



An
Bord
Pleanála

Inspector's Report ABP-311193-21

Development	Construction of a two-storey dwelling house, detached garage, waste water treatment system, and associated site works.
Location	Clash Road, Curraheen, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	21/40257
Applicant(s)	Aimee Corcoran
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Aimee Corcoran
Observer(s)	None
Date of Site Inspection	13 th October 2021
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located 0.5 km to the east of Junction 1 of the N40 with the N22, to the south-east of Ballincollig. This site lies beside the confluence of the Rivers Maglin and Curragheen, which bound it to the north and east. To the west, the site is bound by the local road, which is known as Clash Road, and to the south by the dwelling house in which the applicant's parents reside. This dwelling house is accessed from the Clash Road via an access point which is shared with the adjacent dwelling house to the south. The site is accessed via the grounds to the applicant's parents' dwelling house. Other dwelling houses accompany the eastern side of Clash Road further to the south again. As it passes the site, Clash Road rises to cross the River Maglin, beyond which it crosses the N40.
- 1.2. The site itself is of regular shape and it extends over an area of 0.12 hectares. This site is enclosed on all sides by trees. It is down to grass and it is accessed from the south via a gap in the treeline.

2.0 Proposed Development

- 2.1. The proposal is for the construction of a two-storey, four-bed/eight-person, dwelling house (231 sqm) and a garage (25 sqm). This dwelling house would be sited in the central and eastern portions of the site and this garage would be sited in the western portion.
- 2.2. The proposed dwelling house would be comprised of 2 two-storey elements under double pitched roofs. The more major of these elements would be laid out on a north/south axis, while the other one would be laid out on an east/west axis. A flat roofed two storey mediating element would connect these two elements and provide circulation space for them. A further flat roofed single storey element would be built off the north-eastern corner of the major element. The majority of the ground floor elevations would be finished in stone, while the remaining elevations would be finished in render. The double pitched roofs would be clad in slate.
- 2.3. The proposed dwelling house and garage would be accessed from the south-western corner of the site by means of a spur off the driveway to the adjacent dwelling house. The proposed dwelling house would be served by a connection to

the public mains supply and by an on-site waste water treatment system. An existing waste water treatment system (WWTS) on the site, which serves the adjacent dwelling house, would be re-sited under a separate application, 21/40255, which has been permitted.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

The subject site is located within the “Metropolitan Cork Green Belt” which is an area under the most significant pressure for rural housing, as identified in the Cork County Development Plan 2014. Objective RCI 5-2 of the Cork County Development Plan 2014 sets out the purpose of the Metropolitan Cork Green Belt, including the prevention of urban sprawl. Objective RCI 5-3 of the Plan seeks to preserve the character of the Metropolitan Cork Green Belt and to reserve it generally for agriculture, open space, recreation, and biodiversity. Objective RCI 6-3 Ribbon Development outlines a presumption against development which would contribute to or exacerbate ribbon development.

Having regard to the location of the site within the Metropolitan Cork Green Belt, in an un-serviced rural area and to the substantial amount of one-off housing already existing in this rural area which is not zoned for development, it is considered that the proposed development would exacerbate ribbon development along Clash Road, would consolidate an unwarranted and excessive density of development, and a concentration of suburban style development in this un-serviced area, give rise to erosion of the green belt.

The proposed development would therefore militate against the preservation of the rural environment, would seriously injure the visual amenities of the area, and would undermine the specific purpose and character of the green belt lands. The proposed development would therefore materially contravene the stated green belt objectives of the Development Plan, 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
 - Rural Water: Further information requested with respect to submission of site layout plan showing minimum separation distances and a map showing the siting of any ground water wells within 60m of the proposed WWTS.
 - Environment: No objection, subject to conditions.
 - Drainage: No objection, subject to condition.
 - Area Engineer: No objection, subject to condition.
 - Contributions: No objection, subject to condition.

4.0 Planning History

The site: Under 2270/78, outline planning permission was granted for a bungalow and, under 2419/81, permission was granted for a dwelling house. The full permission was not implemented. Pre-application consultation 260/20 occurred as a precursor to the current application.

