



An
Bord
Pleanála

Inspector's Report PL04.247549

Development	4 No. residential serviced sites and ancillary works.
Location	Sites 4-7 Ballinluska, Myrtleville, Co. Cork
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	16/4021
Applicant(s)	O'Shea and O'Sullivan.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Charles Cosgrave.
Observer(s)	None.
Date of Site Inspection	11.01.17
Inspector	Fiona Fair.

1.0 Site Location and Description

- 1.1. The appeal site (stated 0.97 ha) is located immediately adjoining the R612 Public Road leading down to the beach in the settlement of Myrtleville. Myrtleville is part of the designated settlement of Crosshaven & Bays in the Carrigaline Local Area Plan 2011. The public road is classified as a Regional Road (R612) and it is particularly wide along the sites frontage, a maximum speed limit of 50 kph applies.
- 1.2. The site comprises a sloping grassed agricultural field, it is very visible, especially from the north when entering the village from the Carrigaline direction. The southern boundary is defined by a stone castellated wall ranging in height from between 0.5m to 1.5m. A mature natural ditch and shallow open drain also runs along the roadside boundary.
- 1.3. The site lies within a High Value Landscape as designated in the Development Plan and the adjoining R612 Public Road is designated a Scenic Route.
- 1.4. From the southern corner of the site towards the foreshore and beach there is intermittent road drainage, including a portion of culvert under private driveways.
- 1.5. The surrounding area is dotted with linear residential development.

2.0 Proposed Development

Full planning permission is sought for:

- Four serviced sites.
- Individual sewage systems and soakpits are proposed on each site.
- There is a water supply available to serve the development.
- A shared estate road is proposed to provide vehicle access.
- The developer envisages four No. large detached houses (no greater than 250 sq.m with max ridge height 9m) on each plot.

Significant additional information was submitted and the layout was amended to a dual access arrangement onto the public road for sites four and five and six and seven.

3.0 Planning Authority Decision

3.1. Decision

Following a request for further information with respect to: (i) form of housing has the appearance of a private housing estate which is not supported by the Carrigaline LAP, 2011, explanation why plots are numbered 4 – 7. (ii) revised proposal omitting the estate road and providing each house with an individual access onto the public road. (iii) site specific construction drawings for each site (plans, long sections and cross sections) for the entire wastewater treatment process. (iv) Proposals for storm water disposal that does not rely on use of soak-aways and (v): a scaled photomontage indicating how two storey houses will fit into the landscape and preserve the view obtainable of Myrtleville Bay from the designated scenic route and 'high' value landscape; and a request for Clarification of further information with respect to storm water and surface water run-off, Planning permission was granted subject to four number conditions.

Condition 1. States: The proposed development is for site development works only **(excluding installation of any individual sewage systems, and on-site attenuation)** and shall be carried out in accordance with plans and particulars lodged with the Planning Authority on 30 June 2016 save where amended by the terms and conditions herein.

Condition 2. Any subsequent grant of permission shall be subject to a contribution towards cost of public infrastructure.

Condition 3. The applicant shall carry out key site development works consisting of alterations, removal, and set back / reinstatement of existing roadside boundary, install the proposed storm water roadside drainage infrastructure and construct the 2 No. joint common entrances prior to any future application for any individual plot, unless otherwise agreed in writing, to the satisfaction of the Planning Authority.

3.2. Planning Authority Reports

3.2.1. Planning Report: There are a number of planning reports on the file. A report subsequent to further information sets out that: The Estate Engineer is still pushing for an overall plan – but there is insufficient basis for taking such an approach because (1) the overall plan approach was not accepted by An Bord Pleanála in an earlier application and (2) the principle of low – density development served by individual treatment units is clearly supported in Policy Objective DB-01 (c) and DB-01 (d) of the LAP 2011. A subsequent Planning report considers that “information provided has addressed the remaining issues as highlighted in the assessment set out in previous reports it is considered that there is no objection to the principle of development on planning grounds”

3.2.2. Other Technical Reports

Area Engineer: – Initially report required further information. In agreement with the Estates Department Engineer the area Engineer’s report is concerned about the concentration of sewage systems, prefer direct vehicle access on to the public road, and require a sustainable storm water proposal citing inadequacy of on-site soakaways.

