
An Bord Pleanála



Inspector's Report

Ref.: PL04. 247124

Development: The construction of a single dwelling house, installation of a wastewater treatment unit and percolation area, site entrance, private well and all ancillary work.

Knockawaddra, Aherla, Co. Cork

PLANNING APPLICATION

Planning Authority: Cork County Council

Planning Authority Ref.: 15/6783

Applicant: David and Geraldine Otway

Type of Application: Permission

Planning Authority Decision: Grant subject to conditions

APPEAL

Type of Appeal: Third Party v. Decision

Appellant(s): Denis and Norma Barry Murphy

Observers: None.

INSPECTOR: Robert Speer

Date of Site Inspection: 5th December, 2016

1.0 SITE LOCATION AND DESCRIPTION

1.1 The proposed development site is located in the rural townland of Knockawaddra, Co. Cork, approximately 1.8km southwest of the village of Aherla and 5.5km east of Crookstown. The surrounding area can be described as primarily rural in character with intermittent instances of one-off housing and farmsteads whilst the site itself is situated in an elevated position on a hillside overlooking the lower-lying lands to the northwest. The subject site has a stated site area of 0.24 hectares, is generally square in shape and presently forms the southernmost corner of a larger agricultural field set as pasture / grassland. It is bounded by mature hedgerow to the southeast and southwest whilst the remaining site boundaries are not physically defined at present. To the immediate southeast the site adjoins another dwelling house whilst the adjacent lands to the northwest and northeast are in agricultural use with the public road defining the south-western extent of the site.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 The proposed development consists of the construction of a two-storey dwelling house based on a principle rectangular plan (with a single storey annex to the rear of same) with a stated floor area of 178m² and a ridge height of 7.86m. The overall design of the proposed dwelling house is conventional with a generally symmetrical front elevation which includes a centrally positioned double height window in addition to vertically emphasised fenestration. External finishes include blue / black roof slates / tiles and a rendered plaster finish.

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

3.0 RELEVANT PLANNING HISTORY

3.1 On Site:

PA Ref. No. 134383. Was refused on 18th November, 2013 refusing Helena O'Leary permission for a dwelling house and effluent treatment system for the following reason:

- The proposal would involve an additional dwelling unit within the Rural Housing Control Zone, as designated in the 2009 County Development

Plan. Within the Rural Housing Control Zone, it is an objective to strongly discourage new individual housing (RCI 9-2). Exceptions apply in principle only for local rural housing needs. Based on the information submitted within the application, and having regard to the planning history of the landholding and number of dwellings constructed on same, the Planning Authority is not satisfied that the proposal would serve an identifiable local rural housing need. The proposal therefore would conflict with a stated objective of the Development Plan and with the proper planning and sustainable development of the area.

3.2 On Adjacent Sites:

PA Ref. No. 041085. Was refused on 19th April, 2004 refusing Geraldine O'Halloran & John Madden outline permission for a dwelling house at Knockawaddra, Aherla, Co. Cork.

PA Ref. No. 124184. Application by Eddie Barrett for permission for the construction of a dwelling house and an effluent treatment system at Knockawaddra, Aherla, Co. Cork. This application was withdrawn.

3.3 On Sites in the Immediate Vicinity:

PA Ref. No. 094895. Was granted on 6th July, 2009 permitting Donna O'Sullivan & Daniel Madden permission for a bungalow and septic tank at Knockawaddra, Aherla, Co. Cork.

PA Ref. No. 116071. Was granted on 3rd January, 2012 permitting Denis Barry Murphy permission for the retention of revised location of as constructed dwelling house and associated site works (dwelling house originally granted under planning permission Ref No S/98/5731).

3.4 Other Relevant Files:

PA Ref. No. 043705. Was granted on 25th August, 2004 permitting Geraldine O'Halloran & John Madden outline permission for a dwelling house at Knockawaddra, Aherla, Co. Cork.

PA Ref. No. 048179. Was granted on 8th February, 2005 permitting Nick & Anna Scovil permission for a dwelling house and domestic garage at Knockawaddra, Aherla, Co. Cork.

