



An
Bord
Pleanála

Inspector's Report ABP-307755-20

Development	Construction of new detached dwelling house, connection to proprietary treatment unit and polishing filter, alterations and relocation of existing entrance, landscaping together with all associated site works.
Location	Knocknasuff, Blarney, Co. Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	20/39192
Applicant(s)	Aisling & Dean Foley
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Aisling & Dean Foley
Observer(s)	None
Date of Site Inspection	30 th October 2020
Inspector	Hugh D. Morrison

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports.....	4
4.0 Planning History.....	5
5.0 Policy and Context.....	6
5.1. Development Plan.....	6
5.2. National Planning Framework	6
5.3. National Planning Guidelines	7
5.4. Natural Heritage Designations	7
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response	9
6.3. Observations	9
6.4. Further Responses.....	9
7.0 Assessment.....	9
8.0 Recommendation.....	18
9.0 Reasons and Considerations.....	18
10.0 Conditions	19

1.0 Site Location and Description

- 1.1. The site is located 1km to the north of Blarney town centre. It lies within a cluster of dwelling houses just beyond the existing development boundary. This site is accessed off the western side of a local road, the L-22731, which rises in a north-westerly direction from Waterloo Road that leads to the town centre to the south. A stream passes along the western boundary of the site and on into the River Martin, which runs alongside Waterloo Road.
- 1.2. The site is of rectangular shape and it extends over an area of 0.59 hectares. The existing two-storey dwelling house is sited in the northern portion of the site. It is served by a driveway, which runs from the gated entrance in the south-eastern corner of the site alongside the eastern boundary with the local road. A ramp at its northern end rises to serve the upper floor of the dwelling house.
- 1.3. A line of conifers denotes the site's roadside boundary. The remaining boundaries are treelined. The driveway is enclosed on its western side by a timber post and rail fence and a further line of trees. The majority of the site is one extensive lawn.

2.0 Proposed Development

- 2.1. The proposal would entail the siting of a dwelling house in the southern portion of the site. This dwelling house would comprise two floors (199.151 sqm): The upper floor would be served by half-dormer windows. It would be of rectangular form under a double pitched roof with a half-width single storey return. The dwelling house would be orientated on a north-east/south-west axis.
- 2.2. The applicants have stated that Dean's parents reside in the existing dwelling house on the site and they would reside in the proposed dwelling house.
- 2.3. The proposed dwelling house would be served by a waste water treatment system (WWTS) and a polishing filter. This dwelling house would be served by a new access from the local road, which would be sited to the north of the existing one, which would be closed. This access would be shared with the existing dwelling house and it would connect with the existing driveway, which would be adapted to facilitate access to the proposed dwelling house.

2.4. At the appeal stage the applicants have submitted additional information by way of response to the Area Engineer's request for further information (see below), which, given the refusal, was not pursued at the application stage.

3.0 Planning Authority Decision

3.1. Decision

Refused for the following reasons:

1. *Taken in conjunction with existing and permitted development in the area and specifically along this stretch of roadway, the proposed development together with the existing development to the north, the east, and the south of the current application site will add to an undesirable level of linear development along this short stretch of road, would constitute ribbon development, contravene County Development Policy RCI 6-1 and would also constitute an excessive density of development in a rural area where there are no public sewage facilities and the intensification of this pattern would hence be prejudicial to public health.*
2. *Having regard to substantial amount of one-off housing already existing in this rural area, which is not zoned for residential development, the Planning Authority considers that the proposed development would give rise to erosion of the green belt, would militate against the preservation of the rural environment, would seriously injure the visual amenities of the area and would give rise to an over-concentration of residential development in a rural area. The proposed development would be contrary to the green belt objectives in the Cork County Development Plan 2014 – 2020. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision.

3.2.2. Other Technical Reports

- Irish Water: No objection, standard observations.
- Cork City Council:

- Roads Design: No objection, subject to conditions.
- Area Engineer: Further information (FI) requested with respect to the following:
 - Sightlines 2.4m x 60m required,
 - Details of on-site surface water disposal,
 - Details of all bored wells within 100m of proposal,
 - Boundary to be defined between existing and proposed dwelling houses,
 - Each dwelling house to be served by its own WWTS,
 - Distance between proposed WWTS and existing watercourse to be maximised, and
 - Details of all WWTSs within 100m of proposal.
- Drainage: No objection, refer to Area Engineer's FI request.
- Environment: No objection, subject to conditions.