Clarification requested with respect to an engineering assessment of the complete storm water disposal route from the development to the sea. The report sets out that given the nature of the proposal it is impossible to assess the adequacy of the proprietary wastewater treatment system design for each house. The report states: “ ‘it is a cart before the horse’ scenario. It should be highlighted in any grant of permission that said permission does not include for the construction of the wastewater treatment infrastructure detailed on the application drawings...” Storm water drainage cannot be assessed in the absence of information on the quantum of runoff that would be generated on each site. The report goes on to state that adequate drainage infrastructure to cater for the development should be provided, by way of upgrading the existing storm water drainage or providing a new pipe to the sea.

Estates Engineer: – Report not in favour of estate development, because of the lack of services and an overall integrated plan.

Public Lighting: further information requested initially, however, subsequent to revised layout of individual sites, no objection is noted.

3.3. Prescribed Bodies:

Irish Water: No objection.

3.4. **Third Party Observations**

Letters of objection have been submitted, issues raised on grounds of site size, 3 sites fall well below 0.5 ha size, 3 houses only should be built, protecting scenic view on R612, run-off doesn't take account of high water table, maintaining sightlines is a concern, planting should be done by developer, traffic issues coming downhill, especially relevant in summer, nature of development, more in keeping with urban setting, contrary to rural development guidelines, house designs should be submitted, loss of bio-diversity.

4.0 **Planning History**

4.1. The planning history associated with the site is worthy of note.

4.2. **PL 04.233746 / Reg. Ref. 08/9527** Permission Refused on appeal (overturning the draft decision to grant) for demolition of house no's 1 & 2 Hillside, Myrtleville. and to construct a 65-unit residential scheme on three sites, the provision of a 48 space public car park, including the provision of 2no. below ground foul sewage pumping stations & 2no. associated above-ground control kiosks, a public playground & all associated open space, landscaping vehicular accesses, car parking & site development works. Refusal reasons related to traffic hazard and drainage.

4.3. **PL04.238635 (10/08248)** – permission refused on appeal for demolition of 2 houses and construction of 58 houses with ancillary services including foul sewage pumping station on two sites, one which incorporated the appeal site. One reason was given

'It is considered that the proposed development constitutes a significant expansion of the settlement of Myrtleville, which currently has no public wastewater treatment system. Having regard to the proposal to drain the proposed development by sewer to rising mains and to pump that effluent uphill and over land a considerable distance in perpetuity, the Board is not satisfied that the drainage proposal, which constitutes a partial solution to the drainage of Myrtleville, represents a sustainable approach to servicing the proposed development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.

Adjoining History of relevance:

- 4.4. **PL04.246515 / Reg. Ref. 15/5642** Permission Refused (Nov 2016) for house, garage and wastewater treatment system, Site 10, Ballinluska, Myrtleville, Co. Cork. This site, within the same landholding, is located to the north of the subject appeal site. Formed part of site 1 as per PL04.238635 / Reg. Ref. 10/08248.

One reason for refusal was given which was comparable to the first cited in appeal case PL04.238635 It states: 'Notwithstanding the location of the site within the development boundary of Crosshaven and Bays, as delineated in the current Carrigaline Electoral Area Local Area Plan, 2011, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal and having regard to the existing and permitted development in the vicinity, that the proposed development would not result in an excessive concentration of development served by septic tanks and proprietary wastewater treatment systems or that effluent from the proposed development can be satisfactorily treated and disposed of on-site, notwithstanding the proposed use of a proprietary wastewater treatment plant. The proposed development would, therefore, be prejudicial to public health and would be contrary to objectives DB-01 and DB-02, as set out in the current Development Plan, which requires that proposals for individual dwelling units be subject to satisfactory sewage disposal arrangements being made. The Board further considered that the proposal would be premature given the absence of an appropriate foul water treatment system for the area'.

