
An Bord Pleanála



Inspector's Report

Ref.: PL04.246541
Development: To build a house
Castlewhite, Rochfordstown, Co. Cork.

PLANNING APPLICATION

Planning Authority: Cork County Council
Planning Authority Ref.: 16/4356
Applicant: Donal O'Gorman
Type of Application: Outline permission
Planning Authority Decision: Refusal

APPEAL

Type of Appeal: First Party v. Decision
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 within a small cul-de-sac of housing in the rural area of Castlewhite in the townland of Rochfordstown, Co. Cork, approximately 1.8km south of the N40 (Cork City) South Ring Road and to the west of the N71 National Secondary Road. Although the wider area is primarily characterised by undulating rural countryside, there is a notable concentration of one-off residential development located along the roadways in the immediate vicinity of the site, with particular reference to those lands to the north and northwest. The site itself has a stated site area of 0.364 hectares, is irregularly shaped and presently comprises the plot of an existing two-storey residential property in addition to an undeveloped area of grassland situated at the end of a narrow roadway / laneway. The existing brickwork dwelling house on site is located at the end of a series of housing to the north and east whilst the adjacent lands to the immediate south and west are in agricultural use. The grassland portion of the site is bounded by a small watercourse and a mature hedgerow / tree line to the south whilst the remaining site boundaries are generally defined by a combination of hedgerows and other planting.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 The proposed development consists of the construction of a detached dwelling house with a stated floor area of 220m², however, as the subject application is for outline permission only no detailed drawings of same have been provided. Similarly, the access arrangements for the proposed development have not been specifically detailed and it has been submitted that the practicalities of either utilising the existing entrance serving the adjacent dwelling house or developing a second entrance onto the laneway will be examined at 'planning approval stage'. With regard to the disposal of wastewater, it is proposed to connect the proposed dwelling house to the septic tank system serving the existing property whilst a water supply is available from the public mains.

3.0 RELEVANT PLANNING HISTORY

3.1 On Site:

PA Ref. No. 985493. Was refused on 9th February, 1999 refusing Tracey Cullinane outline permission for a dwelling house.

PA Ref. No. 15/5778. Was refused on 5th October, 2015 refusing Donal O’Gorman outline permission for the construction of a house for the following reasons:

- The proposed development is for an individual dwelling in a rural area which would not be served by an independent wastewater treatment system. Having regard to the size of the site, the proximity of the watercourse, the proximity of the existing septic tank and percolation area, it is considered that the proposed development represents over-development of a constrained site, would be contrary to policy objective RCI 6-2 of the County Development Plan 2014, would not be consistent with the EPA Code of Practice 2009 ‘Wastewater Treatment and Disposal Systems Serving Single Houses’, would be prejudicial to public health and would therefore be contrary to the proper planning and sustainable development of the area.
- The proposed development is located on elevated land in the Prominent and Strategic Metropolitan Greenbelt which policy objective GI 8-1 in the County Development Plan 2014 seeks to preserve from development. Having regard to the elevated nature of the proposed development, the resulting density of development and the suburban pattern of development, it is considered that the proposed development would erode the rural character of the area, be seriously injurious on the visual amenities of the area, would set a poor precedent for similar piecemeal development, would be contrary to policy objectives GI 8-1 and RCI 6-1 and hence contrary to the proper planning and sustainable development of the area.

3.2 On Adjacent Sites:

PA Ref. No. 145154. Application by Anthony O’Callaghan for permission for the construction of a dwelling house, a garage for domestic purposes, installation of a proprietary treatment unit and all associated site works at Rochfordstown, Waterfall, Co. Cork. This application was withdrawn.

PA Ref. No. 156046. Was refused on 5th November, 2015 refusing Anthony O’Callaghan permission for the construction of a dwelling house, a garage for domestic purposes, installation of a treatment unit and all associated site works at Rochfordstown, Waterfall, Co. Cork.

