



An
Bord
Pleanála

Inspector's Report ABP-309159-21

Development	House
Location	Crookhaven, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	20/0568
Applicant(s)	John Hegarty
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	John Hegarty
Date of Site Inspection	16 th June, 2021
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The 0.353 hectare site is located at the western end of the village of Crookhaven in West Cork. It comprises lands adjoining the coastal edge which is sloping northwards towards the shoreline. It is located to the rear of three detached houses that have frontage onto the adjoining Regional Road R591. Access from the public road is gained from the driveway serving the westernmost house. The site is bounded to the south and south-west by St. Brendan's Church and its curtilage, which is a protected structure and Recorded Monument. The site has panoramic views northwards over the adjoining bay.

2.0 Proposed Development

- 2.1. The proposed development would comprise the construction of a single-storey, three bedroom, detached house with a detached viewing pavilion. The house would have a stated floor gross floor area of 215 square metres. It would be served by a mains water supply and public foul sewer. The development would be accessed via an existing entrance and access road onto Regional Road R591.
- 2.2. Details submitted with the application included a Design Presentation, a Photomontage Booklet, an Archaeological and Built Heritage Assessment, a Landscape Masterplan, a Planning Statement, an AA Screening and Natura Impact Statement, a Draft Environmental and Construction Management Plan, and a letter of consent from a landowner permitting the making of the planning application.

3.0 Planning Authority Decision

3.1. Decision

On 7th December, 2021, Cork County Council decided to refuse permission for the proposed development for two reasons relating to siting, design and prominence and conflict with development plan objectives.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, pre-planning consultation, development plan provisions, and reports received. It was acknowledged that the proposed house would be located directly in front of and to the east of St. Brendan's Church which is a protected structure and that the site has little natural screening. Reference was made to the revised design over that previously refused permission. Concerns raised related to the impact on the protected structure and precedent relating to permitting a development close to the foreshore and undermining the character of the village. It was submitted that the proposal could also privatise an area of open space which is enjoyed by residents, visitors and holiday home owners. A refusal of permission for two reasons was recommended.

The Senior Executive Planner concurred with the Planner's assessment.

3.2.2. Other Technical Reports

The Area Engineer had no objection to the proposal and recommended a grant of permission subject to conditions.

The Conservation Officer noted the proposal adjoined a protected structure, St. Brendan's Church and that a similar development had previously been refused, with one reason relating to the impact on St. Brendan's Church. The Conservation Officer agreed with the assessment of the previous application. The impact on the protected structure was acknowledged, as was the visual impact of the proposed house on the setting and appreciation of the church in its wider context. A refusal of permission was recommended.

The Ecologist recommended that a request for further information be sought relating to prevention of overloading of the main sewer system and leakage into the SAC, with matters considered as an addendum to the Natura Impact Statement.

The Archaeologist noted the proposal would be sited close to the zone of archaeological potential around Recorded Monument CO147-058 02 Church (present) CO147-058 03 earlier church. Noting a previous application and the layout and design of the proposal being similar to that, it was submitted that the proposal would negatively impact on the setting of the adjacent church and graveyard. A refusal of permission was recommended.

3.3. Prescribed Bodies

Irish Water had no objection to the proposed development.

4.0 Planning History

P.A. Ref. 18/567

Permission was refused by the planning authority for a detached, single-storey house for two reasons relating to the proposal injuring residential amenities and the impact on St. Brendan's Church and the setting of the village.

5.0 Policy Context

5.1. West Cork Municipal District Local Area Plan

Crookhaven is a designated village in the LAP. The vision for the village is to retain its attractive character by consolidating sympathetic development within the existing fabric of the settlement.

The access and easternmost section of the site is located within the village's development boundary. The western section in which the proposed viewing pavilion would be sited lies outside of the development boundary.

Development Boundary Objectives include:

- DB-01: Within the development boundary encourage the development of up to 40 additional dwelling units during the plan period.
- DB-03: 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.

5.2. Cork County Development Plan 2014

Heritage

St. Brendan's Church to the south-west and south of the site is a Protected Structure (RPS 0-0011). It is also a Recorded Archaeological Monument - CO147-058 02 Church (present) CO147-058 03 earlier church.

Archaeological Heritage

Objectives include:

HE 3-1: Protection of Archaeological Sites

- a)** Safeguard sites and settings, features and objects of archaeological interest generally.
- b)** Secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments including the Sites and Monuments Record (SMR) (see www.archeology.ie) and the Record or Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, as amended and of sites, features and objects of archaeological and historical interest generally.