4.0 Planning History

- 95/4236: Outline for 2 dwelling houses: Refused.
- 96/2618: Outline for 1 dwelling house: Refused.
- 98/1967: Outline for 1 dwelling house: Permitted.
- 00/3587: Dwelling house with semi-basement: Permitted.
- 19/4743: Similar proposal to the current one: Refused on the grounds that based on the submitted information the applicants' have not demonstrated that their housing need comes within the relevant criteria of Objective RCI 4-1 of the CDP.
- 19/38762: Similar proposal to the current one: Refused on the same grounds as the current proposal.
- 20/1668: Part V Certificate of Exemption to shadow current proposal granted.

5.0 Policy and Context

5.1. Development Plan

Under the Cork County Development Plan 2014 – 2020 (CDP), the site is shown as lying in the Metropolitan Cork Green Belt, but not in the recognised Prominent and Strategic portion of this Green Belt. Objective RCI 5-2 sets out the Purpose of Green Belt as follows:

(a) Maintain a Green Belt for Metropolitan Cork with the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area.

(b) Recognise that in order to strengthen existing rural communities provision can be made within the objectives of this plan to meet exceptional individual housing needs within areas where controls on rural housing apply.

Within the Green Belt, applications for one-off dwelling houses are assessed under Objective RCI 4-1. Objectives RCI 2-1 and 2-2 distinguish between urban and rural generated housing need, while Objectives RCI 6-1, 6-2, and 6-3, variously, relate to the design and landscaping of one-off dwelling houses, their servicing, and ribbon development.

Under the Blarney Macroom Municipal District Local Area Plan 2017 (LAP), the site is shown as lying outside the development boundary around Blarney. Under Objective ZU 2-2 of the CDP, “For any settlement, it is a general objective to locate new development within the development boundary identified in the relevant LAP that defines the extent to which the settlement may grow during the life time of the plan.”

5.2. National Planning Framework

Objective NPO 19 states the following:

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment and elsewhere: In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.3. National Planning Guidelines

Sustainable Rural Housing Guidelines

5.4. Natural Heritage Designations

- Ardamadane Wood pNHA (001799)
- Blarney Castle Woods pNHA (001039)
- Shournagh Valley pNHA (000103)
- Cork Harbour SPA (004030)
- Great Island Channel SAC (001058)

6.0 The Appeal

6.1. Grounds of Appeal

The applicants begin by summarising the recent planning history of the site. Thus, 19/4743 was submitted to Cork County Council and the decision maker, in a report dated 22nd July 2019, stated he considered that the site was an infill one and so he was prepared to grant permission subject to the submission of a completed SF1 form. However, such a form had already been submitted by the applicant on 27th March 2019. Nevertheless, the application was refused. Since then the Cork City administrative boundary has been expanded and so the site now comes within it. The subsequent two applications have been made to Cork City Council.

The applicants request that the Board consider the following points:

- The site is an infill one, which would not extend ribbon development.

- The site is well landscaped and so it could be developed without injury to visual amenity.
- The site can accommodate both the existing and proposed WWTSSs.
- Only if the aforementioned did not apply could the proposal be considered to be over development.
- Water is available from the public mains.
- There are no bored wells within 120m of the site.
- Any future extension of the development boundary is likely to encompass the site.
- The definition of ribbon development is 5 or more dwelling houses on the same side of a 250m stretch of road. Under this definition the proposal would not be ribbon development.
- The site represents the only opportunity available to the applicants to own a home close to Dean's parents.
- Aisling began caring for Dean's mother 2 years ago and she continues to do so.
- The Area Engineer's request for FI has been responded to at the appeal stage.
- Neither the Drainage nor the Road Engineers' raised objection.

The owner of land to the SE of the site within the development boundary is preparing an application for this land: Such a prospect strengthens the likelihood that this boundary will be extended to include the applicants' site.

The applicants consider that, as an infill site, their one would not erode the green belt.

The applicants comply with criterion (d) of CDP Objective RCI 4-1.

While the argument could be advanced that the applicants should wait for the expected extension to the development boundary, their need of a home beside Dean's parents is a pressing one.

The applicants have resubmitted their agent's letter of support, which accompanies the current application.