The site of the applicant's parents' dwelling house, excluding the current application site: This dwelling house was originally permitted under 3738/82, only to be the subject of a change of house type under 953/85, which was permitted and implemented. Subsequently, this dwelling house was extended under permitted application 337/98.

The site of the applicant's parents' dwelling house and the current application site are in the ownership of the applicant's parents: Under 21/40255, permission was granted for a new site boundary to their dwelling house, i.e. excluding the current application site, and a new WWTS, which would be sited within this boundary.

5.0 Policy and Context

5.1. National Policy

- National Planning Framework

Objective 19

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;*
- Sustainable Rural Housing Guidelines

Appendix 4 addresses ribbon development.

5.2. Development Plan

Under the Cork County Development Plan 2014 – 2020 (CDP), the site is shown as lying within the Metropolitan Cork Green Belt. Proposals for housing in the Green Belt are to be assessed under Objective RCI 4-1, which states the following:

The Metropolitan Cork Greenbelt is the area under strongest urban pressure for rural housing. Therefore, applicants shall 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 rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

a) Farmers, including their sons and daughters who wish to build a first home for their permanent occupation on the family farm.

b) Persons taking over the ownership and running of a farm on a fulltime basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.

c) Other persons working fulltime in farming, forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.

d) 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 the planning application.

Other Objectives of relevance to the proposal are set out below:

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

a) Encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.

b) Promote sustainable approaches to dwelling house design by encouraging proposals to be energy efficient in their design, layout and siting.

c) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings.

RCI 6-3: Ribbon Development Presumption against development which would contribute to or exacerbate ribbon development.

Objective DB-01 of the Ballincollig Carrigaline Municipal District Local Area Plan 2017 (LAP) is also of relevance. It states the following:

Recognise the current metropolitan greenbelt designation surrounding Curraheen and apply the relevant County Development Plan objectives when assessing development proposals. Any new dwelling unit shall be served by a private individual treatment unit and shall provide a sustainable properly maintained private water supply, unless a public supply is available. Such proposals will be assessed in line with the appropriate EPA code of practice and will have regard to any cumulative impacts on water quality.

5.3. Natural Heritage Designations

- Cork Harbour SPA (004030)
- Great Island Channel SAC (001058)

5.4. EIA Screening

Under Items 10(b)(i) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2021, where more than 500 dwelling units would be constructed the need for a mandatory EIA arises. The proposal is for the development of 1 dwelling on a site with an area of 0.12 hectares. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant begins by reviewing the planning history of the site and the adjoining site to the south. She observes that the current site is effectively a smaller version of the site which received permission for a dwelling house under 2419/81, which was not implemented. She also draws attention to the response of the applicant's site assessor to the further information requested by the City Council's rural water engineer. She then proceeds to respond to the reason for refusal as follows:

- With respect to the site being in the Green Belt, the Planning Authority accepts that the applicant has an exceptional rural generated housing need under Objective RCI 4-1(d), due to their social and/or economic links to the area. The applicant has always resided in her parents dwelling house on the adjoining site and she now cares and supports them, especially her father who has a health condition. She is due to be married: Hence the proposal.
- With respect to the risk of urban sprawl, the proposal would not contribute to this, as the site is effectively "boxed-in" by the N40 to the north and the Cork Showgrounds to the east. It is the last site in the row and, under the proposal, it would be developed to share an existing access from Clash Road with the dwelling house of the applicant's parents.

