



An  
Bord  
Pleanála

## Inspector's Report ABP-308459-20

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<b>Development</b>	Demolition of former hotel and construction of 9 dwellings, realignment of R598, landscaping, car parking and site development works
<b>Location</b>	Little-Island, Owenahincha, Rosscarbery, County Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	20/79
<b>Applicant(s)</b>	Patrick & Gillian O.Donovan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	An Taisce
<b>Observer(s)</b>	Stephen Evans Freke
<b>Date of Site Inspection</b>	9 <sup>th</sup> March, 2021
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

1.1. The 3.392 hectare site is located at the south-eastern end of Owenahincha close to Castlefreke, approximately 3km from Rosscarbery to the north-west and 10km from Clonakilty to the north-east. The site is a short distance from Owenahincha strand and has frontage to the west onto the R598 Regional Road. It is a steep site on which there is a former hotel complex that has been vacant for many years. The site is bounded by moorland. There are one-off chalet-type houses on the opposite of the regional road. Castle Freke, a protected structure, is located several hundred metres to the north-east and is accessed from a minor local road a short distance to the north of the site.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise the demolition of a former hotel and the construction of 9 dwellings, the realignment and widening of the Coast Road (R598) and all associated landscaping, car parking and site development works. The development would be accessed from the regional road using the existing entrance to the former hotel. The houses would be single-storey, three of which would be detached units and the remainder would be semi-detached units. The layout of the development would generally align with the established footprint of the former hotel. There would be 7 three bedroom units and 2 two bedroom units, with floor areas ranging from 88.65 sqm to 127.5 sqm. The houses would be served by a mains water supply and public foul sewer. A play area is proposed at the location of the former tennis courts on the hotel site. The road widening would allow for the development of a two metre wide footpath for the frontage of the site and a six metre wide road carriageway.
- 2.2. A cover report with the application addressed the site context and the proposed development, planning policy context, planning history, an assessment of the proposal, matters relating to Part V, and included a schedule of attachments. Other details submitted with the application included a letter of consent from Cork County Council, an appropriate assessment screening report, a traffic report, a landscape plan, a landscape and visual impact assessment, an outline construction environmental management plan, a water and drainage report, and photomontages.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 22<sup>nd</sup> September 2020, Cork County Council decided to grant permission for the proposed development subject to 27 conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner noted development plan provisions, pre-planning discussions, and reports received. It was noted that Owenahincha has developed largely to provide holiday accommodation over the years. It was considered that the principle of development and the design had been agreed at pre-planning stage and that it was compliant with the overall zoning policy. The content of each of the internal reports received are repeated in the Planner's report. A recommendation to seek further information was made based upon the reports received and a section drawing detailing boundary treatment to houses 8 and 9.

#### **3.2.2. Other Technical Reports**

The Estates Report sought further information in relation to the estate management, public lighting, sight distance, clarification on the existing wayleave, and alternative options for surface water runoff.

The Conservation Officer considered there was no increased visual impact on the wider Castlefreke estate over that which exists. It was recommended that the opinion of the planning authority's architect be sought on the appropriateness of the design. There was no objection and a schedule of conditions was attached.

The Environment Report recommended that a waste management plan should be sought.

The Archaeologist submitted that the proposal would not directly impact on any known archaeological sites. With regard to the visual impact on the setting of Castlefreke house and the associated demesne landscape, the design, location and scale of the development and boundary landscaping, it was considered that this issue was adequately addressed.

The Area Engineer submitted that the development is welcome, with the site becoming neglected but considered the suitability of the location, policy and design were matters for the planning officer. He was satisfied that in principle the development could comply with engineering standards. The report of the Estate's Engineer was supported and it was considered that proposals for road drainage also be requested.

