



An  
Bord  
Pleanála

## Inspector's Report

### PL04.248251

---

<b>Development</b>	Permission to construct a two bedroom cottage style dwelling, site works and utility services.
<b>Location</b>	Lispatrick Upper, Old Head of Kinsale, Kinsale, Co. Cork.
<b>Planning Authority</b>	Cork County Council.
<b>Planning Authority Reg. Ref.</b>	16/7327
<b>Applicant(s)</b>	Stephanie Dormon
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Stephanie Dormon
<b>Observer(s)</b>	Deirdre Dormon
<b>Date of Site Inspection</b>	06/06/2017.
<b>Inspector</b>	A. Considine

## 1.0 Site Location and Description

- 1.1. The subject site is located in the townland of Lispatrick Upper, Old Head of Kinsale, Co. Cork. The site has a stated site area of 0.051ha (510m<sup>2</sup>) and is currently overgrown. There is evidence of a structure on the site which is currently in a ruinous state. The area is rural in its nature and is located in a very scenic area of Co. Cork.
- 1.2. The site is located on the western road which circles the Old Head of Kinsale, and is not considered the primary access route. The surrounding landscape is elevated and sparsely populated with views over the sea along the scenic route that circles the Old Head of Kinsale.

## 2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices, to construct a two bedroom cottage style dwelling, site works and utility services, all at, Lispatrick Upper, Old Head of Kinsale, Kinsale, Co. Cork.
- 2.2. The proposed house will have a stated floor area of 96m<sup>2</sup> with accommodation provided over two floors. The house will rise to a height of 8.5m in height and with a stated finished floor level of +61.95m. The house will be raised 1.8m above the existing ground levels with the provision of an undercroft, with a head height of 1.6m and where the services for the property will be housed. The first floor level will provide for a kitchen / diner, separate dining room and two living / sitting rooms. Two double ensuite bedrooms are proposed at first floor level.
- 2.3. The gable end wall finishes are advised as panels of rendered lime plaster with permanent colour additive to achieve low/zero maintenance. The southern façade shall be triple glazed panels in black alu-clad timber frames. The north elevation shall be fitted with timber alu-clad curtain wall system with glazed panels and a natural finish, larch clad panels. The roof shall be finished with roof slates while windows and doors shall be black alu-clad. The rain water goods shall be concealed internally and will discharge to the rainwater harvesting unit to be located in the undercroft.
- 2.4. The house is to be serviced by a private bored well and an ANUA 'Platinum 6' Primary and Secondary wastewater treatment unit. Pumped effluent will be

discharged to 2. no. Bord na Mona bio-filter tertiary treatment units before discharging to a polishing filter.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reasons:

1. The application site is located in a rural area under strong urban influence as identified in the current Cork County Development Plan 2014 wherein it is the policy of the Planning Authority to restrict rural housing to persons who can demonstrate a genuine rural generated housing need based on their social and / or economic links to a particular area and to certain limited categories of applicants. Based on the information submitted with the application, the Planning Authority is not satisfied that the applicant has demonstrated that she comes within the scope of the housing need criteria for a dwelling at this location as set out in the development objective RCI 4-2. The proposed development would, therefore, contravene materially the provisions of the Plan with regard to the provisions of sustainable rural housing and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would endanger public safety by reason of traffic hazard because the elevated nature of the site in relation to the public road precludes the construction of a safe means of vehicular access onto the road and because the poorly aligned, narrow roadway serving the site is inadequate to cater for the extra traffic movements likely to be generated by the proposed development.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planning Officer considered the proposed development in terms of development plan requirements, planning history and the comments submitted by internal departments of Cork County Council. The planning assessment focused on settlement policy and principle of the proposed development, as well as the visual impacts, level of development, roads and entrance issues, water services and archaeology. The Planning Officer concludes that the proposed development is not acceptable on settlement policy grounds. On this basis, the report concludes that there is no merit on seeking further information to address concerns regarding visual impact, entrance / roads issues, surface water and foul drainage concerns. The Planning Officer considered that the proposed development was not acceptable and recommended that permission be refused for the proposed development, for two reasons relating to settlement location policy and traffic hazard. The report also presents an AA screening report.