- With respect to any loss of agriculture, open space, recreation, and biodiversity, the site is not the subject of these stated land uses, as it is presently part of a wider garden. Biodiversity would be largely unaffected, as the trimming of existing hedgerows only would be necessitated in order to improve existing sightlines.
- With respect to ribbon development, while the applicant acknowledges that this would occur, she draws attention to the wording of the relevant Objective RCI 6-3, which states that such development will be “discouraged”, thus leaving room for extenuating circumstances. These are set out below.
 - The applicant has a qualifying rural housing need. While the case planner suggested that a family flat type extension to her parents’ dwelling house might suffice, this, in practice, would not be the case. The existing dwelling house has already been extended. Even if a further extension were to be feasible, residing potentially long-term in such accommodation would be unrealistic, e.g. in the presence of children. To move at a later date would lead to problems with a lack of realisable equity. No, a permanent dwelling house is needed.
 - The site is effectively an infill one in view of its geography, whereby it’s bound by Clash Road and the Maglin River and the Curraheen River.
 - While the proposal would be the eleventh dwelling house in a row, no precedent would be established for further dwelling houses, as the site is at the end of the row.
 - The other dwelling houses in the row date from the 1870s and the 1980s. Significantly, the site received planning permission for a dwelling house in 1982. Had that permission been implemented, a conventional infill site would have been created between it and the applicant’s parents’ dwelling house, where she could now propose a conventional infill dwelling house.
 - Wider development pressure considerations are not relevant to the site as it is a standalone one that is the only one available to meet the applicant’s rural housing need.

- Additionally, attention is drawn to the draft CDP for 2022 – 2028, which envisages a walkway/cycle route between Ballincollig and Bishopstown. This route would pass to the north of the Curraheen River and so it would improve the connectivity of the site.

6.2. Planning Authority Response

No further comments to make.

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, the Sustainable Rural Housing Guidelines, the Cork County Development Plan 2014 – 2020 (CDP), the Ballincollig Carrigaline 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) Green belt and rural housing,
- (ii) Ribbon development,
- (iii) Amenity,
- (iv) Access,
- (v) Water, and
- (vi) Appropriate Assessment.

(i) Green belt and rural housing

- 7.2. The site is located in the Cork Metropolitan Green Belt, although not in that portion of the Green Belt which is designated to be Prominent and Strategic and which is the subject of Objective GI 8-1 to preserve from development. The CDP recognises that the Green Belt is the area under strongest pressure for rural housing.
- 7.3. The proposal is for the applicant to build a dwelling house for her own occupation on a site that lies within the site of her parents' existing dwelling house. Under a parallel application, 20/40255, her parents have obtained planning permission to exclude this site from their site and to rearrange their WWTS facilities within their contracted site.
- 7.4. Under NPF Objective 19, applicants for single housing in a rural area under urban influence must be able to demonstrate an economic or social need to live in the rural area in question. This Objective reflects the distinction that is made in the Sustainable Rural Housing Guidelines between applicants who have an urban generated housing need and a rural generated housing need. Objective RCI 4-1 pursues this distinction and so applicants must "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 rural area". Within the Green Belt, four criteria are identified that are of relevance in this respect. The applicant has selected the fourth of these, which is as follows:
- d) 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 the planning application.*
- 7.5. The site is within the ownership of the applicant's parents who reside in the adjacent existing dwelling house to the south. As set out in the applicant's grounds of appeal, they have "occupied" this site since their dwelling house was constructed. Evidence of this occupation exists insofar as the existing WWTP, which serves the dwelling house, is sited in the site. These grounds also state that this site remained in the ownership of Pauline Sheehan until 2020, "when it was decided to correct the registration to reflect the actual ownership". An extract from the relevant Land Registry folio shows that this occurred on 8th December 2020. The situation, therefore, appears to be that the site was in the *de facto* ownership of the applicant's parents from the 1980s, but that legally this was formalised only last year.

