



An
Bord
Pleanála

Inspector's Report ABP-306215-19

Development	Demolition of three farm buildings and construction of eight detached houses
Location	Balteenbrack, Ardfield, Clonakilty, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	19/84
Applicant(s)	John Hegarty
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Jim & Kathleen Murray
Date of Site Inspection	3 rd March 2020
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The 2.59 hectare site is located within the settlement boundary of the village of Ardfield at its south-western extremity. Ardfield is approximately 6km south-west of Clonakilty in County Cork. The site comprises a field in agricultural use in which there are farm sheds and associated structures at its northernmost end. It has frontage onto a local road at this end. Development in the vicinity includes a dwelling to the east (the appellants' property) and a dwelling to the north-west. The site is otherwise bounded by agricultural lands. It has panoramic views south-westwards towards the coast. There is expansive ribbon development further to the east.

2.0 Proposed Development

- 2.1. The proposed development would comprise the demolition of three farm buildings and the construction of eight detached houses. The four bedroom houses would be two-storey in height with gross floor areas ranging from 192.3 square metre to 221.7 square metres. The houses would be set out in a relatively linear pattern, fronting onto a service road, with open space provided on the opposite side of this road and acting as a buffer between the housing and an existing house. They would each be served by individual waste water treatment units and private wells.
- 2.2. Details submitted with the application included a Design Statement, a Landscape Report, an Engineering Services Report, completed Site Characterisation Forms, polishing filter information for each plot, and soakaway test and soil infiltration test details.

3.0 Planning Authority Decision

3.1. Decision

On 28th November 2019, Cork County Council decided to grant permission for the proposed development subject to 24 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the planning policy context, the reports received and the third party submission made. Reference was made to the proposed layout, design, landscaping and amenity provisions. It was recommended that further information be sought based on the recommendations set out in the reports received, amended house design and floor areas, and more details on the proposed play area.

The A/Senior Executive Planner concurred with the Planner's recommendation.

3.2.2. Other Technical Reports

The Public Lighting Section requested further information relating to the proposed lighting design.

The Estates Report referred to the site lying outside the 50kph speed limit for the village and having relatively poor sight distance. It was submitted that the 50kph speed limit should ideally be moved further west along the public road to correspond with the recently adopted settlement boundary for the village. It was submitted that the proposal to provide a private drinking water supply to each of the houses should not be considered. It was acknowledged that the cumulative impact of wastewater treatment plants could impact on groundwater locally, given that the aquifer is classified as 'extremely vulnerable' together with the free-draining nature of the subsoil. It was noted that there is a water supply adjoining the site on the public road. It was also noted that there is no wastewater treatment plant or collection network in Ardfield village. Concern was raised about the cumulative impact of the number of wastewater treatment systems discharging to ground in a relatively small area. It was also acknowledged that the applicant's site suitability assessment illustrated subsoil with rapid percolation characteristics. The exclusive use of soakaways as a means for the disposal of surface water from estate roads was generally seen to be unacceptable. A request for further information was recommended relating to public lighting, water supply, alternative surface water drainage measures, and confirmation the development would be managed by the property owners.

The Archaeologist submitted that, given the scale and location of the development, it is possible that subsurface archaeological remains could be encountered during construction. It was recommended that an archaeological impact assessment be requested and submitted by way of further information.

The Area Engineer agreed with the Estates Engineer's recommendations. It was submitted that there is an issue with connectivity to the village. Noting the report of Irish Water and the existence of a water main on the public road, it was acknowledged that there may be an issue with the capacity of the system and that the development should be based on connection to public water when it is available. In reference to the proposed waste water treatment plants, it was submitted that the arrangement was not ideal but that it should be possible to get it to work.

The Environment Section noted that there may be an impact on groundwater in the area arising from the proposed treatment systems. It was recommended that an assessment of the groundwater on the site should be undertaken.

3.3. Prescribed Bodies

Irish Water submitted that it had no objection to the proposal.

