
An Bord Pleanála



Inspector's Report

Ref.: PL04.246422

Development: Construction of a detached dwelling house, a new site entrance and a new wastewater treatment unit and all associated site works.

Shanbally, Ringaskiddy, Co. Cork.

PLANNING APPLICATION

Planning Authority: Cork County Council

Planning Authority Ref.: 15/5063

Applicant: Alice Cross

Type of Application: Permission

Planning Authority Decision: Grant subject to conditions

APPEAL

Type of Appeal: Third Party v. Decision

Appellant: Steven Cooper

Observers: None.

INSPECTOR: Robert Speer

Date of Site Inspection: 21st July, 2016

1.0 SITE LOCATION AND DESCRIPTION

1.1 The proposed development site is located in a rural area, approximately 500m northwest of the village of Shanbally, Co. Cork, along a minor local road which extends northwards from a crossroads junction with the N28 National Primary Road. The surrounding area is typically rural in character with intermittent instances of one-off housing and agricultural outbuildings, although the lands on the opposite (eastern) side of the roadway from the application site are occupied by the Raffeen Creek Golf Course. The site itself has a stated site area of 3.5635 hectares, is irregularly shaped and presently comprises agricultural lands set as pasture whilst the prevailing site topography is notable in that it rises steeply in a south-westwards direction over the public road to the north and east. It is bounded to the south and west by agricultural fields and an existing complex of farm buildings whilst a two-storey dwelling house occupies the adjacent lands to the immediate east with a further dwelling house on the lands north of the site. The northern and southern site boundaries are defined in part by mature hedgerow / tree lines whilst the remaining site boundaries are not physically defined at present with the exception of the roadside (eastern) site boundary which is bounded in part by a stone / masonry wall approximately 2m in height. Notably, the lands are also bisected by a mature tree line which extends along a north-south axis within the easternmost part of the site. Access to the site is presently obtained from the adjacent local road via a shared entrance arrangement which serves an adjacent dwelling house and the existing farmyard, although there is also a secondary field gate which provides for access directly from the public road.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 The proposed development, as initially submitted to the Planning Authority, consists of the construction of a substantial two-storey dwelling house based on a relatively complex building footprint. The overall design has sought to evoke a contemporary interpretation of the traditional vernacular through its use of features such as a narrow-plan construction which will only provide sufficient depth for a single room and vertically emphasised fenestration. The proposed dwelling house has a stated floor area of 566.78m² and an overall ridge height of 8.455m whilst the external finishes will include natural roof slates and a simple render combined with the feature use of zinc roofing, timber sheeting and natural stonework. In terms of the site layout, the proposed construction will be set back approximately 94m from the roadside boundary behind an existing tree line.

2.2 It is also proposed to install a wastewater treatment system which will be followed by direct discharge to a soil polishing filter. In terms of a water supply, whilst the site layout plan and the application form both refer to a new connection to the public mains, the Site Characterisation Form has referenced a proposal to provide a private bored well on site. Access to the site will be obtained via a new entrance arrangement onto the adjacent public road to the east which will involve the lowering of the existing boundary wall.

2.3 In response to requests for further information and subsequent clarification, the applicant submitted revised proposals for a new entrance arrangement which provides for the closure of the existing access serving the farmyard and the adjacent dwelling house and the replacement of same with a new shared entrance located further north which will be used to serve both existing development and the proposed dwelling house.

3.0 RELEVANT PLANNING HISTORY

3.1 On Site:

None.

3.2 On Adjacent Sites:

PA Ref. No. 154987. Application by Brian & Lorna O' Connor for permission for the construction of a new site entrance and all associated site works at Shanbally House, Shanbally, Ringaskiddy, Co. Cork. This application was withdrawn.

3.3 On Sites in the Immediate Vicinity:

PA Ref. No. 0710173. Was granted on 2nd November, 2007 permitting Scott & Caroline Holden permission for alterations and first floor extension with mansard style roof to existing dwelling at Shanbally, Raffeen, Monkstown, Co. Cork.

PA Ref. No. 146654. Application by The Estate of Daniel Tobin Dec. for outline permission for a storey and a half type dwelling, detached garage and all associated site works at Shanbally, Ringaskiddy, Co. Cork. This application was withdrawn.

4.0 PLANNING AUTHORITY CONSIDERATIONS AND DECISION

4.1 Decision:

Following the receipt of responses to requests for further information and subsequent clarification, on 18th March, 2016 the Planning Authority issued a

notification of a decision to grant permission for the proposed development subject to 25 No. conditions. These conditions are generally of a standardised format and relate to issues including occupancy, external finishes, servicing and construction management, however, the following conditions are of note:

- Condition No. 2 – Prohibits any further housing development from being carried out within those lands outlined on the map submitted to the Planning Authority on 25th November, 2015 for a period of 5 years from the date of the grant of permission and requires the landowner to enter into an agreement with regard to same pursuant to Section 47 of the Planning and Development Act, 2000, as amended.
- Condition No. 3 – Requires the dwelling house to be occupied solely as a place of permanent residence by the applicant and / or members of her immediate family for a minimum period of 7 No. years from the date of its completion pursuant to an agreement entered into under Section 47 of the Planning and Development Act, 2000, as amended.
- Condition No. 4 – Refers to landscaping requirements, including the implementation of tree protection zones.
- Condition No. 14 – Requires a single common access to be formed to serve both the application site and the adjoining site to the immediate south.
- Condition No. 15 – Refers to the sightlines from the proposed entrance arrangement.
- Condition No. 16 – Refers to the works to the existing boundary wall.
- Condition No. 17 – Requires the existing entrance to be closed off permanently in accordance with the details submitted to the Planning Authority on 22nd February, 2016, subject to the agreement of further detailing.