6.2. Planning Authority Response

None

6.3. Observations

None

6.4. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the National Planning Framework (NPO), the Sustainable Rural Housing (SRH) Guidelines, Cork County Development Plan 2014 – 2020 (CDP), Blarney Macroom Municipal District Local Area Plan 2017 (LAP), relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Rural housing policy,
- (ii) The status of the site,
- (iii) Development standards, access, and amenity,
- (iv) Water, and
- (v) Screening for Stage 1 Appropriate Assessment.

(i) Rural housing policy

7.2. Under the CDP, the site is shown as lying within the Metropolitan Cork Green Belt. Objective RCI 5-2 sets out the purpose of green belt. Under Item (a) of this Objective, this purpose is to essentially retain the open and rural character of lands between and adjacent to rural areas. Under Item (b), it does not negate the need to meet exceptional individual housing needs.

- 7.3. Objective RCI 4-1 states that “The Metropolitan Green Belt is the area under strongest urban pressure for rural housing. Therefore, applicants should satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social and/or economic links to a particular local area and, in this regard, must demonstrate that they comply with one of four categories of housing need.”
- 7.4. The applicants have selected the fourth of the relevant housing need categories denoted as (d), which is as follows: “Landowners including their sons and daughters who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence for a minimum of seven years prior to the date of their planning application.”
- 7.5. Notwithstanding the reason for the refusal of application 19/4947, the applicants submitted a completed Supplementary Planning Application Form under that application, in which they provided information of relevance to the selected housing need category. This Form has been resubmitted as part of the applicants’ current appeal. In it, Dean states that, apart from a temporary period of absence between 2013 and 2016, he has resided in his parents’ dwelling house on the site since 2000. Aisling states that she has likewise resided with Dean’s parents for 8 years.
- 7.6. The applicants have submitted a 6-inch record place map on which Dean’s previous homeplaces are superimposed, i.e. Stoneview between 1997 and 2000, and Tweedmount between 1986 and 1997. In both cases, these were in rural areas to the east of Blarney.
- 7.7. The applicants have confirmed that they have neither previously owned or obtained planning permission for a dwelling house nor have they built a dwelling house in a rural area.
- 7.8. The applicants outline their exceptional circumstances, which include the following factors:
- Dean went to school locally and he is active in local sports clubs,
 - Living beside Dean’s aging parents would facilitate their care in the future: Aisling has cared for his mother in recent years, and

- The site they propose to build upon is within the landholding of Dean’s parents, which is associated with their principal family residence.

7.9. In summary, the applicants’ proposal relies upon Category (d) of Objective RCI 4-1. They wish to build their first dwelling house on a site, which is continuous with the landholding of Dean’s parents that is associated with their principal family residence. This residence has been theirs since 2000, i.e. for greater than 7 years, and Dean has resided therein throughout, apart from 3 years while he was temporarily an emigrant in Australia. While the site lies in the Metropolitan Cork Green Belt, it lies outside that portion of the Green Belt which is recognised as being Prominent and Strategic. Accordingly, Objective GI 8-1 does not apply, i.e. that the site be preserved from development.

7.10. Unlike for example the Limerick County Development Plan, the CDP does not define “landowner” by reference to a minimum area of land and a minimum number of years of ownership. I am, therefore, not in a position to object to the development of the site as proposed on the basis of, for example, its 0.59-hectare area.

7.11. The Planning Authority concluded that the applicants have complied with Category (d) of Objective RCI 4-1. I, too, conclude that such compliance is in place.

(ii) The status of the site

7.12. The applicants draw attention to how the site was previously viewed as an infill one and how in their view it still should be so viewed. They also dispute the description of their proposal as ribbon development in the Planning Authority’s first reason for refusal.

7.13. Appendix 4 of the SRH Guidelines addresses ribbon development. It states that such development is mostly located on the edge of towns and it entails a high density of almost continuous road frontage type development, e.g. 5 or more dwelling houses over any one side of a given 250m of road frontage. They also state the following:

Whether a given proposal will exacerbate such ribbon development or could be considered will depend on:

- *The type of rural area and circumstances of the applicant,*
- *The degree to which the proposal might be considered infill development, and*