The Senior Planner also commented on the proposed development and concurred with the Area Planners assessment. The comments also note that the site is very restricted in terms of septic tank / treatment plant as it is very small. There is also an issue in terms of the lack of adequate sight lines at the entrance. The report finally notes the location of the site on a scenic route in a designated scenic area, the Old Head.

### 3.2.2. Other Technical Reports

- Area Engineer: The report submitted by the Area Engineer requires that further information be submitted with regard to site access, surface water drainage and WWTP .
- Liaison Officer: Recommends that permission be refused as the applicant has not demonstrated that she qualifies as an exception to the settlement policy restrictions.
- Archaeologist: Report concludes that no archaeological input is required.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

None

## 4.0 Planning History

4.1.1. The Board should be aware that when completing this report, I undertook a planning history search and there is a current outline planning application for the reinstatement of derelict cottage as dwelling with new construction on existing foundation footprint, site works and services on the site. The applicants are Stephanie Dormon (current appellant) and Patrick Byrne and the application was lodged on the 27<sup>th</sup> of April, 2017. A decision from Cork County Council is due on the 21<sup>st</sup> June, 2017. The Planning file reference 17/5026.

4.1.2. The following is the planning history associated with the subject site:

**PA ref 14/6315:** Permission sought for two bedroomed cottage style dwelling, site works & utility services. Application deemed incomplete.

**PA ref 14/6238:** Permission sought for two bedroomed cottage style dwelling, site works & utility services. Application deemed incomplete.

**PA ref 14/5563:** Permission sought for two bedroomed cottage style dwelling, site works & utility services. Application deemed incomplete.

**PA ref 13/5564:** Permission sought for two bedroomed cottage style dwelling, site works & utility services. The PA refuse permission for the following stated reasons:

1. The proposed development would endanger public safety by reason of traffic hazard because sight distances at the junction of the public road serving the site are severely restricted and the 60m sight distance required to the nearside road edge in both directions cannot be provided (note sight distance plan takes sightlines to the farside of the road edge and are drawn incorrectly).

2. Insufficient evidence and information has been lodged which proves that the current ruin structure on the site was a dwelling, which means the Planning Authority could not rule out the usual housing eligibility criteria in the Settlement Policy of the County Development Plan (CDP) 2009 applying as proposals to replace other derelict dwellings, ie. those that were not dwellings must have regard to other relevant policies and objectives of the CDP, such as the sites location in designated scenic landscape (Policy Objective RC1 10-1).
3. The submitted Site Characterisation Form for the proposed sewage proposal is incomplete because no photographic evidence showing the location and profile of the trial holes on site have been lodged (or can be seen on site) and the Assessor has not signed the form, which states percolation and watertable tests were carried out in September, 2009 – before the current Code of Practice was published by the Environmental Protection Agency in October 2009.

**PA ref 09/7059:** Permission sought for two storey dwelling, wastewater treatment unit, access & utility services. Application deemed incomplete.

**PA ref 09/5391:** Outline permission sought for a dwelling house & wastewater treatment unit. Application deemed incomplete.

4.1.3. There are a number of existing houses in the vicinity of the subject site.

## 5.0 Policy Context

### 5.1. National Policy Context

The Sustainable Rural Housing Guidelines issued by the Department of the Environment Heritage and Local Government, April 2005 are based on the presumption that people who are part of the rural community should be facilitated by the planning system in all rural areas. The Guidelines identify categories of rural area types which will require differing settlement policies in terms of rural housing. In this regard, the subject appeal site is located within an area described as predominantly dispersed settlement area. The key requirements in these areas should be to support the maintenance of a vibrant population, including the maintenance of the

integrity and viability of essential rural services and facilities while also protecting valuable assets such as important landscape quality and the natural and cultural heritage including the linguistic integrity of gaeltacht areas.

## 5.2. Development Plan

5.2.1. The Cork County Development Plan, 2014 is the relevant policy document and chapter 4 deals with Rural, Coastal and Islands, which includes housing policy. The subject site is located within an area of County Cork which has been identified as a Rural Area Under Strong Urban Influence. In this regard, the following policy objectives are relevant:

5.2.2. RCI 2-2: Rural Generated Housing

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

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

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

- d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.
- 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.