The Ecologist noted that the effluent discharging from the public wastewater treatment system is non-compliant with ELVs and that the septic tank is operating over its capacity during summer months. It was considered that the development could have potential to contribute to pressures on water quality on receiving waters, with potential indirect negative effects on marine habitats and species and on designated sites. It was also submitted that the site appears to have the potential to support habitats of potentially high natural value (fixed dune and/or coastal heath habitats) and potentially protected species (bats). A request for further information was recommended seeking details relating to the predicted influence of the proposal on water quality in the bay area and an ecological impact assessment report.

### **3.3. Prescribed Bodies**

Transport Infrastructure Ireland submitted it had no observations to make.

Inland Fisheries Ireland stated it had no objection provided Irish Water signified there is sufficient capacity so that the development does not overload existing treatment facilities or result in polluting matter entering waters.

Irish Water had no objection to the proposal.

An Taisce noted the site is not close to existing services or public transport links and considered the proposal would be contrary to the principles of compact growth as outlined in the National Planning framework. It was submitted that further residential development would be better located in Rosscarbery.

3.4. A request for further information was sought on 7<sup>th</sup> April 2020 and a response to the request was received on 26<sup>th</sup> August 2020. This included further drainage details, sightline provisions, an outdoor lighting report, an additional photomontage, a revised AA screening report, an ecological impact assessment, an outline construction environmental management plan, and confirmation that the development would be privately managed.

3.5. Following this, the reports to the planning authority were as follows:

The Environment Section had no objection to the proposal subject to conditions.

The Estates Engineer had no objection and a schedule of conditions was set out.

The Area Engineer was satisfied with the proposals and recommended that permission be granted subject to conditions.

The Planner submitted that, subject to the report of the Heritage Unit, the further information request had been addressed and a grant of permission subject to conditions was recommended.

The Ecologist noted the further information response, the on-site habitat impact, impact on bats and the potential impact on European sites. It was concluded that the proposal would not give rise to significant negative impacts on Kilkeran Lake and Castlefreke Dunes, does not pose any risk on habitats of biodiversity value, and it was considered that mitigation measures for bats and the management of alien species were acceptable. The overloading issues with the wastewater treatment plant were again acknowledged and it was recommended that occupation of the houses should be restricted until such time as the treatment plant has sufficient capacity and is operating in compliance with licence conditions. It was concluded that there was no objection subject to a schedule of conditions. This included a condition restricting occupancy until the wastewater treatment plant is in compliance with licence conditions.

The Senior Planner considered the issues in respect of roads, traffic, surface water, estates and waste management had been addressed. With regard to the Ecologist's recommendation relating to occupancy, it was submitted that Irish Water had not raised an issue in regard to capacity and noted the proposal would be subject to a

connection agreement. The attachment of an occupancy condition was not recommended. Permission was recommended subject to conditions.

## 4.0 Planning History

I note the Planner states that there is no record of a previous planning application having been made on the site under consideration. I note the following from the application submission:

### P.A. Ref. 64/1300

Permission was granted in 1964 for a motel and 6 chalets.

### P.A. Ref. 80/2506

Permission was granted in 1980 for 15 dwellings.

## 5.0 Policy Context

### 5.1. West Cork Municipal District Local Area Plan

#### Other Locations

##### *Owenahincha*

Owenahincha is designated an 'Other Location' in the Plan. The site lies within the development boundary.

The vision for Owenahincha is to promote sympathetic development having regard to the tourism function of the existing settlement, to improve public amenity and recreation facilities and to protect the unique natural heritage, ecology and landscape within and surrounding the settlement and its coastline.

Development Boundary Objectives include:

DB-01: Ensure new development is of high quality design, of an appropriate scale and form and sympathetic to the carrying capacity of the settlement. The materials used should be in keeping with the rural coastal locale and colour schemes should complement the natural beauty of the area. The resort is located in a high value landscape area

and all new development should have specific regard to the visual impact of any proposal.