- 7.6. The term “landowner” is used in criterion (d). It is only used here in the CDP and it is left undefined. Likewise, “landholding” is undefined. Insofar as farming scenarios are addressed in criteria (a) and (b), I consider that these terms must refer to non-farming scenarios. The applicant’s parents’ residence is the adjacent dwelling house and so I consider that the associated landholding is the land in their ownership that runs with this dwelling house, land which includes the current application site.
- 7.7. The applicant has set out in a letter, which is accompanied by supporting documentation, that she has resided in her parents’ dwelling house since birth and so she fulfils the 7-year residency requirement. In this respect she makes the following points:
- 1997 – 2005: Attended Scoil an Spioraid Naoimh Primary School on Curraheen Road, Bishopstown, Cork,
 - 2005 – 2011: Attended Mount Mercy College Secondary School on Model Farm Road, Cork
 - Involved in local sports clubs, and
 - Works as an accountant from home for PwC, One Albert Quay, Cork.
- 7.8. The applicant states that she is soon to be married and she wants to establish her own home in the locality within which she is socially based.
- 7.9. The Planning Authority accepted that the applicant has an exceptional rural generated housing need under criterion (d).
- 7.10. Under the NPF’s Objective 19, the applicant has not demonstrated that she has an economic need to live on the site, as her employment is based in Cork City. She has demonstrated though that she has a social need to live on the site in terms of criterion (d). Whether this social need is envisaged by Objective 19 is open to interpretation. To date, Objective 19 has not prompted any revision in the Sustainable Rural Housing Guidelines. Likewise, Objective 11.9 of the draft Cork City Development Plan 2022 – 2028 reproduces criterion (d) verbatim.
- 7.11. Objective 19 also refers to the need to have regard to the viability of smaller towns and settlements. Within the context of the hinterland to Cork City, smaller towns and rural settlements could be considered to be highly viable and so the foregoing of

rural housing in order to ensure the greater viability of these towns and settlements is not a priority.

- 7.12. In the light of the above considerations, I consider that the applicant has demonstrated that she has a social need to live on the site in terms of criterion (d), which, notwithstanding the NPF's Objective 19, has been included without amendment in the draft CDP for Cork City, wherein the site is now located.
- 7.13. The applicant also states that she is the only sibling in a position to care for her parents as they grow older. Her father suffers from health conditions. His GP states that he "will need on-going support" with these and the establishment of a family network around him "would ease the burden of care and allow him to continue living independently".
- 7.14. The Planning Authority reviewed the information submitted concerning the applicant's father's health conditions in the light of Objective RCI 4-8 of the CDP. This Objective states the following:

Facilitate the housing needs of persons who are considered to have exceptional health circumstances that require them to live in a particular environment or close to family support in the rural area. The application for a rural dwelling must be supported by relevant documentation from a registered medical practitioner and a qualified representative of an organisation which represents or supports persons with a medical condition or a disability

The Planning Authority concluded that the parameters set out in this Objective would not be met.

- 7.15. I consider that the key parameter is that of exceptionality, which suggests that the proximity of family support should be essential rather than simply desirable. I, therefore, concur with the Planning Authority's conclusion.
- 7.16. I conclude that the applicant has demonstrated that she has a social need to reside on the site under Objective RCI 4-1(d) of the CDP.

(ii) Ribbon development

- 7.17. The site is located at the northern end of a row of 11 dwelling houses, set within their own grounds, which are sited on the eastern side of the local road, which is known as Clash Road. Within 250m of the site lie 7 of these 11 dwelling houses. Under

Appendix 4 of the Sustainable Rural Housing Guidelines, 5 or more dwelling houses on a given 250m of road frontage are deemed to be ribbon development.

Accordingly, both parties accept that the row in question constitutes ribbon development.

7.18. The Planning Authority proceeded to refuse permission essentially on the basis that the proposal would exacerbate ribbon development. It would thus contravene Objective RCI 6-3, which establishes a “Presumption against development which would contribute to or exacerbate ribbon development.”

7.19. The applicant’s grounds of appeal draw attention to the discussion of ribbon development that precedes Objective RCI 6-3, in which it is stated that the Planning Authority’s policy will be to “discourage development which would contribute to or exacerbate ribbon development.” The applicant understands this policy to mean that room is left for extenuating circumstances, which she proceeds to cite as follows:

- a) The applicant has a rural generated housing need, which can only be met on the site as no other one is available to her, and which can realistically only be met by means of the proposed dwelling house, as an extension to her parents’ existing dwelling house would be impractical and uneconomic.
- b) The site is effectively an infill one, as it is located at the end of the existing row of dwelling houses, and it is bound to the north by the River Maglin and the N20. Accordingly, the proposal would entail the development of the last available house plot and so no precedent would be established thereby.
- c) The planning history of the site indicates that it was historically granted permission for a dwelling house. Indeed, if the permitted dwelling house had been built, then a conventional infill site would have been left between it and her parents’ dwelling house, upon which a dwelling house could now be built.
- d) The proposal would entail the development of effectively an existing garden area and so no land would be lost to Green Belt uses such as agriculture, open space, or recreation, and biodiversity would be barely affected.
- e) The proposal would be accessed via an existing shared access and it would maintain a discrete presence when viewed from Clash Road.