5.2.4. Section 4.6 of the Plan deals with General Planning Considerations associated with rural housing, where the following policy objectives are considered relevant:

- RCI 6-1: Design and Landscaping of New Dwelling Houses in Rural Areas
- RCI 6-4: Occupancy Conditions

5.2.5. Chapter 12 of the Plan deals with Heritage and the following policy objective is considered relevant in that it deals with design and landscaping of new buildings:

- HE 4-6: Design and Landscaping of New Buildings
  - a) Encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
  - d) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings and protecting existing hedgerows in rural areas.

5.2.6. The Plan, in Chapter 13, Green Infrastructure & Environment, identifies the area as a High Value Landscape. The CDP advises that 'Landscape Character Types which have a very high or high landscape value and high or very high landscape sensitivity and are of county or national importance are considered to be our most valuable landscapes and therefore it is proposed to designate them as High Value Landscapes (HVL).' Within such landscapes, the Plan requires that developments be considered such that they are not unduly obtrusive.

5.2.7. In terms of Landscape Character Type, the area is identified as being a Indented Estuarine Coast, Type, to which the Landscape Character Assessment for Cork,



2007, affords a very high landscape value and sensitivity with a National level importance. In terms of Landscape Character Area, the Old Head of Kinsale (Indented Fertile Patchwork Peninsula) is identified as no. 51 within this Landscape Character Type.

5.2.8. County Development Plan Objective GI 6-1: Landscape is considered relevant in this instance and it is the stated policy of the Council:

- 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 landuse 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.

5.2.9. RCI 8-1 is also considered relevant in that it deals with refurbishment of a derelict dwelling. This policy objective encourages proposals for the sensitive renovation and conservation of existing disused or derelict dwellings subject to normal proper planning and sustainable development considerations, and provided that it satisfies a number of criteria.

### 5.3. **Natural Heritage Designations**

The pNHA Old Head of Kinsale, Site Code 000100, is located approximately 1km to the south of the proposed development site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

This is a first party appeal against the decision of Cork County Council to refuse planning permission for the proposed development. The grounds of appeal are summarised as follows:

- The Planning Authority failed to recognise the applicants genuine qualification under CDP 2014 Objective RCI 4-2. Both the applicants family home and the proposed site are located within the same parish of Courseys.
- It is considered that the PA took a very narrow view of Government Policy and NSS and introduced much tighter interpretations and restrictions not intended by national policy.
- It is considered that there are issues of discrimination and breaches of statutory rights in the Cork County Development Plan 2014 Objectives RCI 4-2 and RCI 4-4.
- In terms of the second reason for refusal, the PA failed to use or consider the legitimate 'relaxation' rationale provided by the NRA on low speed roads. The L3233 has a designated speed limit of 50km/h and is a popular walk for many locals. The road width at the site is approximately 3.2m.
- It is considered that a lower road designation should be applied i.e. 'Local Secondary Route' and that its speed limit should be reduced to 40km/h for the 700m length of the Lispatrick Upper hamlet.
- There has been a dwelling existing on the site for over 200 years and the first OSI Map of the area indicates a cottage and out buildings at the site in 1843.
- The minimum stopping sight distance in the NRA Design Manual for Roads & Bridges are desirable and are not fixed immovable mandatory requirements and a relaxation should be applied.
- There is precedent for existing houses not achieving the NRA standard in the area.

There are enclosures included with the appeal document as follows:

1. Visual impact photo
2. Decision from Cork County Council
3. List of Old Civil Parishes and Townlands in the Parish of Courseys
4. Courseys Parish History
5. Revised sight line drawings.
6. Extracts from NRA document.

## 6.2. **Planning Authority Response**

The Planning Authority has not responded to this appeal.

## 6.3. **Observations**

There is one observation noted in relation to this appeal from Mrs. Deirdre Dormon. The observation is in support of the proposed development and includes a number of documents suggesting a possible alternative site layout to use the existing site entrance as well as road widening proposals to improve sight distances. The submission also includes consulting engineers calculations and recommendations regarding the provision of a surface water soakaway.