- 4.5. **PL 04.244735 / Reg. Ref.: 15/04090** Permission Granted for the construction of a dwelling house and wastewater treatment unit with all associated site works all at

Ballinluska, Myrtleville, Co. Cork. This development was subject to an outline permission.

5.0 Policy Context

5.1.1. Sustainable Rural Housing Guidelines for Planning Authorities

The guidelines refer to criteria from managing rural housing requirements while achieving sustainable development. Among the policy aims identified for sustainable rural housing are

- Ensuring that the needs of rural communities are identified in the Development Plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas at appropriate location necessary to sustain rural communities is accommodated.
- Expanding on the rural policy framework set out in the National Spatial Strategy, the Guidelines provide that the people who are part of the rural community should be facilitated in the planning system in all rural areas, including those under strong urban based pressures. The principles set out in the Guidelines also require that new houses in rural areas be sited and designed to integrate well with the physical surroundings and be generally compatible with:
 - The protection of water quality and the arrangements made for on-site wastewater disposal facilities.
 - The provision of a safe means of access in relation to road and public safety.
 - The conservation of sensitive sites such as natural habitats, the environs of protected structures and other aspects of heritage.

5.2. Development Plan

The operative plan for the area is the Carrigaline Electoral Area Local Area Plan 2011

- 5.2.1. The site is within the settlement boundary of Myrtleville, which is part of the settlement of Crosshaven & Bays as designated in the Carrigaline Local Area

Plan, 2011. The lands fall within a 'high value landscape' and are on a designated scenic route (S59) both designations mean that a high standard of design is required.

The vision for Myrtleville is set out in the Local Area Plan. Any growth to be in the form of individual dwellings at a low density.

Objective DB-01(c) – any new development in the Bays area will be restricted to low density development, principally individual dwellings, infill development or the appropriate redevelopment or refurbishment of existing dwellings provided satisfactory sewage disposal arrangements can be made.

Objective DB -01 (d) – individual dwelling units in the Bays area shall be served by a private individual treatment unit and shall provide a sustainable properly maintained private water supply. Such proposal will be assessed in line with the appropriate EPA code of practice and will have regard to any cumulative impacts on water quality.

Objective DB-10 Roadside development within the village shall be sited and designed to ensure that the development potential of back land sites is not compromised and that suitable vehicular and pedestrian access to these lands is retained.

Also of note is the neighbouring specific zoning O-07 open space to the north and to the east U-10 where land is zoned for a car park.

- 5.2.2. The Cork County Development Plan 2014 is also of relevance it supports development in designated settlements (Policy Objective ZU 2-1).

The lands fall within a 'high value landscape'. This is not an impediment to development – but it does mean higher standards of design are required as set out in Policy Objective GI 7-3 of the CDP 2014.

The site also adjoins a designated scenic route (S59) in the CDP 2014. So any development should not hinder or obstruct key views or prospects obtainable from any scenic route as set out in Policy Objectives GI 7-2 and GI 7-3 of the CDP 2014. The view of Myrtleville Bay is important in this regard.

6.0 The Appeal

6.1. Grounds of Appeal

- A third party appeal has been submitted by REID Associates on behalf of Charles Cosgrave, The Chalet, Myrtleville, Co. Cork. It is summarised as follows:

Unplanned Approach

- Ad hoc ribbon development
- Incremental unplanned nature of the subject application in the context of the overall landholding
- 20 separate proprietary treatment units on the lands
- Proposal premature pending the provision of a local waste water treatment plant
- Carrigaline LAP section 5.2.9 – need for a local waste water treatment plant.