In securing such preservation, the planning authority will have regard to the advice and recommendations of the Department of Arts, Heritage and Gaeltacht as outlined in the Frameworks and Principles for the Protection of the Archaeological Heritage.

HE 3-5 Burial Grounds

Protect all historical burial grounds in County Cork and encourage their maintenance and care in accordance with appropriate conservation principles.

Architectural Heritage

Objectives include:

HE 4-1: Record of Protected Structures

- a)** The identification of structures for inclusion in the Record will be based on criteria set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2005).

- b)** Extend the Record of Protected Structures in order to provide a comprehensive schedule for the protection of structures of special importance in the County during the lifetime of the plan.
- c)** Seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. In accordance with this objective, a Record of Protected Structures has been established and is set out in Volume 2, Chapter 1 of the Plan.
- 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.
- h)** Promote and ensure best conservation practice through the use of specialist conservation professionals and craft persons.

HE 4-6: Design and Landscaping of New Buildings

- a)** Encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
- b)** Promote sustainable approaches to housing development by encouraging new building projects to be energy efficient in their design and layout.
- c)** Foster an innovative approach to design that acknowledges the diversity of suitable design solutions in most cases, safeguards the potential for exceptional innovative design in appropriate locations and promotes the added economic, amenity and environmental value of good design.

- d) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings and protecting existing hedgerows in rural areas.

5.3. EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. The submission of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

Introduction

- The planning application comprehensively addressed the previous refusal reasons and demonstrates that the proposed development complies with current planning policy requirements. The proposal will help consolidate the pattern of development within the village and is in accordance with the LAP.
- The suggestion that the site forms part of a publicly accessible amenity is disingenuous as there is and never has been public access to the site. It is not part of a walking route or right of way and there are no objectives in the LAP to provide access to the land.
- The curtilage of St. Brendan's Church has remained unchanged since its construction and never included the subject site. It has traditionally been enclosed by a stone wall. It is self-contained and would not be impacted by the proposal.
- The visual impact has been comprehensively assessed. The proposal would have no impact on views of the harbour from the R591. The most sensitive

view of the church is from the north and the proposal will integrate with and not compete for visual attention with the church.

- The development would consolidate and enclose the village edge in a positive manner.
- The appellant is amenable to a condition requiring the omission of the viewing pavilion. This area is outside the development boundary of the village.

Grounds of Appeal

- The proposed site is located within the development boundary of Crookhaven which is suitable for residential development and the proposed dwelling is an appropriate design response to the sensitivities of the setting and does not contravene policy objective DB-03 of the LAP.
- The proposed development would not create a poor precedent for further similar development along this coastal landscape.
- The proposed development would not give rise to a visually dominant feature in the landscape that would be out of form and character with the existing built forms of the area and would not be detrimental to the attractive setting of the village and complies with HE 4-6 of the County Development Plan.
- The proposed development would not compete for visual attention with St. Brendan's Church or be detrimental to its special character, setting or integrity and does not contravene policy objectives HE 3-1, HE 4-1 and HE 3-5 of the County Development Plan.

6.2. Planning Authority Response

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

7.0 **Assessment**

7.1. Introduction

- 7.1.1. I consider that the principal planning issues relate to the issue of backland development, the impact on the adjoining church, the visual impact, and appropriate assessment.

7.2. Backland Development

- 7.2.1. The location for the proposed site is located directly behind three detached houses. The site for the proposed development is highly exposed. This exposed coastal setting would not allow for the provision of landscaping to ensure any reasonable level of screening and softening of the impact of the development. The provision of high boundary walls or some other form of fencing to protect the amenities of neighbouring residents would be wholly misplaced in such a sensitive setting. Such a development, sited immediately to the rear of the private amenity spaces of the houses to the south would result in significant nuisance, disturbance and a undermining of the amenity of the neighbouring dwellings to the south. There would be substantial interference with privacy as a result of a house being built to the rear of these established houses. It is reasonable to determine that the proposed development would constitute haphazard, disorderly, backland development and could not reasonably be considered to be sustainable development.
- 7.2.2. Further to the above, I consider that it is important to note that development of this nature is not common at this location along the northern coastal edge within the village. It is evident that permitting development of this nature would likely encourage further similar type development in this area. In-depth development should form part of a planned, orderly scheme and should not be pursued in a piecemeal manner with consequential adverse impacts for other established properties.
- 7.2.3. I note the Planner's reference to discussions with the applicant's representatives and to the development constituting backland development and setting an undesirable precedent of plot division. I further note the planning authority's decision and

reference to the proposal creating a poor precedent for further similar development. It may be considered that the issue of backland development formed an inherent part of the decision-making process. However, there was no express reference to this issue in the decision itself. The Board may wish to consider this as a new issue.