PA Ref. No. 165478. Was refused on 10th August, 2016 refusing Anthony O’Callaghan permission to construct a dwelling house, garage for domestic

purpose, to install a domestic wastewater treatment system and to carry out all associated site works at Rochfordstown, Waterfall, Co. Cork (*N.B.* The appropriate period for the lodgement of an appeal with regard to this decision has yet to expire).

3.3 On Sites in the Immediate Vicinity:

PA Ref. No. 095746. Was granted on 21st August, 2009 permitting Finbar Cullinane permission for a detached single storey domestic shed together with all ancillary site works & services at Castlewhite, Rochfordstown, Waterfall, Co. Cork.

4.0 PLANNING AUTHORITY CONSIDERATIONS AND DECISION

4.1 Decision:

On 14th April, 2016 the Planning Authority issued a notification of a decision to refuse outline permission for the proposed development for the following 2 No. reasons:

- The proposed development is for an individual dwelling in a rural area which would not be served by an independent wastewater treatment system. Having regard to the size of the site, the proximity of the watercourse, the proximity of the existing septic tank and percolation area, it is considered that the proposed development represents over-development of a constrained site, would be contrary to policy objective RCI 6-2 of the County Development Plan 2014, would not be consistent with the EPA Code of Practice 2009 'Wastewater Treatment and Disposal Systems Serving Single Houses', would be prejudicial to public health and would therefore be contrary to the proper planning and sustainable development of the area.
- The proposed development is located on elevated land in the Prominent and Strategic Metropolitan Greenbelt which policy objective GI 8-1 in the County Development Plan 2014 seeks to preserve from development. Having regard to the elevated nature of the proposed development, the resulting density of development and the suburban pattern of development, it is considered that the proposed development would erode the rural character of the area, be seriously injurious on the visual amenities of the area, would set a poor precedent for similar piecemeal development, would be contrary to policy objectives GI 8-1 and RCI 6-1 and hence contrary to the proper planning and sustainable development of the area.

4.2 Objections / Observations:

None.

4.3 Internal Reports:

Area Engineer: Recommends that the application be deferred until such time as it is demonstrated that the proposed development site is suitable for the installation of a wastewater treatment system and percolation area in accordance with the EPA 'Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses'.

Liaison Officer: Notes the site context within the Cork Metropolitan Area and states that the applicant is considered to qualify as an exception to the settlement policy restriction on the basis that he is the son of the landowner and as he has a rural-generated housing need. It proceeds to reference the recommendation of the Area Engineer as regards the deferral of any decision on the application until such time as it can be demonstrated that the proposed development site is suitable for the installation of a wastewater treatment system and subsequently notes that the Case Planner has recommended a refusal of permission before concluding that there is no objection to the proposal from a settlement policy viewpoint.

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 subject lands were purchased by the applicant's mother at considerable expense some years ago for the specific purpose of allowing the applicant to construct a dwelling house adjacent to the family home.
- If necessary, an independent wastewater treatment system could be installed on site, and it is suggested that this matter could have been addressed through the attachment of a suitable condition to any grant of permission.
- The applicant is amenable to the imposition of a condition requiring the provision of a wastewater treatment system to serve both the proposed development and his mother's dwelling house.

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- It is submitted that the proposed development site is of sufficient size to accommodate the 2 No. dwelling houses and that the existing wastewater treatment services are entirely capable of ensuring that the nearby watercourse is not affected.
 - The proposed development site is not visible from the main Bandon Road nor can it be seen from Castlewhite Hill.
 - The laneway from which the subject site will be accessed already serves 7 No. dwelling houses and thus the addition of the proposed development will have a limited impact. There are also a considerable number of dwelling houses located above the laneway at Castlewhite Hill with further housing on the elevated flat lands at the top of the hill.
 - The local community at Lower Castlewhite is close-knit and the applicant has a desire to remain in the area and to raise his family there.