Negative Visual Impact

- Prominent site on the entrance and approach to Myrtleville village where the overall lands form a back drop to the village of Myrtleville and its coastal setting
- Materially impact upon the high amenity character of a designated scenic route S59
- Infrastructural works to set back the boundary wall and removal of hedgerow and boundary trees and for the creation of four entrances reflects the very worst suburban approach to engineering in a high amenity landscape setting at the entrance to the beach at Myrtleville
- Boundary removal including removal of hedgerow and trees would adversely impact on a high amenity coastal setting of the village

- The LAP highlights the importance of Myrtleville visually and a designated scenic route along the S59 is protected – to protect views of Myrtleville Bay
- Lack of information on file with respect to visual impact of four houses
- Topography is difficult and significant excavation would be necessary to develop the site
- Change in contour levels across the site from 43m on the north west corner to 27 m on the south east corner – 16 m – highlighting the problems of steeply sloping topography.
- The proposed development cannot demonstrate it will not impact on the protected view and open space designation, thereby materially contravening development objective 0-07 of the Development plan to protect the open space vista of Myrtleville Bay
- Proposal does not allow for proper planning consideration of the impact of the proposed development on the scenic route or the open vista
- Undermines tourist appeal of the area
- The proposed ribbon development layout turns its back on the designated open space area which is turned into a backland area

Lack of engineering and servicing

- Inherent conflict in the planning authority reports on file
- Potential for ground water pollution
- Health risk to nearby coastal amenity
- Impossible to accurately estimate the servicing requirements or the attenuation requirements of the development on the basis of nature of the proposal.
- The waste treatment arrangements are unacceptable and permission was effectively refused for that part of the development by condition, as the overall detail of the impacts and loading capacities couldn't be determined.
- Condition 1 excludes installation of any individual sewerage systems and on-site attenuation
- Begs the question as to what exactly has been granted planning permission

- Individual treatment systems and percolation areas for four number houses could give rise to a public health hazard in the vicinity of the beach

Adverse Precedent

- The applicant owns extensive lands within the immediate area and a grant of permission in the subject instance would be used as a means of gaining acceptance for further suburban type development.
- Negative precedent for residential proposals without waste treatment services.
- Undermines the development of tourism in the area

Traffic

- Multiplicity of entrances with limited sight visibility
- Steeply sloping site could give rise to serious traffic hazard
- Vertical gradient of the R612
- Road widens and narrows intermittently
- Elimination of visitor parking for the beach during the summer season
- Traffic congestion in the area exacerbated

Appeal accompanied with:

- Photographs
- Maps
- Extracts from Cork County Development Plan 2014
- Extracts from Carrigaline Electoral Area LAP 2011

6.2. Planning Authority Response

None received

6.3. Applicant Response

- 6.3.1. A response was submitted by Hudson Associates Architects on behalf of the applicant O'Shea and O'Sullivan, it is summarised as follows:

Complies with Policy

- The proposal is fully compliant with the requirements of the development plan, LAP and the prescribed zoning for the site which stipulates that ‘any new development within the bays area will be restricted to low density, principally individual dwellings, infill development...provided satisfactory sewerage disposal arrangements can be made.’
- No requirement in the Development Plan or the LAP to have sites individually accessed from public roads.
- The zoning and general policies remain unchanged in the Draft LAP which forms part of the current Development plan review.
- Refusal of permission on grounds of access and waste water treatment would undermine the Development and LAP process, the Plans in themselves, challenge EPA methodology, criteria and guidelines for the assessment of on-site individual waste water disposal and effectively preclude any further development in the Myrtleville Area.
- Refusal of permission would be contrary to adopted plans for the region and to National Planning Objectives to concentrate rural development within established settlements.

Road Access

- The single road access as initially proposed would have allowed:
 - the existing road boundary wall and trees to be retained,
 - accommodated an access road which would have usefully bound the open space to the north,
 - providing supervision,
 - enabled access to the houses to be gained from the north,
 - releasing living rooms in the houses to have more private views south over gardens,
 - elevated and screened from the public road,

- satisfied zoning requirements to provide low density, individual, serviceable dwellings.
- Single access road layout remains the applicants preferred option
- The challenging geometry of the site and road access is acknowledged. The nature of the access provision is consistent with that prevailing in the area and the requisite sightlines for the village context and prevailing speed limits in satisfaction of NRA TD 41-42/11 and the requirements of the county council have been satisfied.
- The nature of the access into the proposed sites is consistent with that prevailing to other dwellings along the R612

Form of Development

- The proposal is consistent with the predominant form of dwellings in the area
- The application relates specifically to this particular site and should reasonably be addressed on its own merits and independently of any other applications or permissions granted.