PA Ref. No. 0552. Was granted on 28th June, 2005 permitting Geraldine O'Halloran & John Madden permission for a dwelling at Knockawaddra, Aherla, Co. Cork.

PA Ref. No. 065596. Was granted on 24th October, 2006 permitting Sean Madden permission for a dwelling house at Knockawaddra, Aherla, Co. Cork.

PA Ref. No. 0610906. Was granted on 1st March, 2007 permitting Mary Twomey & Martin McCarthy permission for a bungalow at Knockawaddra, Aherla, Co. Cork.

PA Ref. No. 074114. Was granted on 6th April, 2007 permitting Jeremiah Joseph O'Leary permission for the demolition of existing outhouses and construction of animal slatted house, stables with effluent tank and dungstead / bale store at Knockawaddra, Aherla, Co. Cork.

PA Ref. No. 085294. Was refused on 1st May, 2008 refusing JJ O'Leary permission for a dwelling house and installation of waste water treatment unit at Knockawaddra, Aherla, Co. Cork.

PA Ref. No. 154536. Was granted on 17th December, 2015 permitting Helena O'Leary, Helen O'Leary Douglas permission to construct a new dwelling house and integrated garage, with on site waste water treatment plant and utilisation of existing agricultural entrance on private lane for new vehicular access and all associated site works at Knockawaddra, Aherla, Co. Cork.

PA Ref. No. 165175. Was refused on 12th September, 2016 refusing William Creedon permission for a dwelling house and associated works at Knockawaddra, Aherla, Co. Cork.

4.0 PLANNING AUTHORITY CONSIDERATIONS AND DECISION

4.1 Decision:

Following the receipt of responses to requests for further information and subsequent clarification, on 25th July, 2016 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 16 No. conditions. These conditions are generally of a standardised format and relate to issues including occupancy, external finishes, landscaping, servicing, infrastructural works and development contributions.

4.2 Objections / Observations:

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

- The potential for contamination of the objectors' private water supply / bored well.
- The proposed development will be visually obtrusive given its elevated siting.
- The narrow width of the adjacent public roadway and the potential for traffic congestion / hazard.

4.3 Internal Reports:

Area Engineer / Engineering: An initial report recommended that further information be sought in respect of the following items:

- The necessary alterations to the roadside boundary in order to obtain the required sightlines.
- The identification of the location of the percolation area serving the adjacent septic tank / wastewater treatment system situated up-gradient of the application site and the achievement of the necessary separation distance between said percolation area and the proposed well pursuant to the requirements of the EPA Code of Practice, 2009.
- The location of all wells within a 100m radius of the proposed development site and achievement of the minimum separation distances from the proposed polishing filter required by the EPA Code of Practice, 2009.

Following the receipt of a response to a request for further information, a further report was prepared which recommended that clarification be sought with regard to the separation distance between the proposed private well and the existing up-gradient septic tank in accordance with Table B.3 of the EPA Code of Practice, 2009.

Upon the receipt of a response to the request for further clarification, a final report was prepared which noted that the proposed bored well had been relocated and thus satisfied the minimum separation distances from both the existing wastewater treatment system within the adjacent property and the proposed treatment system on site. Accordingly, there was no objection to the proposed development subject to conditions.

4.4 Prescribed Bodies / Other Consultees:

None.

5.0 GROUNDS OF APPEAL

The grounds of appeal are summarised as follows:

- The appellants' dwelling house is located downgradient of the proposed development site and is served by a water supply obtained from a deep bored well on site. Accordingly, due to the sloping topography of the surrounding agricultural lands, the appellants are conscious of the importance of ensuring that their water supply remains free from any contaminations attributable to runoff from those lands.
- There are serious concerns as regards the high risk of contamination of the appellants' water supply posed by the siting of the proposed wastewater treatment system and polishing filter. Similarly, it is considered that any stormwater runoff from soakaways / percolation areas associated with the proposed development would pose a threat of contamination to the water supply.
- The appellants have been advised that it would be very difficult to ensure the integrity of their deep bored well should the proposed development proceed based on the current site layout.
- It is suggested that the Board should conditionally recommend the relocation of the proposed wastewater treatment system to ensure that absolutely no risk is posed to the appellants' water supply. It is the appellants' understanding that this may not be possible due to the restricted site area and separation distances required to comply with the EPA Code of Practice, 2009 etc.