4.2 Objections / Observations:

A single submission was received from the appellant and the principle grounds of objection contained therein can be summarised as follows:

- The site in question was acquired by the applicant recently as part of a larger 75 No. acre agricultural holding. It is zoned for agricultural purposes and therefore permission should not be granted for any residential development on same.

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- The farmhouse which was formerly associated with the subject landholding was sold separately.
 - There are concerns that if the applicant were to sell the remainder of the wider landholding then a new landowner would be entitled to construct a further dwelling house on same and that this arrangement could potentially be repeated indefinitely until all the farmland has been developed.
 - The proposed entrance is located only 20m from a dangerous bend in the roadway.
 - The construction of the proposed entrance would result in the demolition of approximately 6m of an historic wall.

4.3 Internal Reports:

Area Engineer / Engineering: An initial report recommended that further information be sought in respect of the proposed entrance arrangements, including the achievement of the required sightlines and any proposals to close the existing entrance serving the farmyard.

Following the receipt of a response to a request for further information, a further report was prepared which continued to raise concerns as regards the proposed access arrangements and the availability of the necessary sightlines. Accordingly, this report recommended that further clarification be sought to include the submission of a revised site layout plan that indicated the sightlines to the nearside edge of the carriageway, including any additional alterations required to the boundary wall. It was further stated that the entrance to the south should be closed off in its entirety.

Following the receipt of a response to a request for clarification of further information, a further report was prepared which stated that there was no objection to the proposed development subject to conditions.

Heritage Unit (Ms. Mona Hallinan): An initial report noted that the proposed development involved significant alterations to an existing stone boundary wall and referred to *Objective HE 4-3: 'Protection of Non-Structural Elements of the Built Heritage'* of the Development Plan which seeks to protect important non-structural elements of the built heritage such as designed gardens / garden features, masonry walls, gates, bridges etc. It subsequently raised concerns as regards the impact of the proposed works on the wall in question when taken in conjunction with PA Ref. No. 15/4987 and suggested that the negative impact arising from the proposal to provide 2 No. new entrances could be considered

disproportionate relative to the potential benefits associated with any such access arrangement. This report concluded by recommending that clarification be sought as regards the necessity for the proposed entrance arrangement in addition to details of the works to the boundary wall (including a method statement prepared by a suitably qualified conservation engineer / consultant).

Following the receipt of a response to a request for further information, a further report was prepared which stated that there was no objection to the proposed development subject to conditions.

Heritage Unit (Mr. John Remond): This report concluded that insufficient information had been provided to enable the Planning Authority to complete the necessary screening for the purposes of the Habitats Directive and recommended that the applicant be requested to submit further information as regards the environmental measures / procedures which would be put in place during the construction stage in order to prevent the release of sediment or other contaminants etc. into the adjacent estuary that could potentially impact on the Cork Harbour Special Protection Area. It is also recommended that a tree survey be carried out with details of those mitigation measures to be put in place in order to protect identified specimens during the construction phase.

Following the receipt of a response to a request for further information, a further report was prepared which stated that the submitted response was not considered to be satisfactory and that further clarification was required in relation to the landscaping proposals and the water protection measures which would be implemented on site during the construction phase.

Following the receipt of a response to a request for clarification of further information, a final report was prepared which stated that the Heritage Unit was satisfied that the proposed development would not have any significant impact on local biodiversity or the Cork Harbour Special Protection Area and that there was no objection to the proposal subject to conditions.

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 lands in question were sold as part of a 75 No. acre farmholding which had the benefit of accesses available from both the N28 National Road and at Curragh Hill (also known as Shanbally News). Accordingly, the construction of an entirely new site entrance which will involve the partial demolition of an historic wall would appear to be unnecessary.
- Due to the extent of the works proposed to the existing roadside boundary wall, it will be almost impossible to sensitively preserve it with the effect that a significant proportion of this historic wall will be lost forever.
- The subject proposal involves the construction of a 'statement' dwelling house on agricultural lands, however, there are concerns that the wider landholding will not be farmed by the applicant as it is presently rented out to local farmers on a temporary basis.
- In its request for further information, the Planning Authority stated that it had '*significant concerns about the potential impact of the proposed development on the existing stone wall to the front and south / north of the site which provides a significant contribution to the historic fabric and visual amenities of the area*'. Accordingly, it is unclear as to why the applicant was not required to use one of the 2 No. existing entrances serving the landholding.
- Notwithstanding the submitted plans and particulars which suggest that the necessary sightlines of 90m can be achieved from the proposed entrance at a point situated 2.4m back from the near road edge, the reality of the situation on the ground is that the sightlines to the west cannot be achieved due to the vertical and horizontal alignment of the carriageway. Therefore, the proposed development would give rise to a traffic hazard, particularly as this can be an extremely busy roadway during the morning period as traffic travels to the industrial zone in Ringaskiddy.
- The existing roadside boundary wall is a very fine example of its type. It also functions as a retaining wall and acts in tandem with the grass verge etc. to provide a shelter / corridor for wildlife. It would appear to be destructive to remove such an example of Irish heritage which contributes to a sense of place and to replace it with an urban / suburban construction.
- The construction of the proposed driveway will require the removal of every vestige of vegetation and natural habitat in order to provide the necessary foundations and also involves the construction of a sterile

replacement wall at the entrance which is indistinguishable from any other suburban development.

