applicants must satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

- a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
- b) Persons taking over the ownership and running of a farm on a fulltime basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.
- c) Other persons working fulltime in farming, forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.
- d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.

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- e) Returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire.

Section 4.6: *General Planning Considerations:*

RCI 6-1: Design and Landscaping of New Dwelling Houses in Rural Areas:

- a) Encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
- b) Promote sustainable approaches to dwelling house design by encouraging proposals to be energy efficient in their design, layout and siting.
- c) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings.

RCI 6-2: Servicing Individual Houses in Rural Areas:

Ensure that proposals for development incorporating septic tanks or proprietary treatment systems comply with the EPA Code of Practice: Wastewater Treatment and Disposal Systems serving Single Houses (p.e. < 10) or any requirements as may be amended by future national legislation, guidance, or Codes of Practice.

RCI 6-3: Ribbon Development:

Presumption against development which would contribute to or exacerbate ribbon development.

RCI 6-4: Occupancy Conditions:

In order to take a positive approach to facilitating the housing needs of the rural community, where permission has been granted for a rural housing proposal, an occupancy condition shall normally be imposed under Section 47 of the Planning & Development Act 2000.

Chapter 13: Green Infrastructure and Environment:

Section 13.5: Landscape

Section 13.6: *Landscape Character Assessment of County Cork*

GI 6-1: Landscape:

- a) Protect the visual and scenic amenities of County Cork's built and natural environment.
- b) Landscape issues will be an important factor in all land use proposals, ensuring that a proactive view of development is undertaken while maintaining respect for the environment and heritage generally in line with the principle of sustainability.
- c) Ensure that new development meets high standards of siting and design.
- d) Protect skylines and ridgelines from development.
- e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

GI 6-2: Draft Landscape Strategy:

Ensure that the management of development throughout the County will have regard for the value of the landscape, its character, distinctiveness and sensitivity as recognised in the Cork County Draft Landscape Strategy and its recommendations, in order to minimize the visual and environmental impact of development, particularly in areas designated as High Value Landscapes where higher development standards (layout, design, landscaping, materials used) will be required.

Section 13.7: *Landscape Views and Prospects:*

GI 7-1: General Views and Prospects:

Preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy.

Midleton Electoral Area Local Area Plan, 2011 (Second Edition, 2015):-

Section 1: *Introduction to the Midleton Electoral Area Local Area Plan:*

Section 1.5: *Overall Approach*

Section 2: *Local Area Strategy*

10.0 ASSESSMENT

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- Rural housing policy / the principle of the proposed development
- Overall design and layout / visual impact
- Traffic implications
- Wastewater treatment and disposal
- Appropriate assessment
- Other issues

These are assessed as follows:

10.1 Rural Housing Policy / The Principle of the Proposed Development:

10.1.1 The proposed development site is located in an 'Area under Strong Urban Influence' as indicatively identified by the 'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'. These Guidelines state that such areas will exhibit characteristics such as their proximity to the immediate environs or the close commuting catchments of large cities and towns (e.g. Cork City and Midleton Town) and will generally be under considerable pressure for the development of housing due to their proximity to these urban centres or the major transport corridors accessing same. Notably, within these areas the National Spatial Strategy states that the provision of new housing should generally be confined to persons with roots in or links to these areas whilst the Guidelines also acknowledge that the housing requirements of persons with roots or links in rural areas are to be facilitated and that planning policies should be tailored to local circumstances. In addition to the foregoing, it is of further relevance to note that the Cork County Development Plan, 2014-2022 includes a detailed identification of the various rural area types specific to the county at a local scale and that 'Figure 4.1: Rural Housing Policy Area Types' of the Plan serves to confirm that the site is located within a 'Rural Area under Strong Urban Influence'.

10.1.2 Within the 'Rural Areas under Strong Urban Influence' the Planning Authority has adopted a restrictive approach as regards the eligibility of prospective applicants for rural housing and in this respect I would refer the Board to Objective RCI 4-2 of the County Development Plan which states that

applicants must satisfy the Planning Authority that they have a genuine rural-generated housing need based on their social and / or economic links to a particular local rural area and that they comply with one of the following categories of housing need:

- a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
- b) Persons taking over the ownership and running of a farm on a fulltime basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.
- c) Other persons working fulltime in farming, forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.
- d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.
- e) Returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire.

10.1.3 Having regard to the foregoing, I would accept that any further housing in this area should be restricted to named persons with a genuine need to reside in the locality and, therefore, it is necessary to critically analyse the subject application in the context of compliance with Objective RCI 4-2 of the County Development Plan and the provisions of the *'Sustainable Rural Housing, Guidelines for Planning Authorities'*, 2005.

