



An
Bord
Pleanála

Inspector's Report ABP-311451-21

Development	House and wastewater treatment system, and domestic garage
Location	Rathduane, Rathmore, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	21/4238
Applicant(s)	Elaine O'Sullivan
Type of Application	Permission
Planning Authority Decision	Grant permission s.t. conditions
Type of Appeal	Third party against grant
Appellant(s)	Nancy O'Sullivan
Date of Site Inspection	10 th March, 2022
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1. The site of the proposed development is located in Rathduane Townland, which is a rural area on the outskirts of Rathmore Village, County Kerry, but is situated within County Cork. It is located on a Regional Road R582, which branches off the N72 to the south-east of Rathmore village and is situated c.4km outside the village. The site is located approx. halfway between Millstreet and Rathmore. The site is on the southern side of the road within a cluster of existing one-off houses. There are four established houses to the west of the site and two further houses immediately opposite the site. There is a further cluster of 4-5 houses approx. 150m to the east along the R582.
- 1.2. The site area is given as approx. 0.5ha. It forms part of a larger existing agricultural field, which is rectangular in shape. The adjoining site to the immediate west has a two-storey house which is owned/occupied by the applicant's aunt (appellant). It is a relatively level field with dense hedgerows forming its boundaries. The site fronts onto the Regional road. The submissions indicate that the applicant had previously sought permission for a house on half of the site which would have been separated from the adjoining cluster of development by a vacant site (remainder of the field), but this had been refused by the P.A. on the grounds that it would have created an infill site.

2.0 Proposed Development

- 2.1. The proposed development would comprise the construction of a single dwelling house, a detached garage and the installation of a proprietary wastewater treatment system with a polishing filter. It is proposed to connect to the public water mains and to access the site from the R582.
- 2.2. The proposed dwelling has a stated floor area of 247sq.m. and the detached garage has a floor area of 24sq.m. The applicant's family/extended family live in the surrounding area, including her parent's house which is located to the west of the appellant's house. It is stated that she went to school in Millstreet and is currently employed as a school-teacher in Boherbue Mallow. It is further stated that the site is partly owned by herself and that the remainder of the site is to be purchased from

her uncle. The lands in her ownership were transferred by her parents several years ago.

- 2.3. Details submitted with the application included a letter from the applicant, a supplementary application form and a letter from the applicant's uncle consenting to the application. A Site Characterisation form was also submitted in respect of the proposed wastewater treatment plant.

3.0 Planning Authority Decision

3.1. Decision

On 3rd September 2021, Cork County Council decided to grant permission for the proposed development subject to 27 conditions. The conditions were generally of a standard type. The following were of note:

Cond 2. Occupancy clause – 7 years

Cond 3. Development contribution – GDCS - €3,942.80

Cond. 4-7 Materials and finishes – smooth walls, dark slate, black/rounded RWG

Cond. 9-13 Entrance details – 120m sightlines (3m back), grading away from road

Cond.14-15 Wastewater treatment and soil polishing filter

Cond.16-19 Entrance recessed by 4.5m, inward opening gates, no utility poles within sightlines, drainage channel under entrance

Cond. 23 Plastic pipe drain under entrance

Cond. 24-25 Wastewater treatment

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's initial report (30/03/21) identified the planning history of the site, whereby the P.A. had refused permission for a smaller site (eastern portion) on the basis of road safety and because the development would create an infill (gap) site to the west. Refusal of permission was also noted in respect of a site opposite, on the basis of density and linear roadside frontage. It was noted that the site is located

within a 'Structurally Weaker Rural Area' and made reference to the policy context for the proposal and the Area Engineer's report. It was considered that the applicant had demonstrated that she complies with the rural generated housing need criteria provided for in the County Development Plan as her parents and other family members live nearby and that she grew up in the area. Concern was also raised about the density of housing in the vicinity and the addition of another house in that context. However, given the applicant's connections with the area and the elimination of the infill site, it was considered acceptable. However, the concerns raised by the Area Engineer (summarised below) regarding road safety and wastewater treatment warranted a request for FI.