7.20. Objective RCI 6-3 establishes a presumption against ribbon development, which applies within rural areas that are now encapsulated within the expanded boundary of Cork City. The site lies not only within such a rural area, but also within the Cork Metropolitan Green Belt. Objectives pertaining to this Green Belt are set out under RCI 5-1 to 5-7 of the CDP. Relevant extracts from these Objectives are set out below:

- RCI 5-1(a) sets out the purposes of the Green Belt as follows:
 - *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.*
- RCI 5-3 states that lands within the Green Belt are to be reserved “generally for use as agriculture, open space, recreation uses and protection/ enhancement of biodiversity”.
- RCI 5-4 addresses the sustainability of exceptions to Green Belt Policies as follows:

Recognise that by reason of the number of people currently living within Greenbelt areas, the granting of regular exceptions to overall policy is likely to give rise over the years to incremental erosion of much of the Greenbelt.

7.21. During my site visit, I observed that the site lies at a lower level than Clash Road, which rises as it passes this site to bridge the River Maglin and the N20 beyond. It is treelined and down to rough grass. Under the proposal, the majority of these trees would be retained with the exception of the mature *Leylandiis*, which would be removed along the southern boundary. These trees would be replaced by native trees and hedging, which in time would provide some screening of the proposed dwelling house and garage. In the interim, these buildings would be visible from Clash Road.

- 7.22. During my site visit, I observed that the existing dwelling houses along Clash Road tend to be screened by mature trees and hedging, and so, subject to seasonal variation, their roadside presence is relatively discrete.
- 7.23. Turning to the extenuating circumstances cited by the applicant, I would comment as follows:
- a) The applicant draws attention to her rural generated housing need. She interacts with the case planner's suggestion that *prima facie* recourse could be had to an extension to her parents' dwelling house to provide ancillary family accommodation. This suggestion is set aside on practical and economic grounds. As it has not been explored further, I am unable to conclude that these grounds would overlap with any material planning considerations.
 - b) I recognise that the proposal would not establish a precedent for the row of dwelling houses, but it could be cited as a precedent in comparable situations elsewhere within Cork City's rural areas. Objective RCI 5-4's warning in this respect is relevant.
 - c) The planning history cited dates from a long time ago. Consequently, none of the permissions referred to are extant and they were granted under an earlier CDP. The scenario thus envisaged is a hypothetical one only.
 - d) The proposal would entail the development of the site, which is in a natural state at present, as a treelined area of rough grass. As such it is not a formally tended garden area and so it does not "read" as being in residential use. This site contributes to the character of the Green Belt at present as a small pocket of natural space beside the confluence of two rivers. Its roadside presence is discrete. Under the proposal, it would become an unmistakeably residential site with buildings that would be visible from the roadside. While the applicant proposes to retain much of the existing tree cover to the perimeters of the site, the fact that it is a sunken site in relation to Clash Road, which is heavily treelined, would be likely to prompt the management of these trees in the interests of improved lighting to the dwelling house and with that the greater visibility of the same. Hence, the existing natural contribution of the site to the character of the Green Belt would be eroded.

e) Insofar as the proposal would share an existing access point from Clash Road, its roadside presence would not be as visible as might otherwise be the case.

7.24. In the light of the above commentary, I do not consider that the applicant's extenuating circumstances would justify the setting aside of the presumption against further ribbon development on the site, which lies within the Green Belt.

7.25. I conclude that the proposal would constitute ribbon development within the Green Belt, which would not be justified by the extenuating circumstances cited by the applicant.

(iii) Amenity

7.26. The proposal would entail the construction of a two-storey, four-bed/eight-person, dwelling house (231 sqm) and a garage (25 sqm). This dwelling house would be sited in the central and eastern portions of the site and this garage would be sited in the western portion. The western extremity of the site forms a treelined embankment to Clash Road, while the northern and eastern treelined boundaries of the site abut adjoining rivers. The land between these boundaries and the proposed dwelling house would be capable of being laid out as garden. The size, layout, and design of the proposed dwelling house would ensure that it affords a satisfactory standard of amenity to future residents, as would the potential garden area.