6.0 RESPONSE TO GROUNDS OF APPEAL

6.1 Response of the Planning Authority:

- The installation of a wastewater treatment system cannot be required by way of condition. Furthermore, there are serious concerns that an additional treatment system cannot be accommodated on site and that it would give rise to an excessive density of individual systems in the area. These issues were previously raised in the assessment of PA Ref. No. 15/5778 and thus the applicant should have been aware that a site assessment conducted in accordance with the provisions of the EPA Code of Practice would be required.
- The Board is referred to Circular Letter PSSP1/10 as issued on 5th January, 2010 regarding the implementation of the EPA Code of Practice on Wastewater Treatment Systems Serving Single Houses.
- The proposed development site is located in a 'Prominent and Strategic Greenbelt' where Policy Objective GI 8-1 of the County Development Plan, 2014 applies. The overall design, scale and positioning of the proposed dwelling house is considered to be injurious to the visual amenity of the area and would also result in an excessive density of development. It is an objective to preserve the 'Prominent and Strategic Greenbelt' from development.

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. Furthermore, in accordance with the provisions of the Guidelines, the Cork County Development Plan, 2014 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 the 'Metropolitan Cork Greenbelt'.

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 4.3: Identifying Rural Area Types:

Section 4.3.5: Metropolitan Cork Greenbelt:

This rural area under strong urban influence forms part of the Cork Gateway and is within close commuting distance of Cork City and Environs. There is evidence of considerable pressure from the development of (urban generated) housing in the open countryside and pressures on infrastructure such as the local road network and higher levels of environmental and landscape sensitivity.

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 4-1: Metropolitan Cork Greenbelt:

Objective RCI 41 should be read in conjunction with Chapter 13, Section 13.8 relating to 'Prominent and Strategic Metropolitan Cork Greenbelt Areas' including Objective GI 81 and Figure 13.3.

The Metropolitan Cork Greenbelt is the area under strongest urban pressure for rural housing. Therefore, applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional 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, including 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) Landowners including their sons and daughters who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence

for a minimum of seven years prior to the date of the planning application.

In circumstances, where a family land holding is unsuitable for the construction of a house, consideration may be given to a nearby landholding where this would not conflict with Objective GI 81 and other policies and objectives in the plan.

The total number of houses within the Metropolitan Greenbelt, for which planning permission has been granted since this plan came into operation on a family farm or any single landholding within the rural area, will not normally exceed two.

Section 4.5: Greenbelts:

RCI 5-1: *Metropolitan Cork Greenbelt:*

Maintain the Metropolitan Cork Greenbelt (as shown on Figure 4.1 in this Plan) which encompasses the City and its suburbs together with the satellite towns, villages and countryside of Metropolitan Cork.

RCI 5-2: *Purpose of Greenbelt:*

- a) Maintain a Green Belt for Metropolitan Cork with the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area.
- b) Recognise that in order to strengthen existing rural communities provision can be made within the objectives of this plan to meet exceptional individual housing needs within areas where controls on rural housing apply.

RCI 5-3: *Land Uses within Metropolitan Greenbelt:*

Preserve the character of the Metropolitan Greenbelt as established in this Plan and to reserve generally for use as agriculture, open space, recreation uses and protection / enhancement of biodiversity of those lands that lie within it.

RCI 5-4: Sustainability of Exceptions to Greenbelt Policies:
Recognise that by reason of the number of people currently living within Greenbelt areas, the granting of regular exceptions to overall policy is likely to give rise over the years to incremental erosion of much of the Greenbelt.

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.

Section 13.8: *Prominent and Strategic Metropolitan Cork Greenbelt Areas:*

GI 8-1: *Prominent and Strategic Metropolitan:*

Greenbelt Areas requiring Special Protection Protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between the main

Greenbelt settlements. These areas are labelled MGB1 in the Metropolitan Greenbelt map (Figure 13.3) and it is an objective to preserve them from development.