3.2.2. **Other Technical Reports**

The Area Engineer requested further details on road safety issues and the objection from the neighbour regarding the location of their septic tank on the subject site. Revised plans were requested to address these issues including relocation of the entrance further to the west and provision of a setback of the boundary to provide 120m sightlines in each direction from a point 3 metres back from the road edge.

3.2.3. **Further Information**

FI was requested on the **30th March 2021** and a response was submitted on **2nd July 2021**. This included a revised site layout with relocated entrance and recessed boundary to achieve the required sightlines. It was also confirmed that surface water would not flow onto the public road. However, the matter of the presence of the neighbour's septic tank was not adequately addressed. It was merely stated that there was no mention of it on the folio. This formed the substance of a clarification request on the **27th July 2021**.

The response of the **12th August 2021** stated that the site had been surveyed and the location of the neighbour's septic tank had been identified. The site layout was therefore amended once again such that the proposed garage was relocated further away from the septic tank. It was confirmed that no new development would be constructed at the location of the existing septic tank.

It was considered that the location of the septic tank was a civil matter between the parties. Permission was recommended subject to conditions.

4.0 Planning History

On subject site

20/4096 – Planning permission refused to same applicant for a house on the eastern portion of the current site on grounds of road safety and the creation of an infill site.

On nearby sites

17/4493 – Planning permission refused on a site across the road and to the west on the basis of density and linear roadside frontage.

17/6343 – Planning permission granted (same applicants as 17/4493) for a house on a larger site.

5.0 Policy Context

5.1. Cork County Development Plan 2014

- 5.1.1. The proposed site is located within a designated ‘Structurally Weaker Rural Area’. Rural housing objectives include RCI 4-6.

RCI 4-6: Structurally Weaker Rural Areas

- 5.1.2. These rural areas which are remote from the Metropolitan Cork area and from towns that are under significant urban pressure for rural housing, are identified as ones which are ‘Structurally Weaker Rural Areas’. These areas are described as less populated areas and suffer from persistent population decline with a lower demand for rural housing. Therefore, it is an objective to accommodate permanent residential development as it arises in Structurally Weaker Rural Areas subject to good planning practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas.

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

- 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.

- Promote sustainable approaches to dwelling house design by encouraging proposals to be energy efficient in their design, layout and siting.
- Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings.

TM 3-2 – Access to Regional Roads

It is an objective to limit access to regional roads where appropriate in order to protect the carrying capacity of the road network and have regard to road safety considerations, particularly where access to a lower category road is available.

5.2. Kanturk-Mallow Municipal District Local Area Plan 2017

- 5.2.1. The Kanturk-Mallow Municipal District straddles two Strategic Planning Areas, with differing objectives. Mallow and a wide hinterland area is within the Greater Cork Ring Strategic Planning Area which has experienced population growth significantly ahead of target. The focus here is on the development of Mallow (hub town) as a major centre of employment and population. Kanturk, Millstreet, Newmarket and Buttevant and the wider hinterland of these towns are located within the North Cork Strategic Planning Area. The focus here is to establish a balance between the future population growth of the area and the achievement of sufficient critical mass in the main towns to enable them to attract new investment/services etc.
- 5.2.2. The growth strategy seeks to increase the population of the district by 10,134 persons with a net requirement of 7,556 new houses. The majority of the growth is planned for the main towns, especially Mallow (4,552 new housing units), and in the 46 no. villages (1,361 units). Table 2.3 provides the targets for new housing units in each of the main towns outside of Mallow, i.e. Buttevant (298), Kanturk (141), Millstreet (177) and Newmarket (155). The targets for the Key villages of Banteer and Boherbue are also given as 200 and 150 units respectively.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- **Site location and description** – The site is located in a rural area and is currently in agricultural use. There is a significant density of one-off houses to the west and the remainder of the lands adjoining the site are in agricultural use. Access is from the public road which has a speed limit of 80kph, a carriageway width of 7.0m and no footpaths or public lighting.
- **Appellant's Effluent treatment system** – the appellant's septic tank and percolation area are located (as permitted by the planning permission for her house) on the site of the appeal. No regard has been had to the impact on the appellant's sewage treatment system and no mitigation measures have been proposed to protect same. The submitted plans have failed to accurately represent the full extent of the appellant's WWTS.
- **Proliferation of private wastewater treatment systems** – the development would result in the continuing proliferation of standalone sewage treatment units in the area, many of which are not working. The proposal would therefore result in an excessive concentration of such wastewater treatment systems which would be prejudicial to public health.
- **Rural settlement policy** – The proposal does not accord with the Sustainable Rural Housing Guidelines or with NPF 19 of the National Planning Framework in terms of the core consideration of demonstrable economic or social need to live in a rural area. It is submitted that the applicant has not demonstrated an economic or social need to live in this rural area and hence does not comply with the housing need criteria in the guidelines.
- **Density of development** – The proposed development, when taken with existing and permitted development in the area, would constitute an excessive density of suburban-type development in a rural area which would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities and would