Infrastructural Services

- There is an absence of a mains sewerage system in the Myrtleville area. However, each site has the capacity to adequately dispose of waste water within respective site curtilages and is therefore compliant with the requirement of the Development Plan and EPA Regulations.
- The provision of mains sewerage treatment works extended to serve Myrtleville would be ideal but is unlikely to be provided in the foreseeable future.
- A previous application for a more substantial quantum of housing on the overall landholding, including a sewerage treatment network, was refused permission by ABP
- The applicant has been presented with no choice but to revert to the requirements of the Development Plan.

Open Space Designation and Protected Views

- The area to the north is zoned Open Space in the LAP (objective 0-07) to preserve the view of Myrtleville Bay from the R612. This would preclude the development of any further dwellings to the north.
- The subject lands lie within the development boundary.
- The proposed development lies entirely to the south of the protected open space and therefore respects Open Space Objective 0-07, view of the Bay as viewed from the approach road to Myrtleville, designated Scenic Route S59
- Indicative house types have been shown at the behest of the planning authority by way of indicative illustration, only.
- The location, massing, and design arrangements for individual house applications remain to be submitted for each site which will again allow the planning authority test the intrusion on views and amenity of the area.
- Submit that split level house type as permitted and constructed under Reg. Ref. 12/5537 and Reg. Ref. 14/5699 demonstrates how successfully this type of house can be inserted discreetly and unobtrusively into the topography.

7.0 Assessment

I consider the key issues in determining this appeal are as follows:

- **Planning History and Principle of Development**
- **Engineering and Services**
- **Design and Impact Upon Visual Amenity**
- **Traffic**
- **Appropriate Assessment (AA)**

7.1. Planning History and Principle of Development

The appeal site is located within the settlement boundary of Crosshaven and Bays as designated in the Carrigaline and Electoral Area LAP 2011, served by a regional road characterised by a significant level of one off housing.

Prior to the adoption of the 2011 LAP the applicants previously sought to develop their landholding for multiple housing developments served by a rising main and pumping of effluent uphill and over land for a distance to Crosshaven. Planning references PL04.233746 & PL04.238635 refer, see planning history section of this report above for detail. In both instances the Board refused permission on the grounds that the proposals constituted a significant expansion of the settlement of Myrtleville which has no wastewater treatment system. The Board was not satisfied that the drainage proposals, which constituted only a partial solution to the drainage of Myrtleville, represented a sustainable approach to servicing the proposed development.

Subsequently and of direct relevance to the subject appeal case the Board, again, refused planning permission on foot of PL04.246515, November 2016, for a single house, garage and wastewater treatment system, at Site 10, Ballinluska, Myrtleville, Co. Cork, to the same applicants as in the subject case. I note that in the case of PL04.246515 the site is located to the north of the subject appeal site, but, also within the settlement boundary as defined in the LAP 2011.

The reason for refusal considered that the proposed development would be prejudicial to public health and would be contrary to objectives DB-01 and DB-02, as set out in the current Development Plan, which requires that proposals for individual dwelling units be subject to satisfactory sewage disposal arrangements being made.

It was considered that if permitted it would result in an excessive concentration of development served by septic tanks and proprietary wastewater treatment systems and the Board were not satisfied that effluent from the development could be satisfactorily treated and disposed of on-site, notwithstanding the proposed use of a proprietary wastewater treatment plant. The Board further considered that the

proposal would be premature given the absence of an appropriate foul water treatment system for the area.

The applicants own extensive lands both inside and outside the delineated settlement boundary as illustrated on submitted plans. The first party submits that the proposal is fully compliant with Objective DB-01(c) of the LAP which sets out that – ‘any new development in the Bays area will be restricted to low density development, principally individual dwellings, infill development or the appropriate redevelopment or refurbishment of existing dwellings provided satisfactory sewage disposal arrangements can be made’.