- DB-02: Protect and enhance the attractive coastal setting and landscape character of the settlement.
- DB-03: Any new residential development should be accompanied by the provision of appropriate community and social facilities concurrent with development.
- DB-07: Appropriate and sustainable water and wastewater infrastructure that will help secure the objectives of the relevant River Basin Management Plan and, where applicable the protection of Natura 2000 sites, needs to be provided in tandem with the development.

A Specific Development Objective applicable to the northern section of the site and to lands to the north of this is as follows:

**Objective X-02 – Special Policy Area**

*Opportunity site for the sensitive redevelopment of the former hotel complex site (relating to brownfield portion of the site only) with special consideration needed to ensure that any use proposed is sympathetic to the tourism function of the settlement and that any development will integrate into the visual and scenic landscape environment along the coastline and to a high quality design standard. The remaining lands to the north of the former hotel complex should remain open and free from any development, to allow for protection of the views of Castlefreke which is a protected structure. The Planning Authority will in consultation with the landowners, prepare a detailed planning design brief for these lands.*

There is a ‘Utilities and Infrastructure’ Special Development Objective for the adjoining public road to the south-west of the site as follows:

**Objective U-02**

*Upgrade and extend the pedestrian walkway on the R598 and the ‘cliff walk’ through the settlement to include the provision of public lighting where appropriate.*

## 5.2. Cork County Development Plan

### Landscape

The site is located within a designated 'High Value Landscape'.

Objectives include:

#### **GI 6-1: Landscape**

- a) Protect the visual and scenic amenities of County Cork's built and natural environment.
- b) Landscape issues will be an important factor in all land use proposals, ensuring that a proactive view of development is undertaken while maintaining respect for the environment and heritage generally in line with the principle of sustainability.
- c) Ensure that new development meets high standards of siting and design.
- d) Protect skylines and ridgelines from development.
- e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments

### Scenic Routes

The R598 onto which the site has frontage is a designated 'Scenic Route'.

Objectives include:

#### **GI 7-2: Scenic Routes**

Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in this plan.

#### **GI 7-3: Development on Scenic Routes**

- a) Require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be



demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area.

- b) Encourage appropriate landscaping and screen planting of developments along scenic routes which provides guidance in relation to landscaping.

### Architectural Heritage

Objectives include:

#### **HE 4-1: Record of Protected Structures ...**

- c) Seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest ...
- d) Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.
- e) Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.
- f) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.
- g) Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures ...

### **5.3. EIA Screening**

Having regard to the nature, scale and location of the proposed development, the necessity for the submission of an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal may be synthesised as follows:

- The site is on a Scenic Route in a landscape-sensitive coastal area, affecting views from a significant protected structure, Castle Freke, and where the issue of effluent disposal is a major preliminary concern.
- The Council's engineering report failed to address the capacity of the sewer to accommodate additional wastewater. The Council's reports and decision failed to address the capacity of Rosscarbery Estuary to accommodate additional effluent on top of an existing inadequate system. Conditions 23 and 24 of the planning authority's decision left the matter to be resolved with Irish Water and is not a tenable means of addressing a fundamental issue of capacity. The wastewater treatment system is not meeting required emission standards and is negatively impacting on water quality in the bay. It also impacts on the lagoon habitat. The proposal is premature without an upgrade of the treatment system.
- The applicant's further information did not address the ecological impact of the wastewater discharge.
- There was a failure to properly address the significant difference between the existing modest flat-roofed motel structure and the nine pitched roof housing units, which have a greater visual impact and footprint, and to address the effects on Castle Freke and views from it. The proposal is visually intrusive in the coastal landscape views from all directions.
- In the context of development plan provisions, the proposal has a much larger footprint of construction when compared to the area occupied by the motel units. Reference is made to the requirements under Special Policy Objective X-02 for the site. The Planner's report fails to address Castle Freke as a protected structure and there is no consideration of landscape impact in views from Castle Freke. No design brief has been prepared for the lands as is required.