7.3. Impact on Adjoining Church

- 7.3.1. I note that that St. Brendan's Church to the south and west of this site is a protected structure and that its site is a Recorded Monument. This is a highly prominent building of distinct character when approaching the village from the R591, notably when viewed from across the narrow bay. It is one of the most distinct structures of the village in view from the approach to the village. Notwithstanding the more recent development of detached housing either side of this building, it is notable that the structure retains its prominence. This is clearly facilitated by the maintenance of 'breathable' space / undeveloped land around its curtilage. The most notable feature of the proposed development is that it would distinctly encroach on the coastal presentation of the church. The church is the most northerly proximate structure to the coastal edge at this location. The proposed development seeks to greatly undermine this setting and context. The applicant proposed a viewing area immediately to the north of the church as part of the application, albeit on appeal it is suggested that it could be omitted as part of the development. The proposed house would occupy an expansive area of the site immediately to the north-east of the church and wholly forward of the church building on the approach to the shoreline. The siting, scale of the structure, and its elongated prominent form would wholly conflict with the visual presentation of the church and its setting. There can be no doubt, in my opinion, that the proposed house would constitute a development that would undermine the presentation of the church.
- 7.3.2. The design, scale and character of the proposed development and its influence on the integrity of the protected structure requires further consideration. The house design is expressly modern in presentation and, while there is no concern in principle to the modern expression, the site's exposed nature ensures that it would be the prominent structure at this western edge of the village, notwithstanding the attempt

to present it as flat-roofed structure bunkered into the coastal edge. It would be distinctly incongruent, indeed misplaced. It is reasonable to determine that this proposal does not present itself as being compatible with Objective HE 4-1 of the Cork County Development Plan as it does not protect the curtilage and attendant grounds of the church and because its inappropriate architectural treatment, character, scale and form would be detrimental to the special character and integrity of the adjoining protected structure and its setting.

- 7.3.3. Finally on this issue, it may reasonably be determined that the proposal does not sit comfortably with Objective HE 3-1 of the Development Plan as it relates to archaeological sites because its adverse impacts would not safeguard the church site and its setting as a feature of archaeological interest.

7.4. Visual Impact

- 7.4.1. I have referenced the significant adverse visual impact the proposed development would have on the setting of the adjoining church. It is evident that this impact could be expanded to include the impact on views from the public realm across the narrow bay immediately to the north of the site. One could determine that the development would be understood as just another structure in the built-up area of the village when viewed from distance. However, it is my submission that the bringing forward of development northwards at this location and closer to the shoreline draws particular attention to it. This is not a small-scale house. This elongated house would have a wide footprint, with a floor area of 215 square metres. Its visibility and prominence could not be softened on such an exposed coastal edge by landscaping. Fencing and walls would be wholly misplaced and visually incongruent. The visual scarring of the land, as the building is set into the site to reduce its impact on neighbouring properties, would leave further adverse visual effects. I submit that the proposed development would constitute a highly prominent and intrusive feature on this landscape. With due regard to this impact, I note the provisions for Crookhaven as set out in the West Cork Municipal District Local Area Plan. The vision for the village is to retain the attractive character of the village by consolidating *sympathetic*

development within the existing fabric of the settlement. I also note Objective DB-03 of the Local Area Plan 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. It is apparent that the impact of the proposal would be in conflict with this objective.

7.4.2. Further to the above, I have acknowledged that this development would be prominent when viewed from the R591 across the narrow stretch of bay. This road is a designated 'Scenic Route' in the County Development Plan (Scenic Route S102). I note Objective GI 7-2 of the Plan which seeks to 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 the plan. The adverse impacts resulting from the proposed development are not compatible with this objective.

7.4.3. Finally, I note that the proposed development, sited to the rear of established houses, would not be prominent when viewed from the village road in the immediate vicinity of the site.