- The proposed development will have a seriously negative visual impact on both the country road and the surrounding area.
- The loss of biodiversity as a result of the proposed development is of serious concerns and should be minimised as much as possible.
- Monkstown Creek is located across the road from the proposed development and forms part of a proposed Natural Heritage Area (pNHA 1979). The main interest of this pNHA is ornithological, with the mudflats acting as a winter refuge for locally important numbers of waterfowl, including shelduck, teal, redshank and dunlin, and therefore the destruction of hedgerows as part of the submitted proposal could have a negative impact on these species.
- Roadside verges with their diversity of flora and fauna are an important and significant feature of the Irish landscape. Such natural vegetation is under threat and therefore it is important to retain these features for their visual attractiveness as well as to maintain their habitats for the conservation of biodiversity.
- The existing stone and sod ditch together with the roadside verge is a remnant of the rural character of the area and contributes to an attractive approach to the village. This feature should be retained in order to reduce the impact of the proposal on the area as a whole.
- There are clear guidelines set out in the Wildlife Act for the management of hedgerows which cannot be cut between 1st March and 31st August in order to protect nesting birds. Although the Act does not apply to the development or preparation of sites on which any building or other structure is proposed to be provided, it is submitted that the destruction of boundaries with vegetation is not necessary for the proposed development.
- The 75 No. acre landholding was sold as agricultural land whilst the farmhouse was sold separately. In this respect there are concerns that despite the proposed development of a residential farmhouse, if the applicant were to sell the remainder of the landholding then a new landowner would be entitled to construct a further dwelling house on same and could also potentially sell the lands again for development as the restriction of the building of additional houses on the land has only been imposed for 5 No. years.
- The submitted plans and particulars indicate that the proposed dwelling house will have a finished floor level of 8m above that of the public road and will be set back 108m from the carriageway. Furthermore, a total area

of 3.635 hectares is to be given over to the proposed dwelling house. Accordingly, it is submitted that the siting of the proposed dwelling house will render a large area unusable as farmland and that there is no obvious connection between the dwelling house and the existing farm.

- Whilst the application documentation has stated that the farm is presently active and the case planner observed an active farm during the course of their site inspection, the farm is actually being rented out to local farmers on a temporary basis and there is no evidence that it is either run by the applicant or will even continue as a farm.

6.0 RESPONSE TO GROUNDS OF APPEAL

6.1 Response of the Planning Authority:

None.

6.2 Response of the Applicant:

- There is no conservation or archaeological status attributed to the existing stone wall.
- It is not proposed to demolish the wall in question. Instead, following detailed meetings with the Local Authority, it has been agreed to create a new site access which will involve the carrying out of sensitive alterations to the existing wall in order to comply with the design codes set by the NRA's standards.
- The impact of the proposed entrance on the county road is supported by the engineer's requirements and the conservation method statement which establish that the refurbished wall will still retain its character whilst satisfying the design requirements thereby providing a sensitive approach to the existing stone wall.
- The existing farm is currently operated by the applicant and proof of this was submitted during the course of the planning application.
- During the course of a site inspection, the Local Authority case planner noted the applicant's current farming practices and recorded same in the Planning Report.
- It is acknowledged that the wider landholding is served by 2 No. existing entrances, however, following meetings with the Area Engineer, it was decided that the existing farm entrance serving the lands was unsafe and thus the applicant was requested to provide a new access point to the proposed dwelling house and the farmyard (The accompanying report prepared by John Dineen & Associates, Consulting Engineers, details the entrance design and the extensive discussions with the Area Engineer). It

is also submitted that due diligence and appropriate standards have been applied in respect of the design of the new entrance pursuant to the DMRB.

- With regard to the impact of the proposed development on the built heritage value of the existing stone wall, the Board is referred to the Planner's Report dated 16th December, 2016 which states the following:

'It is stated that the applicant's agent (Paul Keating, MRIAI, Conservation Grade 3 Registered Architect) has contacted the Conservation Officer (Mona Hallinan) prior to submission of the formal response and it is proposed to carry out remedial works to the stone wall in accordance with good practice guidelines as set out in a Conservation Method Statement submitted as part of the response documentation. Reporting on the response the Conservation Officer has no stated objection subject to the application of a condition requiring that the details of finish capping be agreed prior to the commencement of development, a sample panel of re-pointing works be undertaken and other construction stipulations'.

- The existing wall was assessed by an accredited conservation architect under the following headings:
 - Protected structure (and its attendant grounds)
 - The National Inventory of Architectural Heritage
 - The National Monuments Act

None of these classifications are applicable to the existing wall, however, in consultation with the Conservation Officer it was determined that a method statement would be an appropriate means by which to address the reduction of the wall in order to achieve the necessary sightlines from the new entrance arrangement. A copy of the Conservation Report and the Method Statement are appended and it should be noted that the Conservation officer has confirmed that the approach proposed to capping the wall and reusing existing stone is acceptable. The report has also concluded that the repair method should be practical and should reflect the character and delicacy of the existing wall through the use of specialist stone masons.

- The suggested height of the boundary wall has been reduced from 1.2m to 1m in order to comply with the requirements of the Area Engineer.

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- A section of the wall will be re-built in part in order to close off the existing farm entrance.
 - There is an established precedent in the area for the removal / replacement of this type of boundary wall (as detailed in the Method Statement).
 - The applicant is a generational resident of Shanbally and the correspondence submitted with the initial planning application has served to establish her links to the area. In addition, it is the applicant's intention to reside on site and to reactivate the existing farm (which is presently being used for livestock by the applicant) and to provide a farmstead dwelling in support of the farming activity currently being carried out on the land.
 - The Planner's Report confirms that the Planning Authority is satisfied that the subject lands are being actively farmed.
 - The following farming activities are presently being conducted on the farm lands:
 - 1.68 hectares are used for wild bird cover
 - 7.00 hectares are set as traditional hay meadow
 - 1.63 hectares are in permanent pasture
 - 14.22 hectares are used as permanent pasture – other zone
 - 4.32 hectares are used as low input permanent pasture.

The applicant has a Herd Number for the farm and is currently raising 17 No. yearling heifers for dairy purposes. She is also registered under the GLAS scheme (No. D2180457) which is active for a minimum of 5 No. years.