- The pre-planning discussions failed to address the wastewater issues and the provisions of the Local Area Plan. There was no justification to the claim that maintaining the roofline of the derelict motel would result in a “utilitarian design”.
- The Council’s reports and decision are systemically deficient in stating the proposal is sensitively designed and in compliance with the zoning objective.

The appellant requests an award of expenses against the planning authority for the fee and the professional administrative time input into the research and submission of the appeal. The appeal included details on Local Area Plan provisions and information on Castle Freke.

## 6.2. Applicant Response

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

- The proposed development would not have any significant impacts on the public wastewater treatment plant given the limited hydrological connectivity linking the site to the lagoon. Reference is made to appeal comments stated to be made by the Council’s Area Engineer in response to the appeal. Reference is also made to the applicant’s pre-connection enquiry to Irish Water and Irish Water’s submission to the planning authority. The findings of the applicant’s AA screening relating to the impact on Kilkieran Lake and the conservation status of the SAC are also noted.
- The development would not have any ecological impact on wastewater discharging from the site. Reference is made to the findings in the applicant’s Ecological Impact Assessment Report and to the Council’s Ecologist’s conclusions.
- The application was submitted with a detailed landscaping plan and photomontages and the development would not have an adverse impact on views from Castle Freke. Reference is made to the reports of the Conservation Officer and the Planner and a comparison is made of the proposal with the hotel development on the site. The development would not

have an adverse impact on views from Castle Freke and will enhance Owenahincha by providing 9 residential units.

- The development is consistent with the objectives set out in Cork County Development Plan and the West Cork Municipal District Local Area Plan. The site is zoned as Special Policy Area X-02. The proposal generally aligns with the building line of the former hotel complex. Reference is made to the submitted photomontages indicating improvements arising from proposed landscaping.
- The application was accompanied by a comprehensive list of supporting material and contained all the information sought by the planning authority.

The response included the Irish Water submission to the planning authority and the pre-connection enquiry correspondence.

### **6.3. Planning Authority Response**

I have no record of any response to the appeal from the planning authority.

### **6.4. Observations**

The observer submits that he is spending significant funds in restoring Castle Freke and cannot have the development constructed, being viewed as an imposition. Concerns are raised that the proposal did not take account of the impact on and relationship with the castle or with the character of the surrounding area and the visual impact. Reference is made to non-compliance with County Development Plan provisions, to the contemporary design being out of character, and to the prominence of the site. The observation includes photographs to illustrate the impact of the proposal. It is submitted that the applicant's further information merited re-advertisement. It is concluded that, if the Board decides to grant permission, it would be prudent to have a lower density development on the same footprint as the motel and with houses of a rural design and a height no greater than the existing height. Reference is also made to the proposal being contrary to Special Policy Objective X-02, to water quality concerns, and to the lack of details provided on the impact on sight lines from the castle.

## 7.0 Assessment

### 7.1. Introduction

- 7.1.1. I consider the principal planning issues relating to the proposed development are effluent disposal, the visual impact, the traffic impact, and appropriate assessment.

### 7.2. Effluent Disposal

- 7.2.1. I note the development objectives for Owenahincha as set out in the West Cork Municipal District Local Area Plan. These include Objective DB-07 which is as follows:

*Appropriate and sustainable water and wastewater infrastructure that will help secure the objectives of the relevant River Basin Management Plan and, where applicable the protection of Natura 2000 sites, needs to be provided in tandem with development.*

- 7.2.2. I note also the applicant's pre-connection enquiry to Irish Water and the Irish Water submission to the planning authority. I further acknowledge the report of the planning authority's Ecologist on concerns relating to wastewater as well as the report from Inland Fisheries Ireland expressing the need to ensure the effluent treatment system can accommodate the proposed development. It is pertinent to note that the observations by the Ecologist on the inadequate effluent treatment system for Owenahincha are not refuted by the other sections in the planning authority. I also acknowledge the applicant's observations within its revised AA Screening Report which refers to the 2019 Annual Environmental Report (AER) for Roscarberry/Owenahincha WWTP by Irish Water. From this report it can be seen that the plant is overloaded, that the WWTP is not compliant with the ELVs (Emission Limit Values) set out in the discharge licence, and that there is insufficient capacity in the septic tanks. I also acknowledge that the report states that the discharge from the wastewater treatment plant does not have an observable impact on water quality, while at the same time it is further noted that a deterioration in water quality has been identified and it is not known if it is or is not caused by the

WWTP. The report states that there is no improvement programme for this agglomeration.