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:

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

These are assessed as follows:

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

9.1.1 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 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.

9.1.2 In addition to the foregoing, it is of further relevance to note that the Cork County Development Plan, 2014 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 subject site is located within the 'Metropolitan Cork Green Belt' which is defined as the hinterland of Cork City and that area of the county under the greatest urban pressure for rural housing. In this respect I would refer the Board to Section 4.5.6 of the Plan which states that given the exceptional housing demands and urban

pressures exerted within this area, the retention of the Metropolitan Greenbelt into the future represents a serious planning challenge and that any incremental erosion of these lands over time will need to be carefully monitored. Accordingly, within this area the Planning Authority has adopted a restrictive approach as regards the eligibility of prospective applicants for rural housing and in this respect Objective RCI 4-1 of the County Development Plan states that applicants must satisfy the Planning Authority that they have an exceptional rural-generated housing need based on their social and / or economic links to a particular local rural area and, in this regard, demonstrate compliance with one of the following categories of housing need:

- a) Farmers, including 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) Landowners including their sons and daughters who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence for a minimum of seven years prior to the date of the planning application.

N.B. The subject site is also located only marginally outside of the '*Prominent and Strategic Metropolitan Cork Greenbelt Area*' identified in Figure 13.3 of the County Development Plan wherein it is the policy of the Planning Authority pursuant to Objective No. GI 8-1 to protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements).

9.1.3 Having reviewed the rationale for the establishment of the Cork Metropolitan Greenbelt as set out in Section 4.5 of the Development Plan, and in light of the purpose of same as detailed in Objective RCI 5-2, I would accept that any further housing permitted within same should be restricted to named persons with an 'exceptional' rural-generated housing need and thus it is necessary to

critically analyse the subject application in the context of compliance with Objective RCI 4-1 of the County Development Plan in addition to the provisions of the *'Sustainable Rural Housing, Guidelines for Planning Authorities'*, 2005.

9.1.4 From a review of the available information, with particular reference to the supporting correspondence which has accompanied the application, it is apparent that the applicant (Mr. Donal O'Gorman) is originally from the locality and that he has immediate family ties to the site in question. In this respect I would advise the Board that he is acquiring the subject site from his mother and that it appears the applicant previously resided in the family home on site between 1988 and 2009 and that upon his return from living abroad in 2015 he subsequently resumed his residence at this address. In further support of the foregoing, the *'Supplementary Planning Application Form SF1'* which has accompanied the subject application serves to confirm that the applicant has never previously owned a residential property and that he has not been the beneficiary of any grant of permission for a dwelling house in a rural area.

9.1.5 Accordingly, on the basis of the foregoing, and noting that the proposal involves the construction of the applicant's 'first home' which is intended for his own occupation as a principle and permanent place of residence, it would appear that the applicant has intrinsic links to this particular rural area and thus would satisfy the eligibility criteria set out in *the 'Sustainable Rural Housing, Guidelines for Planning Authorities'* in addition to Objective RCI 4-1 of the County Development Plan.

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 *'Broad Fertile Lowland Valleys'* as per the landscape character mapping set out in the County Development Plan, 2014. However, contrary to the Planner's Report and the basis for the second reason for refusal as set out in the decision of the Planning Authority, from a review of the available information (with specific reference to the mapping browser of the County Development Plan available on the website of the Planning Authority), it is apparent that the proposed development site is actually located marginally outside of the *'Prominent and Strategic Metropolitan Cork Greenbelt Area'* identified in Figure 13.3 of the County Development Plan wherein it is the policy of the Planning Authority pursuant to Objective No. GI 8-1 to protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form

strategic, largely undeveloped gaps between the main Greenbelt settlements. Accordingly, this discrepancy as regards the site context and the applicable planning policy would appear to undermine somewhat the Planning Authority's second reason for refusal in relation to the visual impact of the proposed development, however, 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 differing landscape designations.