The subject proposal seeks permission for four number serviced sites, side by side, with proprietary wastewater treatment plants. However, given the nature of the proposal, the house type and internal site layouts are purely notional. The applicant having been consistently refused permission on the landholding by reason of an absence of an appropriate foul water treatment system for the area seeks to now secure a permission for serviced sites only.

The report on file from the Estates Engineer (dated 15/02/2016) is highly critical of the approach taken to the development of the lands and the settlement of Myrtleville as a whole. The report states: ‘This manner of residential expansion with a multitude of private wastewater treatment systems would not appear to be a responsible or sustainable approach to the expansion of the settlement of Myrtleville, previously, highlighted by An Bord Pleanala’.

Cognisance being had to the planning history of the appeal site and to the landholding. I note that there has been no change to circumstances, policy or infrastructure since the Board Refused planning permission in the recent case of PL04.246515. I wholly agree with the assessment by the Inspector that such a piecemeal approach to development, with one off dwellings served by effluent treatment plants, as advocated in the LAP, runs contrary to the principles of proper planning and sustainable development’.

I consider that the principle of four number serviced sites on the subject lands, in the absence of detailed house design given the 'high value landscape' setting and the presence of a designated scenic route (S59) is inappropriate. Cognisance being had to the planning history and consistent refusal of permission by the Board, on the landholding, on grounds of inadequate wastewater treatment I also consider it inappropriate that permission is now sought for serviced sites without any assurance that satisfactory sewage disposal arrangements can be made.

I note and agree with the assessment by the Inspector in the case of PL04.246515 that 'the principle of clustering development is preferable allowing for the potential for connection to a public scheme at some stage in the future'. Notwithstanding same and taking the application as sought which pertains to four number serviced sites, only, it is my opinion that the principle may be acceptable in the context of the above policy considerations set out in the LAP. However, I am of the opinion that the continuation of development / residential expansion on this landholding in this manner should not be further allowed, in the absence of an acceptable overall integrated plan / approach for the overall landholding.

7.2. Engineering and Services

There is no municipal wastewater treatment plant in Myrtleville and thus all the development in this locality is discharging to ground water. The area engineer highlights that 'there are ground water pollution risks here'. Site investigations show a high water table, fast percolation rates and the site is up gradient of a coastal amenity, Myrtleville Beach.

The proposal is for individual packaged secondary treatment system with soil polishing filter, detailed design will depend on the layout of the houses on site. However, given the nature of the proposal, 'serviced sites' a site suitability assessment has been carried out, based only, on notional site layouts, to demonstrate that 'in principle' individual sewage disposal for each of the sites can be achieved, as required by the LAP. I note that as per the Site Characterisation Form the site vulnerability is rated as 'high' and the aquifer is locally important, the ground

water protection response is R1. A T percolation test average of between 9 – 15 is recorded for the four number sites.

The Estates Engineer and Area Engineer are concerned about the concentration of sewage systems in the vicinity and feel that a more coordinated approach should be taken in servicing the development land within the settlement boundary. The Area Engineer falls short of recommending refusal because of the concentration of sewage systems in the vicinity. The Engineers report (dated 21/07/2016) subsequent to further information, being submitted, considers that it is impossible to assess the adequacy of the proprietary wastewater treatment system design for each site, as house types and internal site layouts are notional.

Concern is also raised with respect to connection to existing storm water drainage infrastructure in the public road, in the absence of an assessment of the quantum of runoff that would be generated on each site and the freeboard, if any, in the existing storm water pipe to cater for additional loading.

Regard is had to conditions one, three and four of the notification of decision to grant planning permission, Reg. Ref. No. 16/04021, which (i) excludes installation of any individual sewage systems and on-site attenuation, (iii) that permission relates essentially to site development works consisting of alterations, removal, and set back / reinstatement of existing roadside boundary, install the proposed storm water roadside drainage infrastructure and construction of two number joint common entrances and (iv) the developer to enter into a connection agreement with Irish Water in relation to the development.