- *The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of development.*

- 7.14. During my site visit, I observed that the existing dwelling house on the site is one of two dwelling houses on the western side of the local road, the L-22731, over a 250m stretch to the north of the bridge over a stream. The proposed dwelling house would represent a third one. On the corresponding eastern side of this road there are seven dwelling houses with an eighth to the north. Thus, ribbon development occurs on the eastern rather than the western side of the road.
- 7.15. Turning to the infill question, the applicants state that the owners of the adjoining site to the south-east intend to apply for planning permission. They envisage a scenario wherein the proposed dwelling house would be accompanied by the existing dwelling house to the north and by the development of the site to the south-east. In such circumstances, the site of the proposed dwelling house would be an infill one.
- 7.16. The applicants draw attention to the existing development boundary in the LAP, which stops short of the site to the south-east. They contend that, if this site were to receive planning permission, then the case for extending the development boundary to encompass it and the applicants' site would be stronger.
- 7.17. The infill question turns on a possible future planning outcome of the site to the south-east. I, therefore, take the view that it is premature to regard the applicants' site as an infill one.
- 7.18. The site is located in a position between the development boundary and the existing dwelling houses on the western side of the local road. Its development as proposed would not cause the linear line of dwelling houses on this road to extend further into the Green Belt, but rather to coalesce. The above cited advice of the SRH Guidelines recognises this distinction.
- 7.19. The Planning Authority's two reasons for refusal refer to the concentration of development in the vicinity of the site which would be added to by the proposal. Such concentration is deemed to be inappropriate in the Green Belt. However, as discussed in Paragraph 7.2 above, once an exceptional individual housing need has been established, concerns over the open and rural character of lands in Green belt outside that is designated Prominent and Strategic portion do not serve to negate the meeting of such need.

7.20. I conclude that the proposal would not represent ribbon development and that it would not constitute an infill site. This proposal would not extend the existing linear line of dwelling houses further into the Green Belt. Instead it would lead the coalescence of development. I conclude, too, that, as the proposal would meet an exceptional individual housing need, objection to it is not warranted on Green Belt grounds.

(iii) Development standards, access, and amenity

7.21. Quantitatively, the proposed dwelling house would provide three-bed/six-person accommodation over a total floorspace of 199.151 sqm. This floorspace, and the room sizes that would comprise it would be satisfactory. This dwelling house would be served by a garden with an area of 1325 sqm. Qualitatively, as a detached dwelling house, each elevation would contain glazed openings and so this dwelling house would be well lit.

7.22. The existing access point in the south-east corner of the site would be closed and a new one would be formed c. 30m to the north. This access would be splayed, and it would be accompanied by visibility splays with x and y dimensions of 2.4m and 60m. The provision of these splays would entail the removal of non-native conifers from along the existing roadside boundary. If the access is to be gated, then gates should be set back by at least 4.5m to ensure that a vehicle refuge is available forward of them. The access would be shared between the existing and the proposed dwelling houses.

7.23. The submitted site plan indicates that the level of the local road is above that of the site in the vicinity of the proposed access point. Thus, the initial portion of the means of access to the site would have to span this difference in levels. Detailed plans of how this would be done, i.e. the gradients that would be required/specified, should be addressed by means of a condition.

7.24. The proposed dwelling house would be sited in a position c. 20m from the site's roadside boundary. Its finished floor level would be 57.7m OD, which would coincide with the level of the local road beside the south-eastern corner of the site. As this road proceeds to rise, the dwelling house would be lower than the corresponding portion of this road to the north-east. The nearest existing dwelling houses would lie on the far side of the local road. Additional deciduous tree planting would be

undertaken towards the south eastern corner of the site. A combination of horizontal separation distances, differences in levels, and the screening afforded by existing and proposed trees would serve to ensure that the visual and residential amenities of existing dwelling houses to the north east would be maintained.

- 7.25. Additional deciduous tree planting would also be undertaken along boundary of the site with the adjoining site to the south-east, the future use of which remains to be determined.
- 7.26. The existing dwelling house on the site would be c. 60m to the north north-west of the proposed dwelling house. As envisaged the occupation of both dwelling houses would be by households that are part of the same extended family. Clearly, the separation distance between these dwelling houses would afford scope for increased levels of privacy to be secured in the future, should this pattern of occupancy change.
- 7.27. I conclude that the proposed dwelling house would afford a satisfactory standard of amenity to future residents, the proposed replacement access would be capable of being provided in a satisfactory manner, and the proposal, as a whole, would be compatible with the visual and residential amenities of the area.