9.2.2 In a local context, the proposed development site is located in a prominent and elevated position on a hillside overlooking the public road and the lands beyond to the east, although it is partially screened from view in the immediate surrounds by the existing mature hedgerows along the southern and eastern (roadside) site boundaries. In this respect it is of further relevance to note that the position of the proposed dwelling house as detailed on the submitted site layout plan occupies the more elevated lands within the application site. In addition to the foregoing, it should also be noted that there is a considerable concentration of one-off residential development along the roadways within the immediate area of the subject site, with particular reference to those lands to the north and northwest of the site.

9.2.3 Having regard to the foregoing, whilst I would acknowledge that the subject application is for outline permission only and that no detailed drawings of the proposed dwelling house have been submitted, and although the site location is marginally outside of the *'Prominent and Strategic Metropolitan Cork Greenbelt Area'* and will not be visible from any scenic route listed for preservation in the Development Plan, it is nevertheless clear that the proposed development site occupies an elevated position relative to those lands to the east and that any further development at this location, when taken in conjunction with existing development in the area, would represent a further unwarranted erosion of the prevailing rural character of the area which would have a wider impact on the prevailing landscape quality by contributing towards its gradual suburbanisation and resulting in an excessive density of piecemeal development. Furthermore, given the clear development pressures in the locality, I would have reservations as regards the undesirable precedent the subject proposal could potentially set for further such development in the area.

9.3 Traffic Implications:

9.3.1 The proposed development site is located at the end of small cul-de-sac of housing served by a narrow roadway which extends southwards from a minor

local road and in this respect it is notable that the carriageway of the laneway in question would appear to have been recently resurfaced in tarmacadam with the installation of speed ramps and that it is generally in a good condition.

9.3.2 With regard to the subject proposal, it is regrettable that the submitted site layout plan does not provide any indication of the access arrangements for the proposed development. Instead, reference has been made in the supporting documentation which has accompanied the application to an intention to examine the practicalities of either utilising the existing entrance serving the adjacent dwelling house or developing a second entrance onto the laneway at 'planning approval stage'. Considering that the purpose of an application for 'outline permission' is to establish the overall acceptability of the principle of development at a given location and that traffic safety is a paramount consideration in the assessment of any such proposal, I would concur with the Planning Authority that the failure to provide any specific details of the proposed access arrangements at this stage in the planning process is unacceptable.

9.4 Wastewater Treatment and Disposal:

9.4.1 It is the applicant's intention to dispose of foul water from the proposed dwelling house by way of a connection to the existing septic tank system on site which presently serves the family home. In this regard it has been submitted that the existing septic tank is of a sufficient size / capacity to accommodate the loadings expected to be generated by both the proposed and existing dwelling houses and that previous experience in the area has shown the prevailing ground conditions to be favourable for the use of such systems with no apparent difficulties (*N.B.* An accompanying letter from an engineer on behalf of the applicant states that his own septic tank, which is located across from the subject site, was installed in 2001 and has never been emptied). It has further been asserted that the existing septic tank system on site which was installed in the late 1980s is in a good working condition and that the site owner '*has never had occasion to go near it since it was installed*'. Further reference is made to trees and bushes growing within the percolation area and the apparent absence of any evidence of ponding or seepage from the system itself.

9.4.2 With regard to the proposal to connect the proposed dwelling house to the existing septic tank system on site, in the first instance, I would draw the Board's attention to Sections 4.6.5 - 4.6.6: '*Servicing Individual Houses in Rural Areas*' of the County Development Plan which clearly states that '*All rural houses in unserviced areas rely on individual on site waste water treatment facilities and water supplies*' and that it is essential in terms of public health and protecting

groundwater and overall environmental quality *‘that the original site selection process verifies that the site is suitable for such development in the first instance and that the waste water treatment systems are correctly designed, installed and maintained over its lifetime’*. Effect is subsequently given to the foregoing provisions in Objective RCI 6-2: *‘Servicing Individual Houses in Rural Areas’* which aims to *‘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’*. Indeed, it is accepted planning policy and general good practice for individual dwelling houses in unsewered rural locations to be serviced by an independent wastewater treatment system installed in accordance with the requirements of the EPA’s *‘Code of Practice: Wastewater Treatment and Disposal Systems serving Single Houses’* and thus I would have serious reservations as regards the submitted proposal to avail of a ‘shared’ system.