7.5. Appropriate Assessment

7.5.1. Screening for Appropriate Assessment

Background

The applicant submitted an Appropriate Assessment Screening Report to the planning authority with the planning application. This Stage 1 AA Screening Report was prepared in line with current best practice guidance. It provides a description of the proposed development, identifies European Sites within a possible zone of influence of the development, identifies potential impacts, and assesses the significance of potential impacts. The conclusion of the applicant's AA Screening Report is as follows:

"... a Stage 2 Appropriate Assessment of the proposed development is considered necessary in respect of the Barley Cove to Ballyrisode Point SAC, Sheep's Head to Toe Head SPA and Roaringwater Bay and Islands SAC for the following QIs/SCIs:

1140 Mudflats and sandflats not covered by seawater at low tide, 1310 Salicornia and other annuals colonising mud and sand, 1330 Atlantic salt meadows (Glauco-Puccinellietalia maritima), 1410 Mediterranean salt meadows (Juncetalia maritimi), A103 Peregrine (Falco peregrinus), A346 Chough (Pyrrhocorax pyrrhocorax), 1351 Harbour Porpoise (Phocoena phocoena) and 1364 Grey Seal (Halichoerus grypus)."

Having reviewed the screening document, 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 to allow for the carrying out of screening.

Description of Development

The applicant provides a description of the project on pages 9 and 10 of the AA Screening Report. It constitutes a house intended to be serviced by mains water and foul sewer.

European Sites

I note that the applicant identified and examined six European sites within 15km of the proposed site as follows:

Barley Cove to Ballyrisode Point SAC (Site Code 001040)

Three Castle Head to Mizen Head SAC (Site Code 000109)

Roaringwater Bay and Islands SAC (Site Code 000101)

Sheep's Head SAC (Site Code 000102)

Farranamanagh Lough SAC (Site Code 002189)

Sheep's Head to Toe Head SPA (Site Code 004146)

There would be no direct effects and there is no connectivity between the site and Three Castle Head to Mizen Head SAC, Farranamanagh Lough SAC, and Sheep's Head SAC. Regarding the other three sites, the following is noted:

- Barley Cove to Ballyrisode Point SAC is located 320m north of the site and a source-pathway-receptor link exists between the site and the SAC via water quality impacts during construction/operational phase and spread of invasive species.
- Roaringwater Bay and Islands SAC is located 6.4km south-east of the site and a source-pathway-receptor link exists between the site and the SAC via water quality impacts during construction/operational phase.
- Sheep's Head to Toe Head SPA is located 80m to the south of the site and a source-pathway-receptor link exists between the site and the SAC via spread of invasive species and construction noise.

The qualifying features of conservation interest and conservation objectives for these sites are as follows:

Barley Cove to Ballyrisode Point SAC

Qualifying Interests:

Mudflats and sandflats not covered by seawater at low tide [1140]

Perennial vegetation of stony banks [1220]

Salicornia and other annuals colonising mud and sand [1310]

Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]

Mediterranean salt meadows (*Juncetalia maritimi*) [1410]

Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120]

Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]

European dry heaths [4030]

Petalwort

Conservation Objectives

To maintain the favourable conservation condition of the mudflats and sandflats, the perennial vegetation of stony banks, the *Salicornia* and other annuals, and the European dry heaths and to restore the favourable conservation condition of the other habitats.

Roaringwater Bay and Islands SAC

Qualifying Interests

Large shallow inlets and bays [1160]

Reefs [1170]

Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]

European dry heaths [4030]

Submerged or partially submerged sea caves [8330]

Phocoena phocoena (Harbour Porpoise) [1351]

Lutra lutra (Otter) [1355]

Halichoerus grypus (Grey Seal) [1364]

Conservation Objectives

To restore the favourable conservation condition of Otter and to maintain the favourable conservation condition of the other habitats and species.

Sheep's Head to Toe Head SPA

Special Conservation Interests

Peregrine (*Falco peregrinus*)

Chough (*Pyrrhocorax pyrrhocorax*)

Conservation Objectives

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

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. I further note that the site and all works associated with the proposed development are intended to take place outside of any European site. As a result, there would be no direct loss of habitat within these European sites.

The following potential indirect effects are noted:

- The site is located in close proximity to the SPA and SCI species may forage within the site. Noise and other disturbances could impact on protected bird species.
- Surface water runoff during construction could impact on qualifying habitats and species in the vicinity, notably Barley Cove to Ballyrisode Point SAC. I note the significant distance between the site and Roaringwater Bay and Islands SAC and consider that the small scale of development at the construction stage and its associated potential runoff are unlikely to have any effect on the Qualifying Interests of this SAC.
- I acknowledge that wastewater from the proposed development would be pumped to a foul sewer which would then be treated at Crookhaven WWTP prior to discharge to Roaringwater Bay. The applicant notes that this treatment plant is currently overloaded. The foul waste generated by the house would have a potential effect on the water quality of Roaringwater Bay and Islands SAC as it would add to the load entering the WWTP.
- Construction plant has the potential to spread invasive species to the neighbouring SAC and SPA.