An Taisce submitted that the proposal for 8 houses did not adhere to proper planning and sustainable development principles. Having regard to the provisions of the West Cork Municipal District Local Area Plan, it was stated that the site could not be considered well integrated with the village, it is not the closest to the village centre, and it did not have good pedestrian and amenity links with the village core. It was also noted that there is limited or no spare service capacity relating to public water supply and that there are no wastewater services. It was noted that the vision for Ardfield is to promote sympathetic development in tandem with the provision of infrastructure and services. It was concluded that the proposed development would not be in tandem with necessary infrastructure contrary to this vision.

3.4. Third Party Observations

An objection to the proposal was received from Jim and Kathleen Murray raising concerns relating to the style and design of the development, the lack of amenities in the village, the inadequacy of the local road, light pollution, and impact on privacy.

The applicant submitted unsolicited information to the planning authority on 21st March 2019 in response to this submission.

A request for further information was issued by the planning authority on 2nd April 2019 and a response was received on 5th November 2019.

Following the submission of further information the reports to the planning authority were as follows:

The Public Lighting Engineer sought a deferral of the application pending revised design provisions for lighting.

The Estates Engineer noted that no clarification was given on where the development would be provided with a new connection to the public water supply from Irish Water and that the site layout plan indicated that each of the houses would be provided with individual bored wells. It was submitted that the provision of individual bored wells should only be considered if there is a capacity constraint on the public supply. There was no objection to the surface water drainage measures but concern was raised about the maintenance regime. It was recommended that the estate be privately managed. It was concluded that there was no objection to the proposal and a schedule of conditions was recommended.

The Archaeologist was satisfied with the applicant's further information response on archaeology.

The Area Engineer concurred with the Estate Engineer's conclusions. There was no objection to the proposal and a schedule of conditions was recommended.

The Environment Engineer had no objection to the granting of permission and two conditions were recommended.

The Planner was satisfied with the revised design proposals and the provisions relating to the play area. Reference was made to the findings in other reports that were received. A grant of permission was recommended subject to conditions.

4.0 Planning History

I have no record of any previous planning application or appeal relating to this site.

5.0 Policy Context

5.1. West Cork Municipal District Local Area Plan 2017

Growth Strategy

The Plan's growth strategy notes that, notwithstanding the level of growth provided for in the villages, the water services infrastructure needed to deliver the proposed level of growth is not always in place and that in general the Council's approach to this is that, where Irish Water already has services infrastructure in a town or village, then Irish Water will need to upgrade that infrastructure as necessary to meet demands of current and future customers in the settlement.

The Plan acknowledges that the main factor constraining development in the villages is likely to be inadequate water services infrastructure.

Table 2.3 of the Plan notes that Ardfield has no public wastewater treatment system and acknowledges that the public water service is limited or has no spare capacity.

Villages

The Plan states that the level of proposed development in villages is based on the assumption that the required waste water infrastructure and water supply improvements will be delivered and that if the projects are not delivered then, given the waste water issues affecting some settlements, development potential will be limited to a small number of individual dwellings supported by individual waste water treatment systems.

General Objective GO-01 applies to villages and includes the following:

- c) Notwithstanding the scale of growth outlined in Table 6.1 (i.e. Table setting out scale of development in each of the villages), in the absence of a public wastewater treatment plant, only the development of individual dwelling units served by individual treatment systems will be considered, subject to normal proper planning and sustainable development considerations ...
- e) Where possible, all development should be connected to the public water supply, the public waste water treatment system and make adequate provisions for storm water storage and disposal.

- f) Development within the core of the villages shall be designed to a high standard and reinforce the character of the existing streetscape. Where appropriate development should be in the form of small terraced development / courtyard schemes.
- g) Residential development in other areas shall provide for small groups of houses, detached housing, serviced sites and or self build options.
- j) The development of lands closest to the village centre is proposed in the first instance and the development of good pedestrian and amenity links with the village core / main street are considered to be an important part of any proposed scheme.

Ardfield is a designated 'Village' in the Plan. The site is located at the south-western end of the village within its settlement boundary.