- The design of the proposed development was developed through extensive discussions with the Planning Authority prior to lodgement of the subject application.
- The design and location of the farmstead has adopted best practice as set out in the Rural Design Guidelines whereby the low-lying part of the lands was agreed as the best location for the house along with the added value of the existing mature trees which will screen the development.
- With regard to the proposed access arrangement, the Board is referred to the accompanying report prepared by John Dineen & Associates, Consulting Engineers. In summary, due diligence has been applied to the design of the new entrance which accords with the sightline requirements

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- of the DMRB and replaces a more dangerous access point to the farmyard.
- It is the applicant's intention to honour her obligations as set out in the supporting specialist reports and in this regard the Board is referred to the response to the request for further information and the accompanying documentation compiled by Dr. Katherine Kelleher, Ecology Services, and Mr. Terry O'Regan, Birch Hill Landscaping, in addition to Drg. Nos. 14031 RFI-P01 & RFI-P02.
 - In response to the appellant's concerns as regards the construction of a dwelling house on agricultural land and whether the wider landholding will continue to function as a working farm, the applicant is amenable to the Section 47 agreement required by the Planning Authority as regards the sterilisation of the identified lands for a minimum of 5 No. years.
 - The applicant is willing to mitigate any impacts on neighbours or the landscape and it is considered that the submitted reports serve to demonstrate same.

7.0 NATIONAL AND REGIONAL POLICY

7.1 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.

8.0 DEVELOPMENT PLAN

Cork County Development Plan, 2014:-

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 4.6: *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 12: Heritage:

HE 4-3: Protection of Non- Structural Elements of Built Heritage:

Protect important non-structural elements of the built heritage. These can include designed gardens/garden features, masonry walls, railings, follies, gates, bridges, and street furniture. The Council will promote awareness and best practice in relation to these elements.

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.

GI 7-2: Scenic Routes:

Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in this plan. The scenic routes identified in this plan are shown on the scenic amenity maps in the CDP Map Browser and are listed in Volume 2 Chapter 5 Scenic Routes of this plan.

N.B. The proposed development site is located alongside Scenic Route Ref. No. S54: *'Road between Passage West and Ringaskiddy'*.

GI 7-3: Development on Scenic Routes:

- a) Require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area.
- b) Encourage appropriate landscaping and screen planting of developments along scenic routes which provides guidance in relation to landscaping. See Chapter 12: Heritage Objective HE 46.

GI 7-4: Development on the approaches to Towns and Villages:

Ensure that the approach roads to towns and villages are protected from inappropriate development, which would detract from the setting and historic character of these settlements.

Chapter 14: Zoning and Land Use:

Section 14.3: *Land Use Zoning Categories: Open Space, Sports, Recreation and Amenity Areas:*

ZU 3-4: Appropriate Uses in Open Space, Sports, Recreation and Amenity Areas:

Promote the provision of sports areas including playgrounds, sports centres, sports pitches, other areas for outdoor activities, outdoor recreation training centres, parks, landscaped areas, agricultural areas (including allotments), private landscaped gardens and woodlands in accordance with Article 10 of the Habitats Directive.

Carrigaline Electoral Area Local Area Plan, 2011, (2nd Ed. January, 2015):-

Land Use Zoning:

The proposed development site is located in an area zoned as 'Open Space / Sports Recreation / Amenity' with the stated land use zoning objective 'O-01: Open space comprising a golf course and playing pitches to provide a longterm, structural landscape setting for the adjoining industrial zoning including the provision and maintenance of tree planted buffers to the southern and northern boundaries of the site. This area may be used as a feeding ground by bird species for which Cork Harbour SPA is designated. Any development proposals on this land are likely to require the provision of an ecological impact assessment report to determine the importance of the area for such species and the potential for impacts on these'.

Other Relevant Sections / Policies:

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

Section 2: *Local Area Strategy*

Section 3: *Settlements and Other Locations: Strategic Employment Centre: Ringaskiddy*

9.0 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:

- The principle of the proposed development
- Overall design and layout / visual impact
- Traffic implications

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- Wastewater treatment and disposal
 - Appropriate assessment
 - Other issues

These are assessed as follows:

9.1 The Principle of the Proposed Development:

9.1.1 The proposed development site is located within the settlement boundary of Ringaskiddy as identified in the Carrigaline Electoral Area Local Area Plan, 2011, (2nd Ed. January, 2015) on lands zoned as ‘Open Space / Sports Recreation / Amenity’ where the specific land use zoning objective states the following:

‘O-01: Open space comprising a golf course and playing pitches to provide a longterm, structural landscape setting for the adjoining industrial zoning including the provision and maintenance of tree planted buffers to the southern and northern boundaries of the site. This area may be used as a feeding ground by bird species for which Cork Harbour SPA is designated. Any development proposals on this land are likely to require the provision of an ecological impact assessment report to determine the importance of the area for such species and the potential for impacts on these’.

9.1.2 In this respect I would advise the Board at the outset that whilst the subject proposal could be considered to involve the development of a rural dwelling house in an ‘Area under Strong Urban Influence’ as indicatively identified in the ‘Sustainable Rural Housing, Guidelines for Planning Authorities, 2005’, given the site location on zoned lands within the development boundary of the town of Ringaskiddy, I am inclined to suggest that any overt reliance on the provisions of the ‘Sustainable Rural Housing, Guidelines for Planning Authorities’ or the County Development Plan with regard to the control of rural housing in the open countryside may be misplaced in this particular instance. Accordingly, in my opinion, it is necessary to review whether or not the development of a dwelling house on the subject lands would be acceptable from first principles having regard to the specifics and intended purpose of the applicable land use zoning objective.