In-combination Effects

Cumulative in-combination effects could potentially result with other land uses causing runoff into the SACs. Thus, it is accepted that there is potential for significant cumulative effects with other potential sources of pollution in the area.

Mitigation Measures

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

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 Barley Cove to Ballyrisode Point SAC (Site Code 001040), Roaringwater Bay and Islands SAC (Site Code 000101), and Sheep's Head to Toe Head SPA (Site Code 004146) in view of their Conservation Objectives, and Appropriate Assessment is therefore required.

This determination is based on the following:

- The nature and extent of the proposed works associated with the proposed development,
- The proposed servicing of the house and discharge to the WWTP, and
- The known pathways between the site and the European sites.

7.5.2. Appropriate Assessment

Background

The proposed development is not directly connected to or necessary for the management of any European site. It is therefore subject to the provisions of Article

6(3) of the EU Habitats Directive. Following the screening process above, it has been determined that appropriate assessment is required as it cannot be excluded on the basis of objective information that the proposed development individually or in-combination with other plans or projects will have a significant effect on Barley Cove to Ballyrisode Point SAC, Roaringwater Bay and Islands SAC, and Sheep's Head to Toe Head SPA. The possibility of significant effects on other European sites has been excluded on the basis of objective information. Measures intended to reduce or avoid significant effects were not considered in the screening process.

Natura Impact Statement

The application included a document entitled *Natura Impact Statement (NIS) Report*. The NIS document includes the screening, gives a description of the project, identifies characteristics of the receiving environment and the relevant Natura 2000 sites, sets out the status of qualifying species and habitats within the three European sites, considers water quality policy and legislative provisions, identifies potential impacts and sets out proposed mitigation measures. The NIS was prepared in line with current best practice and provides an assessment of all potential effects on the SACs and the SPA arising from the proposed development.

The NIS concluding statement was as follows:

Following a comprehensive evaluation of the potential direct, indirect and cumulative impacts on the qualifying interests and conservation objectives Barley Cove to Ballyrisode Point SAC, Sheep's Head to Toe Head SPA and Roaringwater Bay and Islands SAC it has been concluded by the authors of this NIS that the proposed development on its own and in combination with other plans or projects will not have an adverse effect on the integrity of Barley Cove to Ballyrisode Point SAC, Sheep's Head to Toe Head SPA and Roaringwater Bay and Islands SAC or any other Natura 2000 sites.

I note the submission received from Irish Water on this application and the considerations of the planning authority's Ecologist.

Appropriate Assessment

Introduction

This assessment considers all aspects of the proposal which could result in significant effects and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed. The assessment has had due regard to the applicant's submitted Natura Impact Statement and the reports received by the planning authority.

The following guidance is adhered to in the assessment:

DoEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

EC (2002) Assessment of plans and projects significantly affecting Natura 2002 sites. Methodological guidance on the provisions of Articles 6(3) and 6(4) of the Habitats Directive 92/43/EC.

EC (2018) Managing Natura 2000 sites.

European Sites

The following sites are subject to appropriate assessment:

- Barley Cove to Ballyrisode Point SAC (Site Code 001040)
- Roaringwater Bay and Islands SAC (Site Code 000101)
- Sheep's Head to Toe Head SPA (Site Code 004146)

A description of these sites and their Conservation and Qualifying Interests / Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS. Details of these European sites' Conservation and Qualifying Interests / Special Conservation Interests are set out in the Screening undertaken earlier in this report.

Relevant Aspects of the Proposed Development

Section 7 of the NIS describes the potential impacts of the proposed development. It is accepted that the potential effects would include:

- Loss of foraging habitat for qualifying species
- Noise and disturbance
- Impacts on water quality and aquatic ecology
- Spread of invasive species
- Cumulative impacts

Mitigation

Section 8 of the applicant's NIS details the range of mitigation measures intended to be employed as part of the proposed development. These include best practice methodologies at the construction stage to address runoff, noise disturbance, lighting disturbance, air quality, and invasive species. Such measures are considered adequate to address the construction-related effects on the European sites.