6.0 RESPONSE TO GROUNDS OF APPEAL

6.1 Response of the Planning Authority:

None.

6.2 Response of the Applicant:

None.

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 a ‘Rural Area under Strong Urban Influence’.

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

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

Section 4.4: Categories of Rural Generated Housing Need:

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

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

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

- a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
- b) Persons taking over the ownership and running of a farm on a fulltime basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.

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- c) Other persons working fulltime in farming, forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.
 - d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.
 - e) Returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire.

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.

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. 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 site is located within a 'Rural Area under Strong Urban Influence'.

9.1.2 Within the 'Rural Areas under Strong Urban Influence' the Planning Authority has adopted a restrictive approach as regards the eligibility of prospective applicants for rural housing and in this respect I would refer the Board to Objective RCI 4-2 of the County Development Plan which states that applicants must satisfy the Planning Authority that they have a genuine rural-generated housing need based on their social and / or economic links to a

particular local rural area and that they comply with one of the following categories of housing need:

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

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

9.1.4 From a review of the available information, it is apparent that a key issue in the assessment of the subject appeal is whether or not the applicants satisfy the eligibility criteria set out in the County Development Plan and the *'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'* as regards the development of a rural dwelling house at the location proposed, and if the submitted proposal constitutes *'rural-generated'* housing as distinct from *'urban-generated'* development.

9.1.5 With regard to the applicants' compliance with the eligibility criteria set out in Objective RCI 4-2 of the County Development Plan, it has been submitted that they adhere to the requirements of Item 'D' of same on the basis that they have previously resided in the general locality of the subject site, approximately 2.6km to the northeast, within the townland of Aherlamore for a period in excess of 7 No. years. In this regard I would advise the Board that the applicants moved to Ireland from the UK in 2006 whereupon they chose to rent a dwelling house in Aherlamore up until 2014 before they were subsequently required to move to alternative rented accommodation in Derrynagasha, Dunderrow, Kinsale, where they continue to reside (*N.B.* In the interests of clarity, it should be noted that although the applicants previous place of residence at Aherlamore is located in close proximity to the village of Aherla, it is actually located outside of the settlement boundary and thus can be classified as being within a 'local rural area'). In support of the foregoing, the subject application has been accompanied by a site location map which has identified the location of the applicants' previous place of residence at Aherlamore in addition to correspondence from the owner of that property which serves to confirm the applicants' previous tenancy of same. Accordingly, on the basis of the available information, I am inclined to accept that the applicants have previously resided in the surrounding rural area for a period in excess of 7 No. years and thus met the relevant eligibility criteria set out in Objective RCI 4-2(D).

9.1.6 Having established that the applicants would appear to satisfy the wider eligibility requirements of Objective RCI 4-2(D) of the Development Plan, it is necessary to consider whether their housing need is 'urban' or 'rural-generated' generated. In this regard, it is of particular relevance to note that Mr. David Otway presently lectures at University College Cork and that Mrs. Geraldine Otway is employed as a clinical nurse manager at Cork University Hospital whilst their children would appear to attend school in Ballincollig. Therefore, it would appear that the construction of the proposed dwelling house at this location would lead to a daily commuting distance of approximately 18-20 kilometres. Accordingly, I am not convinced that a case of genuine rurally generated housing need has been established in this instance with the strongest factor being the fact that both applicants are employed in Cork City, although the absence of any further historical or other family connections to the area would also seem to suggest that the subject proposal is urban-generated (*N.B.* It is unclear as to whether or not the applicants previously owned a dwelling house prior to their relocation to this area) .

9.1.7 Therefore, on the basis of the foregoing, whilst I would acknowledge the merits of the case provided by the applicants, on balance, I am inclined to conclude that they do not satisfy the eligibility criteria set out in the Development Plan or the *'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'* as regards the construction of a rural dwelling house at the location proposed, although the Board is open to review same.

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. In addition, it should be noted that the site is not located within any designated *'High Value'* landscape nor will it be readily visible from any scenic route identified for preservation in the County Development Plan.