(iv) Water

- 7.28. The proposed dwelling house would be served by a new connection to the public water mains. Irish Water has raised no objection, in principle, to such connection. Existing dwelling houses in the vicinity of the site are, likewise, served by the public water mains.
- 7.29. The proposed dwelling house would be served by a proprietary treatment unit and polishing filter. To this end, a Site Characterisation Form was completed, details of which are set out below:
- The aquifer is locally important and of high to extreme vulnerability. The Response Matrix is thus R2¹.
 - The revised proposed site plan shows the siting of the trial pit and the T and P test holes.
 - The trial holes recorded ground water at a depth of 1.1m and both the topsoil and the subsoil are composed of soft silt.

- The T-test holes were saturated. The P-test holes yielded an average result of 35min per 25mm. Under Table 6.3 of the EPA's relevant Code of Practice (CoP), this result indicates that the "site is suitable for a secondary treatment system with polishing filter at ground surface or over ground".
- The applicant proposes to install a packaged waste water treatment system (WWTS)(Kingspan Envirocare P6) with a 90 sqm polishing filter. This filter would be raised above ground level and it would have an invert level of 56.5m OD.

7.30. The applicants advise that the site has not to their knowledge been flooded and the OPW's flood maps do not show the site or its immediate locality as being the subject of any identified flood risk. During my site visit, I observed that the stream along the western boundary is at a lower level than the remainder of the site. Nevertheless, neither the Area Engineer nor the Drainage Engineer express any concern over flood risk.

7.31. As originally proposed, the polishing filter would be sited a minimum of 10.309m away from the stream that runs along the western boundary of the site. Under Table 6.1 of the CoP, the minimum separation distance in this respect is 10m.

7.32. The Area Engineer requested that the separation distance between the proposed polishing filter and the stream be maximised. He also requested details of existing WWTSs in the locality. At the appeal stage, the applicants have re-sited the proposed polishing filter to give a minimum separation distance of 13.424m. They have also shown the adjacent position of the existing polishing filter in the overall site, which is a minimum of 13.010m away from the stream. A septic tank on the adjoining site to the south-east is shown, too.

7.33. The proposed polishing filter would have an area of 90 sqm. The completed Site Characterisation form cites PEs of variously 5 and 6. Given that the proposed dwelling house would be capable of accommodating 6 residents, the latter PE should be designed for this number. The applicants should prepare a detailed design for the proposed polishing filter, which would demonstrably comply with the EPA's relevant CoP.

7.34. The applicants have not submitted a surface water drainage scheme for the site. They have, however, stated that such water would discharge to the stream.

7.35. I conclude that, subject to conditions relating to the detailed design of the proposed polishing filter and the surface water drainage scheme for the site, issues relating to water would be capable of being satisfactorily handled.

(v) Screening for Stage 1 Appropriate Assessment

7.36. Under Screening for Stage 1 Appropriate Assessment, the question to be addressed is, “Is the project likely to have a significant effect either individually or in combination with other plans and projects on a European Site(s)?”

7.37. The project is to build a dwelling house within the 0.59-hectare site of an existing dwelling house. This dwelling house would be accessed off the adjoining local road and it would be served by a WWTS and a polishing filter.

7.38. A stream flows along the western boundary of the site and into the River Martin to the east. This River joins the River Blarney to the south, which in turn joins the River Shournagh to the west, which in turn joins the River Lee further to the south. Parts of the mouth of the River Lee are designated as Cork Harbour SPA (004030) and further to east lies Great Island SAC (001058). Accordingly, there is a source/pathway/receptor route between the site and these European sites via these successive Rivers.

7.39. The Qualifying Interests of Cork Harbour SPA are as follows:

Little Grebe (*Tachybaptus ruficollis*) [A004]

Great Crested Grebe (*Podiceps cristatus*) [A005]

Cormorant (*Phalacrocorax carbo*) [A017]

Grey Heron (*Ardea cinerea*) [A028]

Shelduck (*Tadorna tadorna*) [A048]

Wigeon (*Anas penelope*) [A050]

Teal (*Anas crecca*) [A052]

Pintail (*Anas acuta*) [A054]

Shoveler (*Anas clypeata*) [A056]

Red-breasted Merganser (*Mergus serrator*) [A069]

Oystercatcher (*Haematopus ostralegus*) [A130]

Golden Plover (*Pluvialis apricaria*) [A140]

Grey Plover (*Pluvialis squatarola*) [A141]

Lapwing (*Vanellus vanellus*) [A142]
Dunlin (*Calidris alpina*) [A149]
Black-tailed Godwit (*Limosa limosa*) [A156]
Bar-tailed Godwit (*Limosa lapponica*) [A157]
Curlew (*Numenius arquata*) [A160]
Redshank (*Tringa totanus*) [A162]
Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
Common Gull (*Larus canus*) [A182]
Lesser Black-backed Gull (*Larus fuscus*) [A183]
Common Tern (*Sterna hirundo*) [A193]
Wetland and Waterbirds [A999]

The Conservation Objectives for each of these Qualifying Interests is to maintain its favourable conservation condition.