7.5.1. Residual Impacts

I concur with the applicant's findings that, if the proposed mitigation measures are implemented in full, it is expected that significant effects from the construction stage would not result for the qualifying features of the SACs or the species of conservation interest of SPA.

I note the applicant's submission that, given the small scale of the proposed development and the distance to the discharge point from designated waters it can be concluded that the potential impacts to the qualifying interests of the Barley Cove to Ballyrisode Point SAC and Roaringwater Bay and Islands SAC resulting from the sewage discharges from the proposed development would not be considered to be significant. It is my submission to the Board that this remains an inconclusive issue. The applicant accepts that the WWTP is currently overloaded. Continuing to add to an overloaded WWTP will add to the pollution such a plant would likely generate. I further note the generic report received from Irish Water who are responsible for this WWTP. This generic report, in light of the Area Engineer's and Ecologist's concerns relating to the overloaded plant, is deficient in not addressing this known concern and is a failing by that authority in producing an informed submission to a planning authority to assist it in its decision making. Arising from this, one cannot reasonably

conclude that the proposed development would not adversely affect the integrity of Barley Cove to Ballyrisode Point SAC and Roaringwater Bay and Islands SAC.

Appropriate Assessment Conclusion

The proposed development has been considered in light of the assessment requirements of the Planning and Development Act 2000 as amended.

Having carried out screening for appropriate assessment of the project, it was concluded that it may have a significant effect on Barley Cove to Ballyrisode Point SAC, Roaringwater Bay and Islands SAC and Sheep's Head to Toe Head SPA.

Consequently, an appropriate assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

Following an appropriate assessment, it has been ascertained that it cannot be concluded that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of Barley Cove to Ballyrisode Point SAC and Roaringwater Bay and Islands SAC in view of the sites' Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is reasonable doubt as to the absence of adverse effects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of Barley Cove to Ballyrisode Point SAC, Roaringwater Bay and Islands SAC and Sheep's Head to Toe Head SPA,
- Detailed assessment of in-combination effects with other plans and projects, and
- Reasonable scientific doubt as to the absence of adverse effects on the integrity of Barley Cove to Ballyrisode Point SAC and Roaringwater Bay and Islands SAC.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. Having regard to the pattern of existing residential development in the immediate vicinity of the site and to the siting of the proposed houses immediately to the rear of established residential properties, it is considered that the proposed development would constitute a piecemeal, disorderly, haphazard form of backland development that would be likely to seriously injure the residential amenities and depreciate the value of adjoining residential property, and would create an undesirable precedent for development of a similar nature in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would be located immediately adjoining St. Brendan's Church, a protected structure (RPS No. 0-0011) and the site of a Recorded Monument (CO147-058 02 / CO1457-058 03). It is the objective of Cork County Development Plan to safeguard sites and settings of features of archaeological interest (Objective HE 3-1). Furthermore it is an objective to protect all structures within the County which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, ensure the protection of all structures contained in the Record of Protected Structures, protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures, and 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 (Objective HE 4-1).

It is considered that the siting of the house behind St. Brendan's Church and closer to the shoreline edge and the scale and extensive footprint of the proposed house, together with its elongated prominent form, would conflict with

the visual presentation of the church and its setting, would significantly encroach on the coastal presentation of the church when viewed from Regional Road R591, and would, thus, greatly undermine the setting and context of the church. The proposed development would, thereby conflict with Objectives HE 3-1 and HE 4-1 of Cork County Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development would be located to the rear of established houses on a prominent shoreline overlooking Crookhaven Bay. The vision for the village of Crookhaven, as set out in the West Cork Municipal District Local Area Plan, is to retain the attractive character of the village by consolidating sympathetic development within the existing fabric of the settlement. Furthermore, it is an objective of the Plan to protect and enhance the attractive coastal setting and landscape character of the village (Objective DB-02). It is considered that the proposed development would constitute a highly prominent development that would be visually obtrusive, particularly when viewed from Regional Road R591, a designated scenic route in the Cork County Development Plan, and which would conflict with Objective DB-02 of the Plan, would seriously injure the visual amenities of the area, and would establish an undesirable precedent for further development on the coastal edge in this exposed rural location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. On the basis of the information provided with the application and the appeal, particularly in relation to the lack of details on the functioning of Crookhaven wastewater treatment plant, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of Barley Cove to Ballyrisode Point SAC (Site Code 001040) and Roaringwater Bay and Islands SAC (Site Code 000101) in view of the sites' conservation objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.

Kevin Moore
Senior Planning Inspector

22nd June 2021