7.27. The principal elevation of the proposed dwelling house would face south, and it would maintain a minimum separation distance of 19.3m from the adjacent dwelling house to the south, within which the applicant's parents reside. The *Leylandiis* along the southern boundary to the site would be removed and native trees and hedging would be planted to mediate the relationship between these dwelling houses.

7.28. The proposed dwelling house would be comprised of 2 two-storey elements under double pitched roofs. The more major of these elements would be laid out on a north/south axis, while the other one would be laid out on an east/west axis. A flat roofed two storey mediating element would connect these two elements and provide circulation space for them. A further flat roofed single storey element would be built off the north-eastern corner of the major element. The majority of the ground floor elevations would be finished in stone, while the remaining elevations would be finished in render. The double pitched roofs would be clad in slate. The applicant's

architect aptly describes this dwelling house as being of “contemporary-rural” style. As such it would be of an appropriate design for the site.

7.29. The proposal would afford a satisfactory standard of amenity to future residents, and it would be compatible with the visual and residential amenities of the area.

(iv) Access

7.30. The proposed dwelling house and garage would be accessed from the south-western corner of the site by means of a spur off the driveway to the adjacent dwelling house. In turn this driveway is accessed off Clash Road by means of a shared access point with the dwelling house to the south of this adjacent dwelling house. This access point is of elongated form and so it provides sufficient scope to serve as vehicle refuge.

7.31. Clash Road is of relatively straight horizontal alignment as it passes the shared access point, and it rises to the north of this access point. Forward visibility is thus satisfactory. Sightlines available to exiting drivers from a 2.4m set back position would be capable of extending to 70m in either direction to the north and to the south along Clash Road. In this respect, the applicant has submitted a letter from a householder to the south in which he consents to the trimming of his roadside hedgerow.

7.32. The proposed spur and garage would afford satisfactory parking and manoeuvring space to serve the proposed dwelling house.

7.33. I conclude that access for the proposal would be satisfactory.

(v) Water

7.34. The proposal would be connected to the public water mains. Irish Water has raised no objection to such connection.

7.35. Waste water generated by the proposal would be processed by means of an on-site WWTS, which would entail the siting of a polishing filter towards the western boundary/south western corner of the site. Surface water would drain from roofs to a soakaway, which would be sited in the north eastern corner of the site.

7.36. The applicant has submitted a completed Site Characterisation Form with respect to the proposed WWTS, details of which are set out below:

- The aquifer is regionally important and of moderate vulnerability. The Response Matrix is thus R1.
- The site survey layout plan shows the siting of the 2m deep trial hole and the T test holes.
- The trial hole recorded ground water at a depth of 1.6m and both the topsoil and the initial subsoil are composed of gravels and silt with gravel shale beyond a depth of 1m.
- The T-test holes yielded an average result of 5.06 min per 25 mm. Under Table 6.3 of the EPA's relevant Code of Practice (CoP), this result indicates that the "site is suitable for the development of a septic tank system or a secondary treatment system discharging to groundwater".
- The applicant proposes to install a packaged waste water treatment system, i.e. the Solido Smart 6 WWTS with an Activated Sludge Secondary Treatment Package Waste Water System, and a Premier Tech Ecoflo Tertiary Filter.

7.37. The proposed site layout plan shows the polishing filter sited in a position adjacent to the proposed garage. The proposed site section A-A to the public road shows the foot of the embankment as lying beside the garage and where the polishing filter is proposed to be sited. Accordingly, it is not clear that this siting would be capable of complying with the Table 6.1 of the EPA's relevant CoP, which requires a minimum separation distance of 4m between polishing filters and the foot of embankments. This Table also requires minimum separation distances of 4m from trees and 10m from watercourses. As the embankment is treelined, again, it is not clear that this former separation distance would be capable of being complied with. (Potential tree loss in this respect would have implications for the visibility of the developed site, which is of concern, as discussed under the second heading of my assessment). Compliance with the latter separation distance would however be achievable.