Vision

The vision for the village is to promote sympathetic development in tandem with the provision of infrastructure and services together with preserving the unique character of the settlement.

Local Area Plan Objectives

These include:

- DB-01:** Within the development boundary encourage the development of up to 25 additional dwelling units during the plan period.
- DB-04:** Protect the sensitive setting of the village and encourage a high standard of design generally within the settlement which respects the character of the area and sense of place of the village.

The normal recommended scale of any individual residential scheme is nine houses.

5.2. **Appropriate Assessment**

I note that Galley Head to Duneen Point SPA (Site Code 004190) is located to the east of Ardfield village. This SPA relates to the sea cliffs at this location and is of special conservation interest for Chough.

Having regard to the location of the appeal site to the south-west of the village of Ardfield, the nature and scale of the proposed development and nature of the receiving environment together with the distance to the nearest European site, 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.

5.3. **EIAR Screening Determination**

Based on a preliminary examination of the nature, size and location of the development there is no real likelihood of significant effects on the environment and EIAR is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of the appeal may be synthesised as follows:

- The locating of 8 houses, without the provision of footpath infrastructure to connect them to the village hub, will result in a car-based dependency for all journeys and has the potential for public safety issues. Reference is made to LAP Objective GO-01, requiring the development of lands closest to the village centre and the development of good pedestrian and amenity links with the village core.
- The public road is narrow, with a number of private access points at this location. The Area Engineer initially recommended sightlines of 120m. A development of this scale without adequate sightlines and public road width is not safe or suitable and is a danger to public safety.

- It is noted that the West Cork Municipal District Local Area Plan highlights there is limited or no spare capacity in the water supply and the concerns of the Estates Engineer relating to the proposed provision of 8 private waste water treatment units are acknowledged. These infrastructure concerns, together with the proposed private estate surface water drainage system, can only lead to long term environmental issues and potential structural destabilisation of the dwellings. It is submitted that the Council does not have the confidence itself to take in charge the proposed development.

6.2. Applicant Response

The applicant's response to the appeal may be summarised as follows:

- The site is within Ardfield village boundaries. It is an LAP objective to provide up to 25 houses within the boundary during the plan period and the recommended scale of any individual scheme is 9 houses. The proposal complies with the objective. The scheme has been designed to facilitate future road upgrades, with the site boundary set back. The community has consistently petitioned the Council to allow for the development of additional houses. The proposal seeks to reinforce the existing community by providing family homes within the village boundaries.
- The position and layout of the entrance onto the public road has been agreed with the Council and is to be located immediately outside the 50kph speed limit zone of the village. 90m sight distance is proposed in both directions. It is intended in the near future to apply to the Council for the extension of the 50kph speed limit to the edge of the village development boundary, which would include the proposed site within the 50kph zone.
- Infrastructure services have been discussed with the Council. In the absence of adequate services in the area, the development proposes that the services for the 8 houses would be a bored well per site and an effluent treatment plant and percolation per site. Each site area is in excess of 0.5 acres and allows for appropriate separation distances for wells and treatment systems and percolation areas. Site suitability assessment was undertaken. Wells would be located up gradient of the effluent treatment plants and at a distance

compliant with EPA standards. All surface water would be collected and addressed by on-site infiltration and would be in keeping with SuDs design.

A copy of the applicant's hydrogeological assessment submitted to the planning authority as part of its further information response to the planning authority is attached to the response.

6.3. Planning Authority Response

The planning authority submitted that it had nothing further to add to reports on file.

6.4. Further Responses

Further to a request from the Board, Irish Water submitted that recent conservation and leakage control measures relating to the public water supply system results in the proposed development being able to be served by this supply.

7.0 Assessment

7.1. Introduction

7.1.1 I consider that the relevant planning issues for assessment are the proposal in the context of development plan provisions, the servicing of the site, connectivity with the village, and traffic impact.

7.2. The Proposal in the Context of Development Plan Provisions

7.2.1 The conflict between various development provisions in the West Cork Municipal District Local Area Plan is very clear when one seeks to consider the proposed development and its compatibility with these Plan provisions.