9.2.2 In a local context, the application site is situated along a minor local roadway where it occupies an elevated position on a hillside overlooking the lower-lying lands to the northwest. It is screened in part by mature hedgerow to the southeast and southwest and whilst the remaining site boundaries are not physically defined at present, the rising topography to the south / southeast serves to provide a backdrop to the site.

9.2.3 With regard to the specifics of the actual design of the proposed dwelling house, at the outset I would advise the Board that the prevailing pattern of development in the immediate site surrounds is characterised by single storey / dormer dwelling houses and in this regard the proposed two-storey construction should perhaps be re-considered. Notwithstanding the foregoing, the overall design of the proposed dwelling house is relatively simple and is based on a conventional rectangular plan (with a single storey annex to the rear of same) with a symmetrical front elevation incorporating a centrally positioned double height window in addition to vertically emphasised fenestration.

9.2.4 On balance, whilst I would acknowledge that the proposed development will be visible to some extent from the public road, particularly from positions further north / northwest, having regard to the site context, including the site location outside of any visual amenity / high value landscape designation identified in the Development Plan, I am inclined to conclude that the visual impact of the proposal is within tolerable limits and could be mitigated further through an appropriate scheme of landscaping / planting. However, I would have some

reservations as regards the increasing proliferation of individual rural housing in this area.

9.3 Traffic Implications:

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

9.4 Wastewater Treatment and Disposal:

9.4.1 It is proposed to install a wastewater treatment system followed by a raised soil polishing filter to serve the proposed dwelling house and, therefore, it is necessary to review the available information in order to ascertain if the subject site is suitable for the 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 recorded 200mm of LOAM topsoil followed by 600mm of 'sandy / gravelly' SILT / CLAY whereupon a 'well-weathered sandstone' ROCK was encountered through to the depth of the excavation at 1.4m below ground level. No water table or water ingress were recorded in the trial hole. With regard to the percolation characteristics of the soil, no 'T'- test was undertaken whilst a 'P'-value of 3.14 minutes / 25mm was recorded which would constitute a pass in accordance with EPA guidance. In addition, in terms of deriving an appropriate groundwater protection response for the proposed development, from a review of the data available from the Geological Survey of Ireland, it would seem that the submitted Site Characterisation Form has correctly identified a groundwater protection response of R2¹ on the basis that the site location overlies a 'locally important' aquifer with an 'extreme' vulnerability rating.

9.4.2 On the basis of the foregoing, and having reviewed the additional supporting documentation supplied by the applicant, it would appear that the subject site is suitable for the installation of the proposed wastewater treatment system, subject to conditions.

(N.B. The results of the submitted trial hole and percolation tests differ significantly from those previously undertaken on site in respect of PA Ref. No. 134383).

9.4.3 In relation to the specific concerns raised in the grounds of appeal with regard to the risk of contamination of the appellants' domestic well / water supply posed by the siting of the proposed wastewater treatment system and polishing filter, I would refer the Board to the revised site layout plan and accompanying documentation submitted by the applicant on 2nd June, 2016 in response to a request for further information (in addition to those particulars submitted on 27th June, 2016 in response to a request for clarification of further information) wherein it has been established that there is a separation distance of c. 75m between the proposed polishing filter and the appellants' downgradient well. In this regard it has been submitted by the applicant that the highest separation distance between a polishing filter and a downgradient domestic well specified in Table B.3: *'Recommended Minimum Distance between a Receptor and a Percolation Area or Polishing Filter'* of the EPA Code of Practice is 60m and thus the proposed development accords with same.

9.4.4 From a review of Table B.3: *'Recommended Minimum Distance between a Receptor and a Percolation Area or Polishing Filter'* of the EPA Code of Practice, I would accept that the highest minimum separation distance specified is 60m between a polishing filter and a downgradient domestic well, however, I would emphasise that this is a minimum figure and that the Code of Practice specifically states that in certain circumstances, such as instances when the bedrock is at a shallow depth (i.e. less than 2m below the invert of the trench), greater distances may be required where there is evidence of preferential flow paths (e.g. cracks, roots) in the subsoil. In effect, the depths and distances provided in Table B.3 are based on the concepts of 'risk assessment' and 'risk management' and, take account, as far as practicable, of the uncertainties associated with hydrogeological conditions in Ireland, and the use of same does not guarantee that pollution will not be caused, but rather reduces the risk of significant pollution occurring.