## 7.0 **Assessment**

7.1. Having considered all of the information submitted with the planning application and technical reports, together with the appeal documentation and responses, and having undertaken a site visit, I consider it appropriate to assess the proposed development application under the following headings:

1. The principle of the development
2. Visual & Residential Amenity Issues
- 3: Roads & Traffic Issues
- 4: Servicing issues
- 5: Appropriate Assessment
- 6: Other Issues

## 7.2. Principle of development

- 7.2.1. The subject site is located within the townland of Lispatrick Upper, Old Head of Kinsale, Co. Cork and in an area identified as a rural area under strong urban influence in the County Development Plan, 2014. The Plan, together with the Sustainable Rural Housing Guidelines, provide clear guidance that there is a presumption against the development of one off houses except where the proposal constitutes a genuine rural generated housing need based on social and / or economic links to the particular rural area. The applicant is required to accord with one of five categories of rural housing need in accordance with Policy Objective RCI 4-2.
- 7.2.2. The applicant has advised that she has lived in the area, in the family home, for 35 years and therefore can be considered as local rural person. The applicants family home is located in the townland of Rockhouse which is 18km to the north of the site. The actual location of the family house is not clearly indicated on submitted plans or drawings. The information provided does not indicate whether there is a family landholding at all at either location, and it appears that the subject site is the only land in the ownership of the applicant. The applicant advises that she does not own her own home and the proposed house will be her permanent place of residence. She is self-employed.
- 7.2.3. Section 4.4.2 of the County Development Plan states ‘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.’
- 7.2.4. Objective RCI 4-2, Rural Area under Strong Urban Influence and Town Greenbelts (GB 1-1), is the relevant policy applicable in this instance. In this regard, the Board will note that as such areas are under significant urban pressure for rural housing, 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. In this regard, and given that the family home is located approximately 18km away from the subject site, I would not consider that links to this particular local area, particularly given the highly sensitive landscape, can be clearly established or demonstrated.

7.2.5. In light of the above policy requirement, the applicant 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.  
This is not the case.
- 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.  
This is not the case.
- 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.  
This is not the case.
- 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.  
Given my comments above in terms of the local rural area and the significant distance between the applicants family home and the subject site, I am satisfied that this category is not applicable in this instance.
- 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.

This is not the case.

- 7.2.6. In terms of compliance with Cork County Councils settlement location policy, having regard to the information presented as part of the planning application, I would not consider that the applicant can be considered as complying in principle with the settlement location policy objective RCI 4-2.
- 7.2.7. Policy Objective RCI 8-1 is also considered relevant in that it deals with refurbishment of a derelict dwelling. The applicant submits that the ruined structure on the site was last occupied as a house and evidence to support this was submitted as part of the planning application. This policy objective encourages proposals for the sensitive renovation and conservation of existing disused or derelict dwellings subject to normal proper planning and sustainable development considerations, and provided that it satisfies a number of criteria. This is not the proposal for the current appeal before the Board. The Board will note the alternative site layout which was submitted by the Observer to the appeal, where it is indicated that the proposed new house will be constructed in the vicinity of the footprint of the existing structure. I would not consider it appropriate to accept this proposal given that it came via an Observer, albeit the applicant's mother, rather than the applicant / appellant herself. (I refer the Board to the fact that a current OPP application with Cork County Council to 'refurbish derelict cottage', PA ref 17/5026 refers, presents this proposal).
- 7.2.8. The Board will also note that the Valuation Certificate presented in support of the proposed development, dated 22/04/1996, was in the name of Mr. James F. Dempsey and relates to a 60 acre (24.67ha) landholding, which included a house. The applicant would appear to own just the site which extends to just 0.051ha. In my opinion, I would not consider that the proposal is acceptable.
- 7.2.9. All other relevant site suitability issues are addressed below.

### **7.3. Visual & Residential Amenity Issues**

- 7.3.1. The Board will note that the receiving landscape has been afforded a very high landscape value and sensitivity with a national level importance. Chapter 13 of the CDP, deals Green Infrastructure & Environment and advises that 'Landscape Character Types which have a very high or high landscape value and high or very

high landscape sensitivity and are of county or national importance are considered to be our most valuable landscapes and therefore it is proposed to designate them as High Value Landscapes (HVL).’ Within such landscapes, the Plan requires that developments be considered such that they are not unduly obtrusive.