7.2.2 I first acknowledge that Ardfield is designated a 'Village' in the Plan. The appeal site falls within the settlement boundary of this village, being located at the south-western extremity. The Local Area Plan objectives directly applicable to this village include 'DB-01', which seeks to encourage the development of up to 25 additional dwelling units during the plan period within the development boundary, and 'DB-04', which seeks to protect the sensitive setting of the village and encourage a high standard of

design generally within the settlement which respects the character of the area and sense of place of the village. The normal recommended scale of any individual residential scheme is to be up to nine houses. However, the 'Vision' for this village is to promote sympathetic development in tandem with the provision of infrastructure and services together with preserving the unique character of the settlement. Thus, while there are objectives to encourage some development of the village during the Plan period, it is recognised that this is to occur in a sympathetic manner in tandem with the provision of infrastructure. The issue of water services infrastructure is the key to allowing further development of this village. Ardfield has no public sewerage system and the water supply has up to recently been recognised as being at capacity. The development of eight houses on private effluent treatment systems significantly conflicts with the requirement to promote sympathetic development in tandem with the provision of infrastructure and services. I note Irish Water's recent correspondence with the Board and it is apparent that there is no necessity for the development to be served by individual private wells.

7.2.3 Moving on to the overarching Plan provisions applicable to development of this nature, the following is noted:

- The LAP's 'Growth Strategy' notes that, notwithstanding the level of growth provided for in the Plan's villages, the water services infrastructure needed to deliver the proposed level of growth is not always in place and that in general the Council's approach to this is that, where Irish Water already has services infrastructure in a town or village, then Irish Water will need to upgrade that infrastructure as necessary to meet demands of current and future customers in the settlement. Table 2.3 of the Plan notes that Ardfield has no public wastewater treatment system and acknowledges that the public water service is limited or has no spare capacity. In the context of adherence to provisions relating to the 'Growth Strategy', further in-depth development of Ardfield in the manner proposed is at best misplaced.
- Specifically in relation to 'Villages', the Plan states that the level of proposed development in villages is based on the assumption that the required waste water infrastructure and water supply improvements will be delivered and that if the projects are not delivered then, given the waste water issues affecting some settlements, development potential will be limited to a small number of

individual dwellings supported by individual waste water treatment systems. Based on the serious deficiency of water services, it would appear very clear that Ardfield should not be developed at this time in the manner now espoused in the current application.

- General Objective GO-01 is an overarching objective applicable to villages and this Objective includes the following:
 - c) Notwithstanding the scale of growth outlined in Table 6.1 (i.e. a Table setting out scale of development in each of the villages), in the absence of a public wastewater treatment plant, only the development of individual dwelling units served by individual treatment systems will be considered, subject to normal proper planning and sustainable development considerations ...
 - e) Where possible, all development should be connected to the public water supply, the public waste water treatment system and make adequate provisions for storm water storage and disposal.

It is again very clear that Ardfield has no adequate water services to serve the proposed development and that the development conflicts with these provisions of the Objective.

- General Objective GO-01 also includes the following:
 - f) Development within the core of the villages shall be designed to a high standard and reinforce the character of the existing streetscape. Where appropriate development should be in the form of small terraced development / courtyard schemes.
 - j) The development of lands closest to the village centre is proposed in the first instance and the development of good pedestrian and amenity links with the village core / main street are considered to be an important part of any proposed scheme.

It is my submission that the linear type suburban residential development proposed in a field at one extremity of the village does not reinforce the character of Ardfield, within which there are substantial lands with significant development opportunity. This proposal does not follow the requirement to

develop lands closest to the village centre in the first instance and this location has no pedestrian connectivity to the village core. The site fronts onto a narrow, very poorly aligned minor public road, where there is no street lighting, no footpath network and there is no ability to link any pedestrian pathway to the village core. The proposal is distinctly in conflict with these provisions of the Objective.

7.2.4 Overall, it may reasonably be concluded that the proposed development is substantially in conflict with the village provisions of the West Cork Municipal District Local Area Plan.