9.1.3 The proposed development site forms part of a wider landbank zoned as ‘Open Space / Sports Recreation / Amenity’ which extends to 25.32 hectares. Notably, on the basis that the lands in question are in use for agricultural purposes (as distinct from a golf course or playing fields) it would appear that the principle objective for the zoning of these lands is to provide a ‘long-term

structural landscape setting for the adjoining industrial zoning including the provision and maintenance of tree planted buffers to the southern and northern boundaries of the site'. In this regard it is of further relevance to note that the specific zoning objective attached to the adjacent lands to the west which are zoned for industrial and enterprise purposes states the following:

*'I-01: Industry including ancillary uses such as associated offices, laboratories, manufacturing and utilises. **The open space zoning in specific objectives O-01 and O-02 shall be provided as part of this development.** This zone is adjacent to Cork Harbour Special protection Area. Development proposals in this zone are likely to require the provision of an ecological impact assessment (Natura Impact Statement) in accordance with the requirements of the Habitats Directive and may only proceed where it can be shown that they will not have significant negative impacts either alone or in combination with other projects on the SPA or on species for which the SPA is designated'.*

9.1.4 Further clarity as regards the intended purpose of the open space zoning is provided in Section 4.4.16 of the Carrigaline Electoral Area Local Area Plan which states that the areas of passive open space will provide *'an appropriate degree of protection on those visually important open areas that contribute to the setting of Ringaskiddy and [the] amenity afforded by the upper harbour generally'*. In addition, Section 14.3: *'Land Use Zoning Categories: Open Space, Sports, Recreation and Amenity Areas'* of the County Development Plan confirms that those open spaces largely used for agricultural purposes often provide important visual settings that add to the character of a settlement or locality and also serve to enhance the surroundings and biodiversity of the area. More notably, Objective ZU 3-4 of the Development Plan specifically references those uses deemed to be *'appropriate' within 'Open Space, Sports, Recreation and Amenity Areas'* and seeks to *'Promote the provision of sports areas including playgrounds, sports centres, sports pitches, other areas for outdoor activities, outdoor recreation training centres, parks, landscaped areas, agricultural areas (including allotments), private landscaped gardens and woodlands in accordance with Article 10 of the Habitats Directive'*. In this regard it is of particular relevance to note that no reference is made to residential development within these areas and thus the question arises as to whether any such use could be held to be *'appropriate'*. Indeed, neither the Development Plan nor the Local Area Plan contain any express provision as regards the assessment of proposals for the development of individual dwelling houses on lands zoned as open space and thus I am inclined to suggest that in the absence of any specific exemptions or

exceptional circumstances which would otherwise allow said development, it is necessary to revert to the overriding aim of the land use zoning objective.

9.1.5 On the basis of the available information, it is clear that the land use zoning objective applicable to the subject site is intended to provide a long-term structural landscape setting to the adjacent industrially-zoned lands and will also serve to protect the visual amenity and setting of the wider area. Furthermore, in the absence of any provision whereby housing would be normally permitted on such lands, it is my opinion that the subject proposal could be interpreted as either undermining the land use zoning objective or even possibly materially contravening same. In this regard I would draw the Board's attention to its previous determination of ABP Ref. No. PL04.218260 wherein it refused permission for the development of 2 No. dwelling houses on lands located elsewhere in Shanbally, Ringaskiddy, Co. Cork, having regard to the site's designation as passive open space as set out in the development plan for the area, the general pattern of development in the area and the visual impact of the proposed dwellings, on the basis that *'the proposed development would be detrimental to the openness of the area and would detract from the site's amenity value as a buffer between the industrial and residential development in the area'*. Whilst I would concede that the foregoing proposal was determined in accordance with the provisions of a previous Development Plan, and that the specifics of the 'open space' zoning applicable in that instance differ from those relevant to the subject application, it is my opinion that parallels can be drawn between the Board's assessment of that proposal and the subject appeal.

9.1.6 Notably, in its assessment of the subject application, with specific reference to the principle of the proposed development, the Planning Authority has stated that consideration can be given to the submitted proposal provided it can be suitably demonstrated that the proposed dwelling house is intended as part of, and ancillary to, the overall farming of the wider landholding. Whilst I would acknowledge this approach as adopted by the Planning Authority in its assessment of the subject application, I would advise the Board that there is no clear basis for same within the applicable Development Plan or Local Area Plan and thus I would have reservation as regards the legitimacy of such a position.

9.1.7 Therefore, in light of the specific land use zoning objective applicable to the subject site, and in the absence of any provisions within the Development Plan and Local Area Plan for the area which would otherwise permit consideration of the submitted proposal, on balance, I am inclined to conclude that the proposed development of a dwelling house on the subject lands would be contrary to the

stated intention of the land use zoning and to the proper planning and sustainable development of the area.

9.1.8 In the event that the Board is amenable to the assessment of the subject proposal as an application for a dwelling house in the open countryside, I would reiterate that the proposed development site is located in an *'Area under Strong Urban Influence'* as indicatively identified in the *'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'*. The Guidelines state that these 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 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.

9.1.9 From a review of the available information, it is of relevance in the first instance to note that the applicant is the owner of the proposed development site and that her need for a dwelling house at this location seemingly arises from her engagement in the farming of the wider landholding. It has also been submitted that the applicant is a *'generational resident of Shanbally'* and that she is presently residing in Raheen East, Currabinny, Co. Cork (as evident from the application for a certificate of exemption pursuant to Section 97 of the Planning and Development Act, 2000, as amended) whilst the proposed dwelling house is intended for her own use as her principle and permanent place of residence. In further support of the application, and in response to a request for additional information issued by the Planning Authority, the applicant has detailed the nature of the existing farming operations conducted from within the wider landholding which has been elaborated on further in response to the grounds of appeal. In addition, I would draw the Board's attention to the copy of the pre-planning consultation documentation forwarded to it by the Planning Authority which states that the applicant is presently residing in rented accommodation and is thus in need of accommodation.

9.1.10 Having reviewed the available information, it is of relevance to note that it is the policy of the Planning Authority to ensure that future housing in rural areas complies with the *'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'* and in this respect I would advise the Board that the Guidelines

specifically state that housing intended to meet rural-generated needs should be facilitated and that eligible persons will include those working full-time or part-time in rural areas or persons who are an intrinsic part of the rural community.