9.4.5 Accordingly, in order to assess the potential for contamination of the appellants' water supply it is necessary to consider a number of factors. In the first instance it should be noted that the proposed development site is located over a 'Locally Important Aquifer' (bedrock which is moderately productive only in local Zones) which is overlain by a subsoil composed of till derived chiefly from Devonian Sandstones. The aquifer is also considered to be extremely vulnerable and this can be attributed to the shallow depth to bedrock at 800mm below ground level as evidenced from the trial hole investigation in addition to the rapid percolation qualities of the subsoil as established by the percolation testing (i.e. a 'P'- value of 3.14 minutes / 25mm). These factors, when combined with other

considerations such as the slope of the site, would therefore contribute to an increased potential for the movement of contaminants through the subsoil and down-gradient. However, consideration must also be given to factors such as the absence of any karstification in the wider area and the apparent lack of preferential flow paths within the subsoil which would serve to reduce the potential for pollution of surrounding water supplies. Similarly, regard must be had to the proposed use of a packaged wastewater treatment system and the level of effluent treatment within same. In this regard I would advise the Board that whilst the submitted Site Characterisation Form has indicated that the invert level of the gravel infiltration layer of the proposed raised soil polishing filter will be 0.1m above existing ground level thereby achieving the minimum depth of 900mm to bedrock as set out in Table 6.2 of the Code of Practice, it would be possible to amend the design of same in order to achieve a greater separation depth to bedrock.

9.4.6 On balance, whilst I would acknowledge the legitimacy of the appellants concerns, having regard to the site context, the appropriate groundwater protection response, the engineering report prepared by the Local Authority, and the provisions of the EPA's '*Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses*', it is my opinion that the separation distance of 75m between the proposed polishing filter and the relevant receptor (i.e. the appellants' private water supply / well) should be adequate to prevent any significant contamination of same, subject to conditions, including a requirement that the proposed wastewater treatment system is designed, installed and maintained in accordance with the EPA Code of Practice.

9.4.7 With regard to the applicant's proposed well / water supply, the revised site plan submitted to the Planning Authority on 27th June, 2016 indicates a separation distance of 60m between it and nearby up-gradient wastewater treatment systems.

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 located outside of any Natura 2000 site with the closest examples of any such designations being The Gearagh Special Area of Conservation (Site Code: 000108) and Special Protection Area (Site Code: 004109) approximately 15km to the west-northwest, and the Cork Harbour Special Protection Area (Site Code: 004030) c. 22km east. 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, and following consideration of the 'source-pathway-receptor' model, it is my opinion that given the nature and scale of the development proposed, the site location outside of any Natura 2000 designation, the limited ecological value of the lands in question, and the separation distances involved between the application site and The Gearagh Special Area of Conservation, The Gearagh Special Protection Area and the Cork Harbour Special Protection Area, the proposal is unlikely to have any significant effect in terms of the disturbance, displacement or loss of habitats or species on the ecology of the aforementioned Natura 2000 sites. Therefore, I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of the foregoing Natura 2000 sites and would not undermine or conflict with the Conservation Objectives applicable to same.

9.5.3 Accordingly, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site, in particular, specific Site Codes: 000108, 004109 & 004030, in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

10.0 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. The proposed development would be located within an Area Under Strong Urban Influence as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005 and in the current development plan for the area, where it is the policy of the planning authority to discourage urban generated housing and to seek to locate such housing in the larger urban centres or the towns, villages and other settlements identified in the Settlement Network. The proposed development would further erode the rural character of this area and would lead to demands for the provision of further public services and community facilities and would be contrary to the Sustainable Rural Housing Guidelines. The proposed development, by itself and by the precedent it would set for other houses in this area would, therefore, be contrary to the proper planning and sustainable development of the area.

Signed: _____
Robert Speer
Inspectorate

Date: _____