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

- **Road safety** – the public road serving the development is an extremely fast road and the applicant has not demonstrated that the development can be accessed/egressed safely.

6.2. **Planning Authority Response**

The planning authority responded on the 14th October 2021. It was stated that the P.A. had no further comments to make.

6.3. **First party Response**

- 6.3.1. The first party responded to the grounds of appeal on the 19th of October 2021. The response is on the file for the Board to view. The response was mainly in the form of a rebuttal of the grounds of appeal and reiterated the points made in the submissions to the planning authority as part of the further information and clarification provided, which have been summarised above. It was accompanied by a further two sets of drawings, which formed the basis of the P.A. decision.
- 6.3.2. It was also accompanied by two letters from the Board of Management of Boherbue National School. These letters state, inter alia, that the applicant is employed as a Class Teacher at Boherbue National School, a position that she took up in 2015, and that she is currently acting as Secretary to the BoM, which requires attendance at meetings out of hours.

7.0 **Planning Assessment**

7.1. Introduction

- 7.1.1 I consider that the principal planning issues relating to the proposed development are housing need in the context of the overall settlement policy for the area as well as the location and density of development in the vicinity of the site, access and road safety and the appropriateness of proposed wastewater treatment system. The appellant refers to further issues relating to the presence of her private wastewater

treatment system on the appeal site. This issue will be addressed as part of the assessment of the wastewater treatment proposals for the site.

7.2. Housing Need and settlement policy

7.2.1. The proposed development is located in an unserviced, remote rural area. This is an area designated a 'Structurally Weaker Rural Area' in the Cork County Development Plan. These areas are described in the CDP as being generally less populated and suffer from persistent population decline with a lower demand for rural housing. In general terms, therefore, it is an objective to accommodate permanent residential development as it arises in Structurally Weaker Rural Areas subject to good planning practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas.

7.2.2. Further guidance is provided in this respect in section 4.6 of the CDP, where it is stated that regardless of personal circumstances, the application must be tested against planning and sustainable development criteria such as

- How it relates to the overall settlement strategy and any relevant LAP.
- The settlement pattern of the area and whether it would give rise to ribbon development or excessive concentration of development.
- Whether the siting, scale or design is appropriate to its surroundings.
- Whether the site is located on a dangerous or high-speed stretch of road or involves access onto a National Primary or Secondary road or would endanger public safety and/or give rise to a traffic hazard.
- Whether there are any sewage disposal, drainage, water supply or environmental concerns.

7.2.3. The site of the proposed development is located within an overall area that is designated as being Structurally Weak. However, it is situated within relative close proximity of several main towns, including Kanturk, Newmarket and Millstreet, on a regional road, which is well connected with the national and regional road network serving North Cork. The site is located within a cluster of c.6 houses between Rathmore (just over the border in Co. Kerry) and Millstreet on a 12km stretch of regional road. There are at least three such clusters or ribbons of linear roadside development spread out along this road between Rathmore (4km to the west) and

Ballydaly village less than 3km to the southeast. Although many of the houses within the cluster that the appeal site forms a part of are long established, there have been some recent planning permissions and newly built houses within this cluster also. This would indicate that the site of the proposed development is not one that is suffering from population decline and seems to be in demand in terms of planning applications for new housing. In contrast, the local towns and villages have been suffering from population decline and stagnation in terms of growth.