9.1.11 With regard to the applicant's need to reside at the subject site due to her engagement in farming activities conducted from the wider landholding, whilst I would accept that this would typically satisfy normal planning eligibility criteria as regards the provision of rural-generated housing, I would advise the Board that the applicant has submitted conflicting information in relation to her farming operations. In this respect she has referred in the first instance to her involvement in the existing farming enterprise yet has also expressed a future intention to 'reactivate' the farmyard / lands. Accordingly, I would suggest that some further clarity is required as regards the actual status of the applicant's farming activities. Furthermore, it is notable that despite the applicant's assertions as regards her farming practices (including the submission of a herd number) no primary correspondence or documentation has been provided which would directly support same. For example, there is a noticeable absence of any receipts, invoices, correspondence from the Department of Agriculture etc. or any other primary documentation which would clearly and unequivocally link the applicant by name to the farming activities conducted on site. Given the applicant's recent acquisition of the overall landholding in 2014 and the suggestion by the appellant that the lands in question are in fact rented to third parties, I would suggest that additional details are required as regards the applicant's engagement in agriculture at this location, particularly in light of the applicable land use zoning and the stated purpose of same.

9.1.12 In terms of establishing whether or not the applicant could be deemed to form an intrinsic part of the rural community, whilst it has been asserted that she is from the local area and that a letter was submitted with the planning application which purportedly demonstrated her links to the area, save for a statement to this effect, no evidence has been provided to support same. No specific details have been provided of the applicant's historical connection to or residence in the locality, save for a reference to her occupation of rented accommodation, seemingly at Raheen East, Currabinny, Co. Cork, which is an area located approximately 3km southeast of the site. Furthermore, it is unclear if the applicant has previously owned a dwelling house or if she is in fact building her first home. More notably, the applicant has not submitted a completed '*Supplementary Planning Application Form – SF1*' which would typically accompany an application for a rural dwelling house and thus aid in establishing

an individual's connections to a local rural area and whether or not they had a genuine rural-generated housing need.

9.1.13 Therefore, on the basis of the foregoing, it is my opinion that further details are required in order to establish whether or not the applicant has a genuine rural-generated housing need either by way of her engagement in farming activities conducted from within the wider landholding or if she can be held to form an intrinsic part of the rural community pursuant to the provisions of the *'Sustainable Rural Housing, Guidelines for Planning Authorities'*.

9.1.14 With regard to the appellant's concerns as regards the potential for the applicant some time in the future to dispose of the wider landholding separately from the proposed dwelling house thereby giving rise to the possibility that a third party could acquire said lands and apply for planning permission for a further residence, whilst I would have some reservations in this regard, the applicant has acceded to the imposition of a condition requiring her to enter into an agreement pursuant to Section 47 of the Planning and Development Act, 2000, as amended, whereby no further housing development will be carried out within those lands outlined on the map submitted to the Planning Authority on 25th November, 2015 for a period of 5 years from the date of the grant of permission.

9.2 Overall Design and Layout / Visual Impact:

9.2.1 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 *'City Harbour and Estuary'* as per the landscape character mapping set out in the County Development Plan, 2014 and that this is also considered to constitute an identified 'High Value' landscape. Furthermore, it is of relevance to note that the proposed development site is located in a predominantly rural area alongside Scenic Route No. S54: *'R610 Regional Road, Local Road & N28 National Primary Route between Passage West and Ringaskiddy: Views of the Harbour'* and that the views available from same are listed for protection in the Development Plan pursuant to Objective No. GI 7-2 whilst Table 5.1: *'Scenic Routes – Views and Prospects & Scenic Route Profiles'* of Volume 2 of the Plan confirms that this route is in an area of *'Very High'* overall landscape value.

9.2.2 In a local context, the siting of the proposed dwelling house occupies a somewhat elevated position as a result of the prevailing topography which rises westwards over the public road (and the identified scenic route), however, the presence of a mature tree line which extends along an approximate north-south

axis between the proposed construction and the roadway serves to provide considerable screening of the proposal from public view.

9.2.3 With regard to the specifics of the actual design of the proposed development, the submitted proposal involves the construction of a substantial two-storey dwelling house based on a relatively complex building footprint, although the overall design has sought to evoke a contemporary interpretation of the traditional vernacular through its use of features such as a narrow-plan which will only provide sufficient depth for a single room and vertically emphasised fenestration. In addition, its positioning in a recessed location set back approximately 94m from the roadside boundary has sought to avail of the screening opportunities offered by an existing tree line. However, the submitted proposal (as amended in response to requests for further information and subsequent clarification issued by the Planning Authority) also includes for significant works to the existing attractive stonework / masonry wall which extends along the roadside boundary of the application site and beyond (*N.B.* This wall extends for a considerable distance northwards from Shanbally towards Raffeen). In this respect I would refer the Board to the plans and particulars submitted to the Planning Authority on 22nd February, 2016 which detail that it is proposed to provide a new shared entrance arrangement to serve both the proposed dwelling house and adjacent development (including the existing farmyard and a further dwelling house) and that in order to achieve the necessary sightlines it will be necessary to reduce the height of the c. 2m high roadside boundary wall to 1m over an approximate distance of 120m. It is also proposed to remove a 'thicket' of elm trees identified in the tree survey from alongside this boundary in order to achieve the required sight distance although it has been submitted that these trees pose a threat to the stability of the wall and will typically die within 20 No. years due to Dutch Elm Disease.

9.2.4 Having reviewed the available information, it is clear that the subject proposal is based on a contemporary interpretation of the accepted rural vernacular in that it employs an innovative design using modern construction materials and techniques whilst acknowledging certain design features and characteristics that contribute to the character of more traditional rural housing. In this respect whilst the proposal will involve a notable deviation from the more conventional and typical housing designs prevalent in the surrounding area, it should be noted that the '*Cork Rural Design Guide*' does not seek to prohibit innovation in rural house design and instead aims to ensure that any such proposals are appropriately sited and provide for a suitable design response to the specifics of a particular site context.