10.1.4 From a review of the available information, with particular reference to the application form and the grounds of appeal, the applicant has submitted that she has resided at various addresses within the wider rural area from birth and that she is acquiring the proposed development site from her uncle. In this respect I would refer the Board in the first instance to the supporting correspondence that accompanied the initial planning application which states that the applicant previously resided with her family in a public house known as 'The Woodside Inn'

in the village of Saleen, approximately 2.7km northwest of the subject site, between 1995 and 2006, and that she subsequently moved in with her grandmother at another address in the village where she continues to reside. It was on the basis of this information that the Planning Authority in its assessment of the subject application formed the opinion that Ms. Barry's links were to the village of Saleen (i.e. an urban setting) and not to the local rural area wherein the application site is located. It was also noted that the applicant's employment was unrelated to agriculture and that she worked outside of the area in Ballincollig. Accordingly, the Planning Authority ultimately refused permission for the subject proposal on the basis that the applicant did not satisfy the relevant eligibility criteria set out in Objective RCI 4-2 of the County Development Plan.

10.1.5 However, in response to the foregoing, the grounds of appeal have been accompanied by additional details as regards the applicant's residency in the surrounding area which (it is acknowledged) were not mentioned in the original application documentation. In this respect it has been submitted that the applicant grew up in Castlemary, Cloyne, prior to her parent's purchase of the public house in Saleen, where she resided between 1984 and 1996. Notably, this previous place of residence has been identified on an accompanying site location map and is located outside of any village boundary, in a rural area approximately 1.3km north of the proposed development site.

10.1.6 Whilst I would acknowledge the supplementary details submitted in support of the subject application, including the applicant's decision to enrol her son in the local national school at Saleen, the fact that she has never previously owned any residential property, and that the proposed dwelling house is intended for her own use as her permanent place of residence, in my opinion, given the site location within an *'Area under Strong Urban Influence'*, it is necessary to focus on the applicant's compliance with the eligibility criteria set out in Objective RCI 4-2 of the Development Plan and whether or not she has established a genuine rural-generated housing need pursuant to the *'Sustainable Rural Housing, Guidelines for Planning Authorities'*. In this regard I would advise the Board that in light of the assertion in the grounds of appeal that the applicant is originally from the nearby rural townland of Castlemary where she lived from 1984 to 1996, it would appear that she satisfies the requirements of Part (d) of Objective RCI 4-2 in that she has resided in the 'local rural area' in excess of 7 No. years and is proposing to build her first home for permanent occupation, although it is regrettable that no further details have been submitted which would serve to support the aforementioned claim of residency at Castlemary (*N.B.* Section 4.4.2 of the Development Plan states that the meaning of 'local rural

area' is generally to be understood as a reference to the townland, parish or catchment of the local rural school to which the applicant has a strong social and / or economic link).

10.1.7 However, notwithstanding the fact that the applicant seemingly satisfies the relevant eligibility criteria set out in the Development Plan on the basis of her residency as a child in the wider rural area, it is notable that the '*Sustainable Rural Housing, Guidelines for Planning Authorities*' suggest that persons who are who are an intrinsic part of the rural community will include '*people who have lived most of their lives in rural areas*'. In this respect the Board may wish to consider if an undue reliance is being placed on the applicant's previous childhood residence in the locality given that she has spent the clear majority of life living within an urban setting in the village of Saleen.

10.1.8 Finally, having reviewed the available information, I am not satisfied that the applicant has established a genuine rural-generated need in this instance given that her place of employment is located in West Village, Ballincollig, and thus would give rise to a commuting distance of approximately 33km.

10.1.9 On balance, it is my opinion that whilst the applicant has ties to the rural area in question, it is apparent that she has primarily resided in the village of Saleen and that she has no specific rural-generated need to reside at the location proposed.

10.2 Overall Design and Layout / Visual impact:

10.2.1 In terms of assessing the visual impact of the proposed development it is of relevance in the first instance to note that the wider landscape type within which the subject site is located has been classified as '*Broad Fertile Lowland Valleys*' as per the landscape character mapping set out in the County Development Plan, 2014. Notably, whilst the site itself is not located within a '*High Value*' landscape identified in the Development Plan, the lands a short distance away to the west have been classified as such and in this regard I am inclined to suggest that the use of abrupt changes in landscape classification is not always an appropriate mechanism in terms of landscape categorisation and, therefore, consideration should be given to the gradual transition between the differing landscape designations.

10.2.2 In a local context, the application site is situated along a minor local roadway at the foot of an elevated ridgeline which extends to the north along an east-west axis whilst the lands to the south fall gradually towards a small river

valley. It is well screened from the public road by dense mature hedging along the roadside (northern) site boundary whilst the existing dwelling house to the immediate east and the hedgerow along its eastern boundary will also serve to screen the site from wider view. On approaching the site along the roadway from the west views of the lands are obstructed by the roadside hedgerows whilst the site is not overtly visible in a wider context due to the prevailing topography and intervening landscape features. Notably, with the exception of that section proposed for removal in order to facilitate the provision of the site entrance, the existing roadside boundary ditch is to be retained although it is likely that some cutting back of same will be required to achieve the necessary sightlines.