- 7.2.4. The applicant has provided information regarding her personal circumstances and connections with the area. It seems that she had bought half of the site prior to submitting an application for a house on that land, which was refused, and has now agreed to purchase the remainder of the site from an uncle. Her mother's house is located two properties away, but it is not stated that she grew up in that house. The information provided indicates that the applicant grew up in the general area, that her extended family (mother, uncles, aunts and cousins) live in the general vicinity, and that she went to school in Millstreet. She currently works as a school-teacher in Boherbue, which is located approx. 15km to the north-east. On this basis, the appellant submits that she meets the rural generated housing need criteria.
- 7.2.5. I would accept that the applicant has strong connections with the area, but the question as to whether she has a rural-generated housing need which should be met at this particular location is more uncertain. The Kanturk-Mallow Municipal District LAP seeks to consolidate employment and population growth in the main towns and villages, of which there is a very strong network. The applicant's place of work (Boherbue) is designated as a Key Village which is earmarked for 150 new housing units within the lifetime of the LAP. According to Google Maps, Boherbue is within 15 minutes' drive of Rathmore, Millstreet and Kanturk and within 10 minutes of Newmarket. It is also within half an hour of Mallow and Buttevant. Thus, the need to live in this rural location has not been adequately demonstrated and the applicant's housing need does not appear to be a rural generated one, as set out in the Sustainable Rural Housing Guidelines for Planning Authorities. This would normally relate to employment in farming, forestry or a rural-based activity.
- 7.2.6. The focus of the Kanturk-Mallow MD LAP is to strengthen and enhance the village and town structure by increasing the resident population within the development boundaries of these towns and villages, and thereby create the critical mass to

attract new investment/employment opportunities. The growth strategy for the area is concentrated in the main towns, such as Millstreet (with a target of 177 units), which is just 4km away and is estimated to be a 15-minute drive from the applicant's place of work, Boherbue (with a target of 150 units). There is more than ample land zoned for housing in Millstreet including provision for the development of serviced sites. The vision for the 'Key Village' of Boherbue is to support the growth of the largest village in the municipal district which has suffered from population decline. The vision for the 'Village' of Ballydaly (to the east) is to encourage small scale development.

- 7.2.7. It is further considered that the proposed development would be contrary to the Sustainable Rural Housing Guidelines as the applicant does not have a genuine rural housing need to live in this particular rural area. Furthermore, it is noted that national policy as set out in the National Planning Framework (2018) makes a distinction between areas under urban influence, (which it defines as being within the commuter catchment of cities and large towns and centres of employment), and elsewhere (NPO 19), and states that within such rural areas

It is policy to 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.

- 7.2.8. The site of the proposed development is within a ribbon of development, with further one-off houses opposite the site and the village of Ballydaly within a kilometre to the east. Although it would not create an infill site, as in the previous proposal that was refused, it would extend the existing ribbon of development and contribute to the pattern of random rural housing in the area. There is clearly a demand for housing within this and the other clusters nearby, with recent planning applications and permissions granted in the vicinity. The stretch of road is a busy high-speed section of a regional road connecting two towns. It is, therefore, considered that the applicant has not demonstrated a rural-generated housing need to be accommodated at this location, and that an additional house at the end of a ribbon of development would contribute to a suburban form of development which would militate against the rural character of the area.

7.2.9. In conclusion, having regard to the above, it is apparent that, although located within a Structurally Weaker Area as set out in the Cork County Development Plan 2014, the proposed development would not accord with the advice contained in national or local policy, as the appellant does not have a genuine rural housing need to live in this particular rural area, and has not demonstrated an economic or social need to reside there. It is considered, therefore that the proposed development would constitute urban-generated development, which would contribute to an over concentration of suburban type development in a rural area. Having regard to the pattern of development in the vicinity, and the accessibility of the site to several towns and large villages, the area could not be described as one which is suffering from population decline and is one which is under urban influence. The National Planning Framework objective of managing the growth of such areas to avoid over-development would essentially be contravened, when there are clearly viable alternatives in the smaller towns and settlements in the overall area. The proposal would, thus, be in conflict with the National Planning Framework and with the rural housing policy for the area and should be refused on these grounds.