9.2.5 In terms of the overall visual impact of the submitted proposal, whilst I would acknowledge that the positioning of the proposed dwelling house behind an existing tree line will serve to screen the views of same from the public road, particularly when taken in conjunction with the proposals for further supplementary planting / landscaping, and that the views listed for preservation from Scenic Route No. 54 immediately alongside the site extend in a north-easterly direction over the harbour area and away from the proposed development, cognisance must be taken of the site location in a 'high value' landscape and the specific land use zoning objective applicable to these lands which aims to provide a long-term, structural landscape setting for the adjoining industrial zoning i.e. the provision of a buffer between future industrial development and nearby residences etc. In this respect I would reservations that the elevated and recessed siting of the proposed development could serve to erode the openness of this structural landscape and that it could set an undesirable precedent for similar development which would be to the detriment of the area. It is of further relevance to note that Scenic Route No. 54 extends along the northern edge of the harbour area and that views southwards from same over the harbour (due to the east-west alignment of this section of roadway) could potentially be impacted to some extent by the proposed dwelling house due to its elevated position, particularly during the winter months when the natural screening offered by the tree cover would not be as effective. Indeed, there may be a case that the proposed dwelling house should be located on the lower-lying lands closer to the roadway and adjacent to existing development in order to limit its potential wider impact. A further significant area of concern is the extent of the works proposed to the existing roadside boundary wall, and whilst this is not included in the Record of Protected Structures, in my opinion, it contributes to the character of the rural area and thus would seem worthy of some degree of protection pursuant to Objective HE 4-3: *'Protection of Non-Structural Elements of Built Heritage'* of the County Development Plan.

9.2.6 On balance, having regard to the specific land use zoning objective for the area, the site location on an elevated hillside within a landscape of 'high value' alongside a Scenic Route designated in the Cork County Development Plan, 2014, and the scale and nature of the development proposed, including the significant works to the roadside boundary, it is my opinion that the proposed development by reason of its overall visual impact would contribute to an unacceptable erosion of the rural character and scenic amenities of this sensitive landscape and would be detrimental to the openness of the area thereby

detracting from the site's amenity value as a buffer between future industrial and surrounding residential development.

9.3 Traffic Implications:

9.3.1 At present, the proposed development site can be accessed directly via 2 No. existing entrance arrangements, although there are additional entrance points serving the wider landholding. In this respect the principle means of access to the proposed development site is through the adjacent farmyard to the immediate south via a right of way over a shared private laneway which extends westwards from the public road to serve both the applicant's farmyard and an adjoining private residence in the ownership of a third party, whilst a minor secondary access is also available directly from the public road via an existing field gate positioned further north along the roadside. Having conducted a site inspection, it is clear that the sightlines available from each of the aforementioned access points are particularly substandard due to the alignment of the carriageway and the height and positioning of the roadside boundary wall at this location. Therefore, the subject proposal, as initially submitted to the Planning Authority, sought to develop a separate site entrance arrangement to serve the proposed dwelling house with provision also having been made for a new right of way intended to accommodate the future development of a further new entrance which would serve the adjacent residence of Brian & Lorna O' Connor (as detailed in PA Ref. No. 154987, although this application was subsequently withdrawn). However, in response to concerns raised by the Planning Authority during the course of its assessment of the subject application, a revised proposal was subsequently submitted which sought to develop a new shared entrance arrangement that would serve both the proposed dwelling house and the adjacent farmyard in addition to the third party (O'Connor) residence. This will entail the carrying out of significant works to the existing roadside boundary wall both within the confines of the application site and beyond (with the consent of the affected property owner). In addition, it is also proposed to close the existing entrance arrangement serving the farmyard and the adjacent dwelling house thereby avoiding any overall increase in the number of individual entrances onto the roadway.

9.3.2 With regard to the amended site access proposals, due to the alignment of the public road, with particular reference to a bend in the carriageway to the north of the proposed site entrance, in order to achieve the necessary sightlines it will be necessary to lower the existing roadside boundary wall (and any vegetation / planting) on each side of the proposed entrance to a height of 1m over an approximate distance of 120m as has been detailed in Drg. No. P-1090-01 Rev.

B submitted to the Planning Authority on 22nd February, 2016. These works will thus ensure the provision of sightlines of 90m in both directions to the nearside of the carriageway from the proposed entrance at a point measured 2.4m back from the road edge.

9.3.3 Whilst the Planning Authority has acceded to the foregoing proposals on the basis that they will serve to achieve the minimum required sight distance, and although I would accept that the proposed shared access arrangement represents an improvement over the existing situation on the ground in terms of improved visibility onto the public road and also avoids the development of an additional entrance, I would refer the Board to my earlier concerns as regards the detrimental visual impact of the proposed works to the roadside boundary wall on the prevailing rural character and scenic amenity of this area.

9.4 Wastewater Treatment and Disposal:

9.4.1 It is proposed to install a packaged wastewater treatment system with a raised 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 300mm of SLT / CLAY topsoil followed by 1,800mm of SILT / CLAY to the depth of the excavation at 2.1m below ground level. Whilst no rock was encountered the water table was recorded at a depth of 1.2m bgl. With regard to the percolation characteristics of the soil a 'T'-value of 58.36 minutes / 25mm and a 'P'-value of 40.87 minutes / 25mm were recorded which would constitute a pass in accordance with EPA guidance.

9.4.2 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.

9.4.3 However, notwithstanding the apparent suitability of the subject site for the wastewater treatment system proposed, I would draw the Board's attention to Objective No. DB-06 of the Carrigaline Electoral Area Local Area Plan, 2011 which states that *'All new development shall be connected to the public water supply, the public wastewater treatment system and shall make adequate provision for storm water disposal'*. Accordingly, the subject proposal would appear to be in conflict with a stated policy objective of the Local Area Plan (N.B.