- 7.2.3. I submit to the Board that the proposed development would add to the existing load which the public wastewater treatment plant cannot safely accommodate at this time. This is a very serious unsustainable, and indeed irresponsible, approach to planning for new development utilising public wastewater utilities. In my opinion, it is not acceptable for Irish Water to state that it has no objection and to add no further comment or clarity on the deficiencies of the public system (clearly evident from the information provided in this application). It is also unacceptable that the planning authority did not address this issue in any meaningful manner after the Ecologist raised the serious concerns. This proposed development will add to pollution in the bay. To suggest that it is other than premature is not sustainable. One cannot simply keep adding to the load and adding to the pollution of marine waters. Until such time as Irish Water carry out the necessary works to ensure there is a safe wastewater treatment system in place development such as that proposed seeking to use the treatment system cannot reasonably be accommodated. This issue will not be resolved until the realisation of the damage being caused to the marine waters by such systems are constructively addressed. The concerns of the planning authority's Ecologist, An Taisce and Inland Fisheries Ireland are understood. The proposed development does not meet with Objective DB-07 and is clearly premature pending the upgrade of the public wastewater treatment system for Owenahincha.

### 7.3. Visual Impact

- 7.3.1. The site of the proposed development is located on a hill which is highly exposed and prominent on the approaches into Owenahincha. The site is located within a designated 'High Value Landscape' in the Cork County Development Plan. The low building complex of the former hotel is highly visible on the approaches. The adjoining regional road (R598) is a designated scenic route in the County Development Plan. Castle Freke to the north-east is a protected structure.

7.3.2. The following objectives are noted from the County Development Plan:

- To protect the visual and scenic amenities of the county's built and natural environment, to ensure that new development meets high standards of siting and design, and skylines and ridgelines are protected from development (Objective GI 6-1);
- To protect the character of views and prospects obtainable from scenic routes (Objective GI 7-2);
- To demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features by development in the environs of a scenic route (Objectives GI 7-3);
- To protect all structures within the County which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting, and ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.

7.3.3. The existing hotel complex on this site is located on a hill, is highly prominent, incongruous with the natural setting, and significantly unsightly. While I acknowledge that there is a development plan objective relating to part of this site and that a former hotel exists on this site, one can reasonably state that the introduction of a housing scheme onto this site, with its higher structures and necessary supporting infrastructure of lighting, roads, etc., would greatly exacerbate the prominence and incompatibility of built structures on this hill on an important approach into Owenahincha. This highly exposed moorland location will not facilitate sustainable landscaping to screen out the incongruity of this housing scheme. This development would make the unsightly, prominent impact of the low scale hotel complex worse in visual terms. One may have a subjective opinion on the form, scale, height and design of the proposed houses, however, it is clear that the housing scheme will

increasingly emphasise the prominence of man-made intrusion on this hill.

Therefore, the proposed development could not be seen to meet in any balanced manner with Objective GI 6-1 of the County Development Plan and would present as undermining the natural ridgeline.