7.3. **Adequacy of wastewater treatment**

- 7.3.1. The proposed development would be serviced by a private wastewater treatment plant. I note that the existing septic tank and percolation area for the neighbouring property to the west (the appellant) is sited within the appeal site boundary. This is a source of contention between the parties. Although the planning authority had raised concerns about this and had sought further information and clarification on the matter, they appeared to be generally satisfied with the response from the applicant. This was principally that the site had been surveyed, the septic tank and percolation area had been identified, the site layout was amended such that the garage no longer interfered with the WWTS, and an undertaking was given that no new development would take place in the vicinity of the septic tank. The P.A. therefore took the view that it was a civil matter between the parties.
- 7.3.2. I would agree that this is ultimately a civil matter between the parties. However, the location of a third party's wastewater treatment system within the site of the proposed development is not ideal from a public health point of view. I note from the drawings submitted on 12th August 2021, that the neighbour's septic tank is approx.

1 metre distant from the revised location of the proposed garage and is approx. 8 metres from the proposed dwelling. There is no indication of where the percolation area is for this particular septic tank but given the direction of groundwater flow and the topography of the site, it is quite likely to be sited between the septic tank and the proposed dwelling. Although the applicant has stated that the area around the septic tank will not be disturbed, this does not provide adequate assurances on any future works that could interfere with the operation of this wastewater treatment system. Problems could also arise with the maintenance of the said existing wastewater treatment system in the future if access is restricted or if maintenance is not regularly carried out. It is considered that this presents a potential public health hazard.

7.3.3. The Site Characterisation Form submitted with the application indicated that the soils are quite heavy on the site and that the direction of groundwater flow is to the east. The percolation test results indicate poor drainage qualities in the soil. Given the poor percolation characteristics of the site, it was concluded that the site is not suitable for drainage by means of a standard septic tank. It was therefore recommended that the site be drained by means of a proprietary treatment plant with a polishing filter. The recommendation is for an unspecified packaged wastewater treatment unit with a pumping system which would pump the treated effluent to a 90sq.m polishing filter.

7.3.4. The submitted plans show the proposed WWTP located in the north-eastern corner of the site. There is a drain which runs alongside the eastern boundary of the site and a further drain along the roadside (northern) boundary of the adjoining site to the east. The Rathduane River is approx. 60 metres to the east of the site and flows northwards towards the River Blackwater (SAC). The percolation area would be 10m from the proposed dwelling but would be only 4-5 metres from the eastern boundary. Given the poor percolation characteristics on the site and the direction of groundwater flow (to the north-east) towards the drain/watercourse alongside the eastern boundary of the site, it is considered that the proposed wastewater treatment system poses a pollution risk. It was further noted, during my site inspection that there was some ponding visible within the site adjacent to the north-eastern corner and that there was substantial rush growth on the site, which would be indicative of poor drainage characteristics throughout the year.

7.3.5. The viability of the proposed wastewater treatment system is, therefore, questionable and it is considered that it would pose a potential pollution risk, notwithstanding the proposal to install a proprietary wastewater system with a polishing filter. In addition, the presence of a septic tank belonging to a third party within the site and in close proximity to the site of the proposed development would pose additional public health risks. Furthermore, given the concentration of development served by septic tanks in the vicinity, it is difficult to be confident that the proposed development would not exacerbate the situation. In these circumstances, it would be difficult to be confident firstly, that the site can be drained satisfactorily by means of the proposed wastewater treatment system and secondly, that the presence and location of a third party septic tank within the site would not pose a further pollution risk. It is considered that the proposed development would therefore be prejudicial to public health. It is considered that the proposed development should be refused on these grounds.

7.4. Traffic hazard

7.4.1. The site adjoins the R582 Regional road which links Rathmore (Co. Kerry) with Millstreet and is frequently used as an alternative route between Kerry and Cork. The site is located on a straight stretch of road, approximately halfway between the two towns, which is both a busy section of road and one that experiences traffic travelling at speed. It is noted that the NRA (now TII) policy on Spatial Planning and National Roads (2012) states that the regional road network provides essential links between urban areas and that in many cases, investment has brought significant improvements to the safety and carrying capacity of these roads (1.6). The creation of new accesses to, and intensification of existing accesses to, national roads (and regional roads linking urban areas), tends to give rise to the generation of additional turning movements that introduce additional safety risks to road users, and the proliferation of such roadside developments must be guarded against (1.5). As such, the protection of the capacity and preservation of the enhanced safety standards is considered to be important in ensuring that such regional roads can continue to perform important local and regional transportation functions (1.6).