Conflicting details have also been provided in the application documentation as regards the proposed water supply).

9.5 Appropriate Assessment:

9.5.1 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 whilst the proposed development site is located outside of any Natura 2000 site, the positioning of the proposed dwelling house will be approximately 100m south of the Cork Harbour Special Protection Area (Site Code: 004030). It is also of relevance to note that the proposed development site is located approximately 5.4km southwest of the Great Island Channel Special Area of Conservation (Site Code: 001058). 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.

9.5.2 Having reviewed the available information, in light of the nature and scale of the proposed development, the specifics of the site location relative to the aforementioned Natura 2000 sites, and having regard to the prevailing site topography, in my opinion, by employing the source/pathway/receptor principle of risk assessment, it can be determined that particular consideration needs to be given to the likelihood of the proposed development to have a significant effect on the conservation objectives of the Cork Harbour Special Protection Area. At this point it is of relevance to note that the Cork Harbour Special Protection Area has been designated as being of special conservation interest on the basis that it supports the following protected bird species: Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Pintail, Shoveler, Red-breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Dunlin, Blacktailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Common Gull, Lesser Black-backed Gull and Common Tern. The site is also an internationally important wetland and is of special conservation interest for

regularly supporting in excess of 20,000 No. wintering waterfowl for which it is amongst the top five sites in the country. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds. Cork Harbour is thus of major ornithological significance, being of international importance both for the total numbers of wintering birds (i.e. > 20,000) and also for its populations of Black-tailed Godwit and Redshank. In addition, there are at least 18 No. wintering species that have populations of national importance, as well as a nationally important breeding colony of Common Tern.

9.5.3 In screening the subject proposal for the purposes of appropriate assessment, I would refer the Board to the screening exercise undertaken by the applicant as detailed in the submitted *'Appropriate Assessment Screening Statement'* and, in particular, to its assessment of the likelihood of the proposed development to have a significant effect on the Cork Harbour SPA. In this report the applicant has acknowledged that the SPA has been designated as being of special conservation interest on the basis that it supports a variety of bird species which are listed for protection in Annex I of the E.U. Birds Directive. It proceeds to state that as the proposed development site is not located within the SPA (and will not require any resources from within same), the subject proposal will not give rise to any direct impact in terms of habitat loss from within the Natura 2000 site. Similarly, it has been stated that the absence of any existing or proposed hydrological connections between the application site and the Natura 2000 site will ensure that the proposed development will not result in any indirect loss or deterioration of habitat within the Natura 2000 site. The remainder of the screening exercise proceeds to focus on the potential for the development to result in the disturbance / displacement of protected species by reason of noise and / or visual cues and notes the following:

- i) The protection of fauna does not form part of the conservation objectives for the Great Island Channel Special Area of Conservation.
- ii) There is existing screening between the application site and the nearest part of the Cork Harbour Special Protection Area at Monkstown / Raffeen Creek.
- iii) The subject lands are not part of an important feeding / roosting site for the Cork Harbour cited waterbirds.
- iv) There is existing screening between the site and the nearest Common Tern nesting colony at Ringaskiddy, combined with significant distances.

9.5.4 The report subsequently concludes by stating that the proposed development is unlikely to result in any significant effects on any of the Natura 2000 sites (i.e. the Cork Harbour SPA and the Great Island Channel SAC).

9.5.5 Having reviewed the available information, including the screening reports prepared by the applicant and the Planning Authority in respect of the subject proposal, I am satisfied that given the nature and scale of the development proposed, the site location outside of any Natura 2000 site, and the ecological characteristics of the application site, 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 either the Cork Harbour Special Protection Area or the Great Island Channel Special Area of Conservation, and therefore I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of the said sites and would not undermine or conflict with the Conservation Objectives applicable to same.

9.5.6 Accordingly, it is reasonable to conclude that, on the basis of the information available, which I consider adequate in order to issue a screening determination, 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 Codes: 004030 & 001058, in view of the relevant conservation objectives, and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

9.6 Other Issues:

9.6.1 Biodiversity and Other Wildlife Considerations:

9.6.1.1 Whilst I would acknowledge the appellant's concerns as regards the potential impact of the proposed development on wider biodiversity and wildlife considerations, with particular reference to the loss of roadside verges and hedgerows etc., and although the proposed development will inevitably result in the loss of some plant and animal species from within the footprint of the proposed construction, in my opinion, the lands in question are of limited ecological value and the impact arising from the loss of same will be within tolerable limits given the wider site context. Similarly, although the proposed development will result in the loss of a certain extent of boundary hedgerow and tree lines which presently act as both a shelter and corridor for local wildlife, given the proliferation of such habitat within the wider area, it is my opinion that any impact on fauna arising from the loss of same as part of the proposed construction will be negligible.

10.0 RECOMMENDATION

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

Reasons and Considerations:

1. Having regard to the stated objective of the land use zoning of the site as 'Open Space / Sports Recreation / Amenity' to provide a long-term, structural landscape setting for the adjoining industrial zoning as set out in the current local area plan and supported by the current Development Plan for the area, the general pattern of development in the area, and the visual impact of the proposed dwelling, it is considered that the proposed development would be detrimental to the openness of the area and would detract from the site's amenity value as a buffer between the industrial lands and residential development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the elevated location of the site within a 'High Value' landscape and alongside a Scenic Route designated in the Cork County Development Plan, 2014, the Board is not satisfied that the proposed development, including those works proposed to the roadside boundary wall, would not detract to an undue degree from the rural character and scenic amenities of the surrounding area. Accordingly, it is considered that the proposed development would interfere with a view of special amenity value which it is necessary to preserve, would exacerbate and consolidate a trend towards the establishment of a pattern of haphazard rural housing, and would contribute to a further erosion of the rural and scenic landscape character of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Signed: _____

Robert Speer
Inspectorate

Date: _____