7.3. The Servicing of the Site

7.3.1 There are no public sewerage services available to serve the proposed development. The applicant proposes 8 individual waste water treatment plants and 8 individual bored wells to serve the houses, albeit a public water supply would be available to serve the scheme. To suggest the proposed development is premature pending the provision of public waste water infrastructure to serve the proposed development is an understatement. Ardfield should not be developed in the manner proposed until such time as public waste water services are in place to accommodate this growth. Under no circumstances should the development of a village occur in this manner where a clear threat to groundwater, and thus to public health, would arise, both for the occupants of the proposed housing scheme and those residing in the vicinity who rely on private bored well supplies. My concerns are based particularly upon the very rapid percolation characteristics of the soils on this site that have been determined by site assessment and, arising from this, the concerning extent of elaborate engineering proposed to attempt to deliver treatment systems to address the volume of waste water proposed to be disposed to ground on this site. This is not rational, orderly development of this village. This scheme will pose a very serious pollution threat. The only way in which development of this nature should proceed is by having the public infrastructure in place to serve it.

7.4. Connectivity with the Village

7.4.1 The site of the proposed development is located at the south-western edge of the village of Ardfield. It is an isolated field with no connectivity to the core of the village, which is located to the east and north-east. There are no public footpaths linking this location with the village or to community facilities such as the school or church. The local road onto which residents would access is very narrow, with land boundaries located close to the roadside edges. There is no public lighting along the road in this area. The isolated nature of this site means that connectivity with the village and its community services is not available for the pedestrian and will not be available by the development of the proposed scheme as no provisions will be made beyond the site. In-depth development of the nature proposed is at best premature and should not be encouraged where such basic infrastructure is lacking.

7.5. Traffic Impact

7.5.1 The proposed development would access a very narrow, poorly aligned minor local road where there are no public footpaths and where there is no public lighting along the road. The access to the proposed development would be located outside of the speed limit control zone for the village. Accommodating in-depth residential development where the road network is clearly deficient constitutes a serious traffic hazard as encouraging increased traffic turning movements at this location will interfere with the flow of traffic on the local road and will lead to conflict with road users. Furthermore, this is not the location to be encouraging in-depth residential development where basic infrastructure is not, and will not be, in place as it will lead to increased pedestrian movement on a road where there is no provision for pedestrians.

8.0 **Recommendation**

8.1. I recommend that permission is refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The site of the proposed development is located within the settlement boundary of Ardfield, a designated village in the West Cork Municipal Local Area Plan 2017. The vision for the village is to promote sympathetic development in tandem with the provision of infrastructure and services together with preserving the unique character of the settlement. It is an objective of the Plan (Objective GO-01) to restrict the scale of growth for villages to the development of individual dwelling units served by individual treatment systems only in the absence of a public wastewater treatment plant and to require development within the core of villages to be designed to a high standard and to reinforce the character of the existing streetscape, with appropriate development taking the form of small terraced development / courtyard schemes. It is considered that the proposed development, by reference to the existing deficiency in the provision of public piped sewerage facilities serving the area, would conflict with the objective and provisions of the Local Area Plan and would be premature by reference to the period within which the constraint involved may reasonably be expected to cease. Furthermore, it is considered that the proposed development, by reason of a poor quality linear layout, scale, design and distinct separation of the proposed houses from the village core, would be out of character with the village of Ardfield, would further conflict with the objective of the Plan and would, thereby, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the narrow, poorly aligned local road serving the site, the lack of any pedestrian connectivity to the village core and to community facilities, and to the lack of public lighting along the road network leading to the village, it is considered that the proposed development would constitute a substandard form of development for residents, would endanger the safety of pedestrians,

and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive density of development served by private effluent treatment systems in the area and would, therefore, be prejudicial to public health.
4. It is considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users because of the additional traffic turning movements it would generate onto a minor local road that is seriously substandard in width and alignment.

Kevin Moore
Senior Planning Inspector

23rd March 2020