7.38. Given that the site is bound by the Maglin and Curraheen Rivers, the question of flood risk arises. The applicant's engineer has addressed this question in a report dated 6th May 2021. This report examines the flood risk that arises under present day high, medium, and low probability scenarios. Under each scenario, the site would be unaffected. It also examines mid-range future scenarios, which allow for climate change, e.g. a 20% increase in rainfall and 500 mm increase in sea levels.

Only under a low probability scenario would the site be affected, and flooding would be confined to the south-eastern corner of the site where levels are lower than 15m AOD. Consequently, the report recommends that the finished floor level of the proposed dwelling house should be 15.5m AOD. As proposed, its finished floor level would be 16m AOD, and so any flood risk would be mitigated thereby.

7.39. I conclude that, subject to clarification of the siting of the proposed polishing filter to ensure that it complies with EPA CoP separation distances, the proposal would raise no water issues.

(vi) Appropriate Assessment

7.40. The site adjoins the confluence of the Maglin and Curraheen Rivers, which flow eastwards into the River Lee and Cork Harbour, which is the subject of two European Sites, i.e. Cork Harbour SPA (004030) and Great Island Channel SAC (001058). Consequently, there is a source/pathway/receptor route between the site and these European sites.

7.41. The applicant has submitted a Stage 1 Screening Report and, based on the precautionary principle that standard construction practices might be capable of being construed as mitigation measures, a Stage 2 Natura Impact Statement for the proposal. I will draw upon these documents and the NPWS's website in undertaking my own Stage 1 Screening Exercise.

7.42. 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)?"

7.43. The project is to build a dwelling house on a 0.12-hectare site adjacent to an existing dwelling house. The new-build dwelling house would be accessed off the adjoining local road, via the grounds of the existing dwelling house, and it would be served by a WWTS and a polishing filter.

7.44. As described above, there is a hydrological link between the site and the two European sites in Cork Harbour, the Qualifying Interests of which are set out below.

In the case of the SPA:

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.

In the case of the SAC:

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.

- 7.45. 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.
- 7.46. The project would entail the construction of a dwelling house beside two rivers. 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.
- 7.47. Given the small scale of the project, the distance of c. 14 km between the site and the nearest identified European Site, 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.
- 7.48. 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 is not therefore required.
- 7.49. This determination is based on the following: The small scale of the project, the distance of c. 14 km between the site and the nearest identified European Site, and the attendant dilution factor.
- 7.50. 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

That permission be refused.

9.0 Reasons and Considerations

Having regard to the Cork County Development Plan 2014 – 2020, the site is located within the Metropolitan Cork Green Belt and it lies at the northern end of a row of 11 dwelling houses on the eastern side of Clash Road. Under Objective RCI 5-1(a) of the County Development Plan, one of the purposes of the Green Belt is to retain the open and rural character of lands between and adjacent to urban areas and, to this end, under Objective RCI 5-3, lands within the Green Belt are to be reserved “generally for use as agriculture, open space, recreation uses and protection/enhancement of biodiversity”. The natural state of the site contributes to this purpose and end at present.

Under the proposal, the site would be developed to provide a dwelling house. This dwelling house would exacerbate the ribbon development that already exists in the area and so it would contravene Objective RCI 6-3 of the County Development Plan, which establishes a precedent against such exacerbation. While the applicant has sought to overturn this presumption, as the site is in the Green Belt, Objective RCI 5-4 of the County Development Plan is relevant, as it recognises the risk posed by the granting of exceptions to Green Belt policy in terms of the incremental erosion of the Green Belt.

It is considered that the proposal would inevitably be visible and so the site would cease to be a natural one that contributes to the rural character of the Green Belt, but one clearly developed for residential use, thereby seriously injuring the amenities of the Green Belt. Objectives RCI 5-1(a) and RCI 5-3 would thereby be contravened. Furthermore, in the light of Objective RCI 5-4, this proposal would lead to an unjustifiable exacerbation of ribbon development, which would contravene Objective RCI 6-3. The proposal would thus be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

19th November 2021