9.4.3 In addition to the foregoing, I would have further concerns as regards the wider practicalities of utilising a shared septic tank system as proposed given the potential difficulties associated with the future maintenance of same, particularly in the event one of the properties concerned were to be disposed of to a third party. Furthermore, no specific details have been provided of the existing septic tank system in terms of its design, size, capacity and installation etc. in order to verify that it can accommodate the additional loadings consequent on the proposed development whilst any such information should also be accompanied by a comprehensive report on the present condition of the existing septic tank system so as to ensure that it is functioning correctly. Indeed, the suggestion that the existing septic tank may not have been emptied since its installation in the 1980s is a serious cause for concern.

9.4.4 In my opinion, it is clear that the proposal to utilise a shared treatment system is predicated on the basis of the restricted site size when that area intended for the development of the proposed dwelling house is taken in isolation from the plot of the existing residence. Such a conclusion would find support in the engineer’s report that has accompanied the application which acknowledges that the installation of a second treatment system on site could present difficulties in terms of the site layout given the need to achieve the minimum separation distances from features such as roadways and watercourses (pursuant to the EPA Code of Practice) in addition to avoiding any undue interference with the existing percolation area.

9.4.5 On balance, the proposal to connect the proposed dwelling house to the existing septic tank system on site is contrary to accepted planning practice and could potentially prejudice public health. Furthermore, the apparent suggestion in the grounds of appeal that a condition requiring the provision of individual wastewater treatment systems to serve both the proposed development and the existing dwelling house (or even a single new combined system) could be imposed as a condition of any grant of permission is untenable in the absence of any site suitability report or site characterisation form undertaken as per the EPA Code of Practice which has established the overall suitability of the application site for the disposal of treated effluent to ground. Finally, I would also concur with the Planning Authority's concerns as regards the potential for the development of an excessive density of individual wastewater treatment systems in the area and the associated risk of water pollution / contamination.

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 the proposed development site is not located within any Natura 2000 designation and is approximately 7.0km southwest of the nearest such site (i.e. Cork Harbour Special Protection Area, Site Code: 004030). 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, including the screening exercise undertaken by the Planning Authority in respect of the subject proposal, and following consideration of the 'source-pathway-receptor' model, it is my opinion that in light of the nature and scale of the development proposed, the nature of the receiving environment, and the separation distance between the lands in question and the nearest European sites, no appropriate assessment issues

arise and that the proposed development would not be likely to have any significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

10.0 RECOMMENDATION

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

Reasons and Considerations:

1. The proposed development would provide a second, separate dwelling on a site in an unserviced rural area. The proposed development would not be subsidiary to the main dwelling house in terms of scale and form and would not be readily capable of reintegration with the main dwelling house. It would also share a drainage system designed to serve one house only. It is considered that the proposed development would represent haphazard and disorderly development, would be contrary to Policy Objective RCI 6-2 of the Cork County Development Plan 2014, would not be consistent with the EPA Code of Practice 2009 'Wastewater Treatment and Disposal Systems Serving Single Houses', would be prejudicial to public health, and would therefore be contrary to the proper planning and sustainable development of the area.
2. Taken in conjunction with existing dwellings in the vicinity, it is considered that the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities, would exacerbate an emerging pattern of suburbanisation that is eroding the rural character of the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Signed: _____

Robert Speer
Inspectorate

Date: _____