On the basis of the information submitted with regard to private individual treatment units, the planning history of the area and in particular the refusal of permission on the subject site by reason of inadequate wastewater treatment I am not satisfied that the proposal complies with Objective DB-01(d) which requires that 'individual dwelling units in the Bays area shall be served by a private individual treatment unit and shall provide a sustainable properly maintained private water supply.'

I would also have serious concern that the proposed development would result in an excessive concentration of development served by septic tanks and proprietary wastewater treatment systems or that effluent from the proposed development can be satisfactorily treated and disposed of on-site, notwithstanding the proposed use of proprietary wastewater treatment plants. The apparent unplanned approach with regard to the density of private (single house) wastewater treatment systems throughout the land holding, and having regard for existing development in the area, is a concern.

I consider it is unacceptable and contrary to Objective DB-01(d) to grant permission for site clearance and site works for four number residential sites in the absence of satisfactory sewerage disposal arrangements being made at the outset.

In summary, there are clearly a number of infrastructural constraints to development of this site. I wholly agree with the opinion expressed in documentation on file that the proposal represents 'a cart before the horse' scenario. Regard being had to the refusal by the Board in the recent case of PL04.246515 / Reg. Ref. 15/5642, which I consider of particular relevance to the subject appeal, I consider that the proposal would be premature given the absence of an appropriate foul water treatment system for the area.

7.3. Design and Impact Upon Visual Amenity

The appeal site is located within the settlement boundary of Myrtleville, which is part of the settlement of Crosshaven & Bays as designated in the Carrigaline Local Area Plan, 2011. The lands lie within a 'high value landscape' of national importance and are on a designated scenic route (S59) both designations mean that a high standard of design is required.

The vision for Myrtleville is set out in the Local Area Plan. Any growth to be in the form of individual dwellings at a low density (objective DB-01(c)) and individual dwelling units in the Bays area shall be served by a private individual treatment unit and shall provide a sustainable properly maintained private water supply (objective

DB-01(d)). Also of note is the neighbouring specific zoning Objective O-07 1.1 ha of 'open space' to the north 'to protect views of Myrtleville Bay' and to the east Objective U-10 where 0.3 ha of land is zoned for a 'car park'.

In the context of the Local Area Plan the principle of residential development within the settlement boundary is considered to be acceptable. However, given the scenic landscape and route designations, the constraints of the appeal site and planning history I have serious concerns about the nature of the proposal for 'serviced sites'. I would also have concern that the outline design guide and indicative house types shown at the 'behest of the planning authority' do not have regard to landscape value and sensitivity of the landscape or recognise the role of Myrtleville as a tourism and leisure location serving the Cork area.

The outline design brief for house types submitted sets out:

- GFA to be no greater than nominally 250 sq. m (2750 ft²)
- No roof span to be greater than 9m; no unbroken wall plane to be longer than 14m (i.e. no single component block in footprint to exceed 14 x 9m)
- Max two storeys in height, max eaves height 5.5m; max ridge height 9m
- Dominant roof form to be pitched in grey/black slate or tile finish
- Palette of external wall finishes confined to render, slate, grey stone, timber and / or lead / zinc.

Concern is expressed that the scale and mass of the large two storey dwellings such as those envisaged in the design brief would interrupt the view of the Atlantic Ocean / Myrtleville Bay when descending the R612 Scenic Route to the beach.

Given the nature of the proposal 'serviced sites' and thereby lack of requirement to submit full details of layout and design I do not recommend that permission be refused on grounds of negative impact upon visual amenity. While I consider it is not possible given plans and drawings submitted to determine the visual impact of the development from the scenic route I am of the opinion that the outline design brief as submitted, notional or otherwise, is wholly inappropriate in terms of respecting the

views and setting of the village or being sympathetic to the scale, grain and character of the village.

7.4. Traffic

The original proposal was for a single access estate style road to serve the four sites off the local public road. Subsequent to further information the applicant's revised the proposal to provide for two shared accesses onto the public road.