7.3.4. The site of the proposed development is in a sensitive location at the eastern end of Owenahincha adjoining a designated scenic route. There would be no meaningful screening of the housing scheme on this hill. Because of its visual intrusiveness in this elevated location, its sensitivity on the approach into Owenahincha, and its high degree of prominence when approaching from the west, the housing scheme would be distinctively incompatible with its natural surrounds. I submit to the Board that just because there is a former old hotel complex on this site, it does not merit repeating the same mistake again by permitting an even more incongruous development. While I also acknowledge that there is a zoning objective for the northern section of this site (Objective X-02) in the Local Area Plan, this obligates development to integrate into the visual and scenic landscape environment along this coastline and to provide a high quality design standard. I submit to the Board that siting the linear development on an elevated part of the lands associated with Objective X-02, in a prominent and exposed section, is undesirable and would have an adverse visual impact. Furthermore, this scale of development and its highly prominent impact at this location does not meet with the County Development Plan objective to protect the character of views and prospects obtainable from scenic routes (Objective GI 7-2).

7.3.5. I note the appellant's submission relating to the visual impact of the development on Castle Freke. It is apparent that the site is prominent when viewed from Castle Freke and that Castle Freke is prominent from the site. I acknowledge that the site is in excess of 500 metres from the castle. I also note that views from the castle have been impacted for many years by the hotel complex. I have no doubt that the proposed development would be even more prominent than the former hotel complex by the higher structures proposed, the reintroduction of street lighting, etc. However, I do not accept that the proposed development intrudes on the setting of the castle or interferes in any qualitative manner on the architectural, archaeological



or historic interest the castle has. I do not consider that the proposed development conflicts with development plan provisions relating to architectural heritage.

- 7.3.6. In conclusion, I consider the proposed development would be highly intrusive, wholly incompatible with its natural setting, and visually damaging to the landscape character of this area.

#### 7.4. Traffic Impact

- 7.4.1. I draw the attention of the Board to a most serious issue with the proposed development, namely traffic safety. The proposed development would access the regional road at the location of the existing entrance to the former hotel, within the 80kph speed limit zone for the road. The vertical and horizontal alignment of the road at this location is very poor. There are no roadside margins. There are banks up to the road edge. There is a continuous white centreline running for some distance northwest / southeast along this road. To attempt to provide basic sightlines from the proposed entrance would require very substantial road works. This is not as simple as removing a small section of hedgerow in the applicant's possession or removing a short section of low wall or sod bank. Very substantial earthworks would be required to remove high banks over a significant distance, with realignment affecting both sides of the road. These works would not only extend for the area associated with this site. If the development proceeds as proposed, I must impress upon the Board that this development will be a traffic hazard. It is not safe to allow a housing scheme to access the regional road at this location in the manner proposed.
- 7.4.2. I note the zoning provision at this site, Objective X-02. This objective applies to lands relating to the northern section of the appeal site and to the lands immediately to the north of this. The latter have extensive frontage onto the local road to the north. In my opinion, the sustainable approach to meeting the requirements of Objective X-02 in a safe manner is to carry out any such development within the Objective X-02 lands with access provided onto the local road to the north. I am firmly of the view that the follow-through of new development further to the zoning of these lands could only be accommodated safely if access was provided via the local road to the north.

## 7.5. Appropriate Assessment - Screening

### 7.5.1. *Background*

The applicant submitted an Appropriate Assessment Screening Report as part of the application. A revised screening report was submitted by way of further information to the planning authority. This Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The applicant's AA Screening Report concluded:

*“This AA Screening report for Appropriate Assessment is based on the best available scientific information and shows that the proposed development Owenahincha, Roscarberry, Co. Cork poses no risk of likely significant effects on Natura 2000 sites either alone or in combination with other plans and projects, and therefore does not require progression to Stage 2 Appropriate Assessment.”*

Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone or in combination with other plans and projects, on European sites.

### 7.5.2. *Description of Development*

The applicant provides a detailed description of the project in Section 4 of the AA Screening Report. The proposed development includes:

- The demolition of the existing hotel,
- The construction of 9 houses,
- Landscaping and the provisions of lands for community allotments,
- Installation of a new separated surface water system,
- A new connection to the watermain, and
- A connection of foul drainage from the proposed houses to the existing combined sewer.