- 7.3.2. In addition, the CDP provides clear guidance in terms of the provision of new developments in terms of design and landscaping in order to protect the landscape. In terms of the proposed design of the house, I have no objection in principle. The site itself is somewhat elevated and given that the proposed house design as presented will rise to 8.5m I have concerns regarding the visual impact of the development. I note that the issue of visual impact was raised as a concern during the PAs assessment of the proposed development, but was not pursued as it was considered that the proposal did not comply with the settlement location policy.
- 7.3.3. In terms of compliance with policy objective GI 6-1 of the CDP, and given the high value landscape in which the site lies, I am concerned that the proposed development will be highly visible in this coastal location. I consider that the proposed development does not comply with the cited policy and if permitted, the development will result in skylining and will represent a visual intrusion in the visually vulnerable landscape, and would affect the wider rural character of the area, particularly when viewed from the north. Finally, I am of the opinion that a grant of planning permission in this instance would represent a significant undesirable precedent for similar type developments in such coastal locations both in the vicinity of the site and in the wider coastal area of Co. Cork.

#### **7.4. Roads & Traffic Issues:**

- 7.5. Access to the site is via the local road network and off the Local Road, the L3233. This road circles the Old Head of Kinsale and is a prominent tourist route. In the immediate vicinity of the site, the road measures approximately 3m in width and due to the topography of the area, sight distances are restricted in both direction at the proposed entrance to the site. The appellant has submitted the case that the speed limit along this stretch of road should be reduced and in turn, the recommended sight distances also reduced. The case is made on the basis that the width of the road, together with the alignment, acts as a traffic calming measure, ensuring that motorists move slowly. The appeal also refers to other permitted developments in

the area which would appear not to comply with the NRA requirements regarding sight distances.

- 7.6. While I acknowledge the submission and well presented case of the appellant, it is not for the Board to alter speed limits assigned to public roads. That said, I also acknowledge the submission regarding the actual achievable speeds on the road in the vicinity of the site. However, having undertaken a site visit, I am of the opinion that the proposed development would not only represent a hazard to vehicular traffic, pedestrians would be at significant risk given the road width and the fact that the road is a popular walking route. Adequate sight distances are not available at the proposed site entrance and if permitted, I consider that the development would endanger public safety by reason of traffic hazard. In addition, having regard to the narrow nature of the public road, I am concerned regarding the carrying capacity of same at this location to accommodate the proposed development.

#### 7.7. **Site Suitability**

##### Water Services:

- 7.7.1. In terms of site suitability, the Board will note that it is intended to install a package secondary treatment system with a polishing filter, to service the house with a discharge to ground water. Given the site size, a septic tank waste water treatment system and necessary percolation area, cannot be accommodated on the site. It is also noted that the house is to be serviced by a private well for its water supply. Having considered the information provided on the planning authority file with regard to the proposed development, I am concerned that the matter has not been fully considered, and in particular with regard to the 2009 EPA Code of Practice, Wastewater Treatment and Disposal Systems serving Single Houses (p.e.  $\leq 10$ ). The applicant submitted a completed site suitability assessment regarding the suitability of the proposed site in terms of the treatment and disposal of wastewater generated on the site.
- 7.7.2. The site characterisation assessment, submitted as part of the planning application, indicates that the tests were carried out on the 1<sup>st</sup> and 2<sup>nd</sup> of September, 2009<sup>1</sup>, and under the cover page of the 2007 Consultation Draft document. No updated tests

---

<sup>1</sup> The 2009 EPA document issued on the 10<sup>th</sup> September, 2009.



have been carried out since this date. The assessment notes that the trial hole was dug to a depth of 2.1mbgl and no bedrock was identified. The assessment identifies that the site is located in an area where there is no Groundwater Protection Scheme but categorises the site as being a locally important aquifer (LI) with High vulnerability. A Groundwater Protection Repose of R1 is indicated. The soil type is described as 'Till derived chiefly from Devonian and Carbonifer rocks' while the subsoil type is identified as Silty sand with gravel and clay. The bedrock type is 'Dinantian mudstone and sandstones Cork group'. \*T tests were carried out on the site, and the report notes that no P tests were carried out. \*T tests were carried out at a level of 0.9mbgl, yielded an average value of 10.67. The report concludes advising that the available area on site will not accommodate the percolation system from a septic tank. As such, the proposal provides for the installation of a package secondary treatment system with a polishing filter.