10.2.3 With regard to the specifics of the actual design and siting of the proposed development, the submitted proposal involves the construction of a conventionally designed one and a half storey dwelling house based on a 'T'-shaped plan which has been set back from the roadside to follow the building line of the existing dwelling house on the adjacent lands to the immediate east.

10.3.3 On balance, whilst I would acknowledge that the proposed development will be visible to some extent from the public road, having regard to the site context, I am inclined to conclude that the visual impact of the proposal is within tolerable limits and could be mitigated further through an appropriate scheme of landscaping / planting.

10.3 Traffic Implications:

10.3.1 The proposed development will be accessed via a new entrance arrangement onto the adjacent local road to the immediate north of the application site and in this respect I am generally satisfied that, given the alignment of the public roadway, adequate sightlines and stopping sight distances are available at this location subject to the cutting back of the roadside boundary ditch.

10.4 Wastewater Treatment and Disposal:

10.4.1 It is proposed to install a packaged wastewater treatment system with a polishing filter and, therefore, it is necessary to review the available information in order to ascertain if the subject site is suitable for the proposed disposal of treated effluent to ground. In this respect I would refer the Board to the submitted Site Characterisation Form which states that the trial hole encountered 500mm of LOAM topsoil followed by 700mm of clayey SILT with sand which overlay 1,000mm of silty SAND to the depth of the excavation at 2.2m below ground level. Whilst no rock was recorded, the water table was encountered at a depth

of 2.0m. With regard to the percolation characteristics of the soil a 'T'-value of 29.5 minutes / 25mm and a 'P'-value of 25.19 minutes / 25mm were recorded which would both constitute a pass in accordance with EPA guidance.

10.4.2 Notably, the site is located within an Inner Source Protection Area with a high vulnerability, however, the Area Engineer has indicated that there is no objection to the proposed development subject to conditions.

10.4.3 Accordingly, on the basis of the foregoing, and the additional supporting documentation supplied by the applicant, it would appear that the subject site is suitable for the installation of a wastewater treatment system discharging to ground, subject to conditions.

10.5 Appropriate Assessment:

10.5.1 From a review of the available mapping, and the data maps from the website of the National Parks and Wildlife Service, it is apparent that the proposed development site is located outside of any Natura 2000 site with the closest example of any such designation being the Cork Harbour Special Protection Area (Site Code: 004030) approximately 2.3km to the northwest. In this respect it is of relevance to note that it is the policy of the planning authority, as set out in Objective No. HE 2-1: '*Sites Designated for Nature Conservation*' of Chapter 13 of the Cork County Development Plan, 2014, to protect all natural heritage sites, both designated or proposed for designation, in accordance with National and European legislation. In effect, it is apparent from the foregoing provisions that any development likely to have a serious adverse effect on a Natura 2000 site will not normally be permitted and that any development proposal in the vicinity of, or affecting in any way, the designated site should be accompanied by such sufficient information as to show how the proposal will impact on the designated site. Therefore, a proposed development may only be authorised after it has been established that the development will not have a negative impact on the fauna, flora or habitat being protected through an Appropriate Assessment pursuant to Article 6 of the Habitats Directive.

10.5.2 Having reviewed the available information, including the screening exercise undertaken by the Planning Authority as appended to the initial Planner's Report prepared in respect of the subject proposal, and following consideration of the 'source-pathway-receptor' model, it is my opinion that given the nature and scale of the development proposed, the site location outside of any Natura 2000 designation, the limited ecological value of the lands in question, the absence of any direct discharge to a watercourse, and the

separation distances involved between the site and the Cork Harbour Special Protection Area, the proposal is unlikely to have any significant effect in terms of the disturbance, displacement or loss of habitats or species on the ecology of the aforementioned Natura 2000 site. Therefore, I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of the foregoing Natura 2000 site and would not undermine or conflict with the Conservation Objectives applicable to same.

10.5.3 Accordingly, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site and, in particular, specific Site Code: 004030, in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

10.6 Other Issues:

10.6.1 Impact on a Proposed Natural Heritage Area:

10.6.1.1 The proposed development site is located approximately 100m north of the Carrigacrump Quarry / Caves Proposed Natural Heritage Area, however, having reviewed the available information, including the planning history of the adjacent site (with particular reference to the report of the Conservation Officer prepared in respect of that file), I am satisfied that no habitats of conservation value connected with the pNHA occur within the proposed development site and that no further ecological assessment in respect of the pNHA is required.

11.0 RECOMMENDATION

Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

Reasons and Considerations:

1. The proposed development would be located within an Area Under Strong Urban Influence as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005 and in the current development plan for the area, where it is the policy of the planning authority to discourage urban generated housing and to seek to locate

such housing in the larger urban centres or the towns, villages and other settlements identified in the Settlement Network. The proposed development would further erode the rural character of this area and would lead to demands for the provision of further public services and community facilities and would be contrary to the said Ministerial Guidelines. The proposed development, by itself and by the precedent it would set for other houses in this area would, therefore, be contrary to the proper planning and sustainable development of the area.

Signed: _____

Robert Speer
Inspectorate

Date: _____