### 7.5.3. European Sites

The nearest European sites are as follows:

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<b>Special Areas of Conservation</b>	<b>Distance to Site</b>
Kilkeran Lake and Castlefreke Dunes SAC (001061)	500m to east.

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<b>Special Protection Area</b>	<b>Location</b>
Galley Head to Duneen Point SPA (004190)	2.4km to east.

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The Qualifying Interests of the SAC are:

- Coastal lagoons
- Embryonic shifting dunes
- Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes)
- Fixed coastal dunes with herbaceous vegetation (grey dunes)

The Conservation Objectives are as follows:

*“To restore the favourable conservation condition of Coastal lagoons in Kilkeran Lake and Castlefreke Dunes SAC”.*

*“To maintain the favourable conservation condition of Embryonic shifting dunes in Kilkeran Lake and Castlefreke Dunes SAC”.*

*“To maintain the favourable conservation condition of Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) in Kilkeran Lake and Castlefreke Dunes SAC”.*

The Qualifying Interest of the SPA is:

Chough (*Pyrrhocorax pyrrhocorax*)

The Conservation Objective is

*“To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA”.*

#### 7.5.4. Identification of Likely Effects

It is first acknowledged that the proposed development is not connected with or necessary for the conservation management of any Natura 2000 site. It is further acknowledged that the site may reasonably be determined to be in a sensitive ecological location due to its proximity to the SAC and to Roscarberry Bay. I note that all proposed works are intended to take place outside of the SAC and SPA and there would be no direct loss of habitat within these European sites.

The following observations are made:

- I acknowledge that the site of the proposed development may support habitat which is used by Chough for feeding. However, the SPA is over 2km from the site and covers an expansive area with availability of suitable feeding habitat within the SPA and its immediate environs. It is reasonable to conclude that there would be no risk of likely significant effects on the Galley Head to Duneen Point SPA.
- The main activities with potential effects on the SAC would relate to the discharge of effluent from the proposed development into the public wastewater treatment plant.
- The qualifying interest habitat ‘Lagoon’ (Kilkeran Lake) forming part of the SAC has hydrological linkage to the waterbody into which the effluent from the wastewater treatment plant discharges and is influenced by the ingress of seawater.
- It is noted from the Ecologist’s report to the planning authority that water quality in the lagoon is assigned Bad status. The ingress of nutrient enriched

seawater to the lagoon could compromise water quality further and interfere with the achievement of water quality targets.

- The protection of water quality and natural hydrological conditions are important to restoring the favourable conservation condition of the coastal lagoon within the SAC.
- Effluent from the Owenahincha wastewater treatment plant discharges to the sea east of Owenahincha Strand. Treated effluent is not meeting required emission standards and is deemed to be negatively impacting on water quality in the bay area.
- The recent Annual Environmental Report for Roscarberry/Owenahincha WWTP (2019) prepared by Irish Water is referred to in the applicant's revised AA Screening Report and this Screening Report notes the following from the AER:

*“Section 2 of the report states that following the 2019 assessment the discharge from the plant was non-compliant. Overall the WWTP is not compliant with the Emission Limit Values (ELVs) set out in the discharge licence, as there is insufficient capacity in the septic tanks.*

*Section 2.14 of the report identifies that the current Organic P.E. loading to the WWTP was 2,992, indicating a remaining P.E. of 2,247. The capacity of the plant is likely to be exceeded within the next 3 years.*

*An inspection of the WWTP was completed in March 2019 ... The inspection report found that “The plant is overloaded organically in the summer and hydraulically in the winter”.*

*With regard to ELV breaches, the inspection report states that “there have been no ELV breaches to date in 2019. In 2018 there were continuous breaches for BOD, COD and suspended solids from June until October. These breaches are caused (by) the WWTP having insufficient capacity to treat the organic loads during the peak tourist season.”*

Having regard to the above, one cannot reasonably conclude that the proposed development would not be likely to have significant effects on the SAC due to the

contribution the added effluent load would make to the pollution of the marine waters by the wastewater treatment plan, which discharges into the bay and which has hydrological linkage with the nearby SAC.