- 7.7.3. The system will include an ANUA 'Platinum 6' primary and secondary wastewater treatment unit and pumped effluent to tertiary treatment filters, being 2 Bord na Mona Bio-filter tertiary treatment units. A soil polishing filter, with an area of 12m<sup>2</sup> is also proposed. This appears to be inadequate and would not be in accordance with the requirements of the EPA Code of Practice, 2009 document.
- 7.7.4. The Board will note that the Area Engineer for Cork County Council requested that further information be sought in relation to the proposed waste water treatment system. I have a real concern, notwithstanding the proposed high level of treatment proposed for waste water generated by the proposed development, that the site is too small to adequately accommodate the system. I have further concerns in this regard given the fact that the proposed development is to be served by a private well, which is located approximately 23m from the soil filter bed. While the well is located slightly up-gradient from the proposed soil polishing filter, I would consider this separation distance to be inadequate. Should the Board be minded to grant permission in this instance, I consider that further information in relation to the waste water treatment system is required before a positive decision could issue.
- 7.7.5. In terms of water supply, the Board will note the intention to drill a private well to serve the development.

7.7.6. With regard to surface water disposal, details presented are quite sparse. I also note the concerns of the Councils Area Engineer in this regard and would agree that should the Board be minded to grant planning permission in this instance, full details including design, of the surface water drainage system within the site should be submitted for consideration. My concern in this regard is also compounded given the small site size.

7.8. **Appropriate Assessment:**

The subject site is located at a distance of approximately 1km from the nearest European site, being Old Head of Kinsale pNHA, Site Code 000100, located to the south west of the subject site. The subject development site itself can be considered a greenfield site within a rural area, although there is a derelict stone structure present on the site. Having considered the nature of the proposed development, together with the separation distance to the nearest Natura 2000 site and given that there is no hydrogeological connection between the subject site and the Natura 2000 site, together with the scale of the proposed development, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.9. **Other Issues:**

Development Contributions:

Development contributions, in accordance with the Cork County Council's Development Contribution Scheme, apply in this instance.

8.0 **Recommendation**

I recommend that planning permission be refused of the proposed development for the following reasons and considerations.

## 9.0 Reasons and Considerations

1. The site is located in an area identified as being within 'A Rural Area under Strong Urban Influence and Town Greenbelt' as set out in the current Cork County Development Plan for the area where policy objective RCI 4-2 is applicable. This policy seeks to restrict rural housing to persons who can demonstrate a genuine rural generated housing need based on their social and / or economic links to a particular rural area and to certain limited categories of applicants. Having regard to the information presented in support of the proposed development, An Bord Pleanála is not satisfied that the applicant, who resides at a distance of approximately 18km from the site and where no family landholding exists other than the 0.051ha site in the vicinity of the application site, comes within the scope of the housing need criteria as set out in the Sustainable Rural Housing Guidelines, 2005 or the Cork County Development Plan, 2014 for a house at this location.

The proposed development would, therefore, contravene materially the provisions of the Plan with regard to the provisions of sustainable rural housing and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a narrow and poorly aligned substandard road at a point where sightlines are restricted in both directions of the proposed entrance.
3. The proposed development is located within very high value landscape with very high sensitivity of national importance, where emphasis is placed on the protection of such landscapes and the importance of designing with the landscape and of siting of development to minimise visual intrusion as set out in the current Cork Rural House Design Guidelines, and policy objective GI 6-1 of the County Development Plan, which Guidelines and policy objective are considered to be reasonable. Having regard to the topography of the site in this coastal location, the open, elevated and prominent positioning of the proposed development, particularly when viewed from the north, together with its overall height and scale on a limited site, it is considered that the proposed

development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the very high value landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity, and within this nationally important very high value landscape. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. On the basis of the information provided with the application and appeal, and having regard to the limited site size for the installation of a private waste water treatment system and private bored well to service the proposed house, the Board is not satisfied that the proposed development can be adequately accommodated without constituting a public health hazard. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.

**NOTE:** The Board may consider reasons 3 and 4 above as new issues.

---

A. Considine

**Planning Inspector**

**16/06/2017**

**RE: PA ref 17/5026:**

The Board should note that the PA decided to refuse permission for the reinstatement of cottage on the subject site on the 16<sup>th</sup> of June, 2016. The web site was updated on the 21<sup>st</sup> of June. The reasons for refusal relate to settlement location policy and non compliance with policy relating to replacement dwelling.