It is the opinion of the area engineer that the revised proposal is an improvement on the initial proposal and that the sight distances proposed are acceptable given that the entrances lie within the 50 Kph zone.

The first party response to the third party appeal submits that the single access road access, as originally proposed, remains the applicants preferred option, as it would have allowed:

- the existing road boundary wall and trees to be retained,
- accommodated an access road which would have usefully bound the open space to the north,
- providing supervision,
- enabled access to the houses to be gained from the north,
- releasing living rooms in the houses to have more private views south over gardens,
- elevated and screened from the public road,
- satisfied zoning requirements to provide low density, individual, serviceable dwellings.

The challenging geometry of the site and road access is acknowledged. The road gradient along the R612 rises from south east to north west. Section 5.2.4. of the LAP 2015 in respect of Infrastructure and community Facilities states:

'The road network is particularly inadequate in the Crosshaven and Bays area and cannot facilitate large amounts of traffic. In the Bays Area, some road improvements, such as widening and the provision of footpaths and traffic management are required and could help alleviate congestion in the area. Additional car parking is required and desirable in areas with large numbers of visitors, namely Myrtleville'.

I note the concerns raised by objectors with respect to traffic speed, congestion during summer months and the geometry of the road. I have concern that no public lighting or public footpath exists or is proposed to serve the development.

The location of the site within the settlement boundary, within a 50 Kph speed zone with adequate sightlines proposed is noted. Albeit this involves the removal of a substantial stretch of the roadside boundary and natural screening.

While I would be in favour of one entrance, only, to serve four sites at this location, overall I am of the opinion that the proposed development of four number serviced sites should not be assessed in isolation, it is premature in the absence of an integrated road and access plan for the overall landholding.

7.5. Appropriate Assessment

A screening report has been undertaken by the planning authority. The appeal site is sited c 2.3 km to the southeast of the Cork Harbour Special Protection Area (SPA) (site code 004030). It is the opinion of the planning authority that having regard to the separation distance between the subject site and the SPA, to the nature and extent of the proposed development and to the proposed treatment plants and storm water etc. it is considered that the proposed development is not likely to give rise to significant impacts on the SPA.

I note the qualifying interests of Cork Harbour SPA which include 24 species of birds and is of international importance for the total number of wintering birds (over 20,000) and for its populations of Black-tailed Godwit and Redshank. Detailed objectives have been drawn up for the site the overall aim being to maintain or restore the favourable

conservation status of habitats and species of community interest so as to contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

Overall I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature of the proposed development, the location of the site within the delineated development boundary of Myrtleville and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

- 8.1.1. I recommend that the decision of the planning authority be overturned and planning permission be Refused to the proposed development.

9.0 Reasons and Considerations

1. Notwithstanding the location of the site within the development boundary of Crosshaven and Bays, as delineated in the current Carrigaline Electoral Area Local Area Plan, 2011, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal and having regard to the existing and permitted development in the vicinity, that the proposed development would not result in an excessive concentration of development served by septic tanks and proprietary wastewater treatment systems or that effluent from the proposed development can be satisfactorily treated and disposed of on-site, notwithstanding the proposed use of a proprietary wastewater treatment plant. The proposed development would, therefore, be prejudicial to public health and would be contrary to objectives DB-01 and DB-02, as set out in the current Development Plan, which requires that proposals for individual dwelling units be subject to satisfactory sewage disposal arrangements

being made. The Board further considered that the proposal would be premature given the absence of an appropriate foul water treatment system for the area.

2. Notwithstanding the location of the site within the development boundary of Crosshaven and Bays, as delineated in the current Carrigaline Electoral Area Local Area Plan, 2011, given the infrastructural and scenic landscape constraints in tandem with the planning history on the appeal site itself and the overall landholding of which the site forms part, it is considered that, the proposed development of four number serviced sites is premature, in the absence of an integrated plan for the overall landholding for storm and foul drainage, water supply, road and access arrangements and layout and design.

Fiona Fair
Planning Inspector
31.01.2017