#### *7.5.5. In-combination Effects*

I am not aware of any other specific plan or project with which in-combination effects could result with the proposed development.

#### *7.5.6. Mitigation Measures*

No measures designed or intended to avoid or reduce any harmful effects of the proposed alterations on a European site have been relied upon in this screening exercise.

#### *7.5.7. Screening Determination*

The proposed development has been 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 of the project, it has been concluded that the project individually or in combination with other plans or projects would be likely to give rise to significant effects on Kilkeran Lake and Castlefreke Dunes SAC (001061), in view of its Conservation Objectives, and Appropriate Assessment is therefore required.

This determination is based on the following:

- The nature and extent of the proposed development which includes discharge of effluent to a wastewater treatment system that is non-compliant with its Emission Limit Values as required under licence and that comprises a treatment system which is overloaded organically in the summer and hydraulically in the winter
- The proximity to the nearby European site, and

- The known pathway between the bay into which the wastewater treatment plant discharges and the adjoining European site.

## 7.6. Costs

7.6.1. The appellant requests an award of expenses against the planning authority for the fee and the professional administrative time input into the research and submission of the appeal.

7.6.2. I note the provisions of section 145 of the Planning and Development Act (as amended) and the discretion the Board has on this matter. I do not consider that compensation is merited in this instance and note that informed reasons explaining the case for acceding to the request have not been provided.

## 8.0 **Recommendation**

I recommend that permission is refused in accordance with the following reasons and considerations.

## 9.0 **Reasons and Considerations**

1. It is a development objective for Owenahincha as set out in the West Cork Municipal District Local Area Plan that appropriate and sustainable wastewater infrastructure that will help secure the objectives of the relevant River Basin Management Plan and, where applicable the protection of Natura 2000 sites, needs to be provided in tandem with development (Objective DB-07). Having regard to Owenahincha wastewater treatment plant being overloaded, the treatment plant being non-compliant with the Emission Limit Values set out in the wastewater discharge licence, and insufficient capacity in the septic tank, it is considered that the proposed development would conflict with the development objective and would be premature by reference to the existing deficiency in the provision of public piped sewerage facilities serving the area and the period within which the constraint involved may reasonably be expected to cease.

2. The proposed development would be located on a prominent and exposed hill on the eastern edge of Owenahincha in an area designated a High Value Landscape in the Cork County Development Plan and adjoining Regional Road No. R598, a designated Scenic Route in the Development Plan. It is an objective of the Plan to protect the visual and scenic amenities of the county's natural environment, to ensure that new development meets high standards of siting and design, and to protect skylines and ridgelines from development (Objective GI 6-1). Furthermore, it is an objective to protect the character of views and prospects obtainable from scenic routes (Objective GI 7-2).

It is considered that the proposed housing scheme, sited at an elevated and exposed location, would constitute a highly prominent development that would be visually obtrusive when viewed on the approaches to Owenahincha along the R598 and it would constitute ridgeline development that would adversely affect the significant contribution the natural landscape at this location makes to the setting of Owenahincha. The proposed development would, therefore, conflict with the landscape and scenic route objectives of the Cork County Development Plan, would seriously injure the visual amenities of the area, and would, thus, be contrary to the proper planning and sustainable development of the area.

3. The proposed development would access Regional Road No. R598, a busy coastal route, at a location within the maximum speed limit zone for this road and where the road is seriously substandard in width and alignment, without road margins and bounded by high roadside banks. Having regard to the traffic turning movements that would be generated onto this substandard road by the proposed housing estate, it is considered that, notwithstanding the proposed road improvements, the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.

Note: Reason No. 3 relates to a new issue not raised in the appeal submissions.



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Kevin Moore  
Senior Planning Inspector

24<sup>th</sup> March 2021