7.40. The Qualifying Interests of Great Island Channel SAC are as follows:

Mudflats and sandflats not covered by seawater at low tide [1140]
Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]

The Conservation Objectives for of these Qualifying Interests is to maintain the former and restore the latter to their favourable conservation condition.

7.41. The Conservation Objectives for the above cited SPA and SAC would be potentially effected by a deterioration in water quality, for example, the food chain and habitats for the birds identified as Qualifying Interests could be harmed.

7.42. The project would entail the construction of a dwelling house beside a stream. This dwelling house would be served by a WWTS and polishing filter, which would discharge to ground water. Standard construction management techniques would be designed to ensure that the water quality of the stream is maintained. Likewise, the future maintenance of the WWTS and polishing filter would ensure that water quality is maintained. These measures would be undertaken to safeguard water quality regardless of the European Sites cited above.

7.43. Given the small scale of the project, the distance of c. 22 km between the site and the identified European Sites, and the attendant dilution factor, I do not consider that this project would be likely to have any significant effect, either individually or in

combination with other projects, upon the Conservation Objectives of these European Sites.

- 7.44. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites Nos. 004030 and 001058, in view of these Sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 7.45. This determination is based on the following: The small scale of the project, the distance of c. 22 km between the site and the identified European Sites, and the attendant dilution factor.
- 7.46. In making this screening determination no account has been taken of any measures intended to avoid or reduce potentially harmful effects of the project of a European Site.

8.0 Recommendation

- 8.1. That permission be granted.

9.0 Reasons and Considerations

Having regard to the National Planning Framework, the Sustainable Rural Housing Guidelines, Cork County Development Plan 2014 – 2020, Blarney Macroom Municipal District Local Area Plan 2017, the applicants would, under Objective RCI 4-1(d) of the County Development Plan, have an exceptional individual housing need for a dwelling house on the site in the Cork Metropolitan Green Belt. The proposed dwelling house would lead to the coalescence of development in the vicinity of the site. This dwelling house would afford a satisfactory standard of amenity to future residents and it would be compatible with the visual and residential amenities of the area. Subject to conditions, the proposed access and the proposals for handling waste water and surface water would be satisfactory. No Appropriate Assessment

issues would arise. The proposal would accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 29th day of July, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The detailed design and layout of the proposed access, including its gradients, and accompanying sightlines shall be shown on a plan and sections to a scale of 1: 100.</p> <p>(b) The detailed design and layout of the proposed polishing filter shall be shown on a plan and sections to a scale of 1: 100.</p> <p>(c) The detailed design and layout of a surface water drainage system for the site shall be shown on a plan to scale of 1: 100.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of road safety and public health.</p>
3.	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter. Prior to commencement of development,</p>

	<p>the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.</p>
4.	<p>(a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the siting details submitted to the An Bord Pleanála on the 29th day of July, 2020, and the design and layout details submitted and agreed with the Planning Authority under condition 2(b) of this Order, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.</p> <p>(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwelling house and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and</p>

	<p>agreed in writing with, the planning authority within four weeks of the installation.</p> <p>(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.</p> <p>(e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The landscaping scheme shown on drg no. P01, as submitted to the An Bord Pleanála on the 29th day of July, 2020, shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
6.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p>

	<p>Reason: In the interest of public health.</p>
8.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, surface water run-off control measures, and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
9.	<p>Prior to the commencement of occupation of the proposed dwelling house, the existing access to the site shall be permanently closed.</p> <p>Reason: To ensure that access to the site is consolidated in the interest of road safety.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution of €10,847 (ten thousand eight hundred and forty-seven euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

11.	<p>The developer shall pay to the planning authority a financial contribution of €2053 (two thousand and fifty-three euro) in respect of the Cork Suburban Rail the Project specified in the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended, on the 9th of July 2018. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
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Hugh D. Morrison
Planning Inspector

24th November 2020