7.4.2. The P.A. Area Engineer, in his initial report (26/03/21), indicated that there was concern regarding the high number of existing entrances on this stretch of road

which results in a large number of right-turning movements. It was also pointed out that Policy TM 3-2(d) of the CDP seeks to limit access to Regional Roads where appropriate so as to protect the carrying capacity of the road network and to have regard to safety considerations particularly where access to a lower category road is available. The Area Engineer noted, however, that the site appeared to be the only one available to her, in light of the overall landholding. Notwithstanding this, the proposed entrance as submitted was considered to be dangerous, and amendments were therefore sought. The Area Engineer seemed to be satisfied with the relocated entrance and set back from the road, (revised plans submitted on 12th August 2021).

- 7.4.3. The road adjoining the site has no hard shoulders and has a continuous white line in the centre of the road. There are two entrances opposite the site and several entrances to the immediate west of the site. I would agree with the P.A. Engineer that this stretch of the regional road, which is fast and straight, has a high level of existing entrances, which is not confined solely to this particular cluster of development, and is repeated with several clusters or ribbons of development spread out along the regional road. The policy objective TM 3-2(d) is generally consistent with National Roads policy to restrict new entrances to the national and regional road network in the interests of both traffic safety and in terms of the protection of the investment and carrying capacity in the road network. I do not agree with the planning authority's view that the applicant has demonstrated a genuine rural housing need to live at this location. As such, it is considered that the proposed development would give rise to a traffic hazard by the introduction of a further residential entrance on this stretch of road, by reason of the additional turning movements at this location. Furthermore, it would undermine the capacity and efficiency of this important regional road within the road network, which is contrary to both national and local policy. It is considered that the proposed development should be refused on these grounds.

8.0 Appropriate Assessment

- 8.1.1. The site does not lie within or immediately proximate to any designated European site. There are four European sites within 15km of the site as follows

- Blackwater River SAC (002170) – located 1km to the west, 1.5km to the north and east.
- Killarney National Park, MacGillycuddy Reeks and Caragh River SAC (000365) – approx. 6km to the southwest.
- Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) located approx. 15km to the north.
- Mullaghanish to Musheramore Mountains SPA (004162) – located approx. 8km to the southeast.

8.1.2. The closest European site is the Blackwater River SAC (site code 002170). The physical distance between the site and the SAC is approx. 1km to the west, 1.5km to the east and 1.5km to the north. However, there is a watercourse within c.60m of the site to the east which is hydrologically linked to the SAC. There is an open drain which flows along the eastern boundary of the site which continues along the northern boundary of the adjoining site towards McCarthy's Bridge, and from there meets the Rathduane River at the eastern extremity of that neighbouring site. The Rathduane River flows in a northerly direction and meets the main channel of the Blackwater River approx. 1.5 km to the north near Shamrock Bridge.

8.1.3. There is, therefore, a hydrological connection between the drain adjoining the site and the Blackwater River SAC, albeit a tenuous and indirect one. The distances between the site of the development and the remaining European sites are considered to be too great and there is no information indicating any hydrological link with any of these sites, which can therefore be screened out. In terms of the Blackwater River SAC, however, having regard to the small scale and limited nature of the proposed development and to the considerable hydrological distance of c.1.5km from this European site, it is reasonable to conclude on the basis of the information on the file, which I consider adequate to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have any significant effect on any designated European Site. A Stage 2 Appropriate Assessment is not therefore required.

9.0 Environmental Impact Assessment

- 9.1.1. Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

10.0 Recommendation

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

11.0 Reasons and Considerations

1. Having regard to the location of the site in close proximity to and within easy access of several towns and villages in the district, to the pattern of development in the vicinity comprising a ribbon of development, to the policy objectives of the Kanturk-Mallow Municipal District Local Area Plan 2017 which seek to direct new residential development into the towns and villages in the area and to the provisions of the *Sustainable Rural Housing Guidelines for Planning Authorities* and the National Policy Objectives of the National Planning Framework (February 2018), which seek to facilitate genuine rural housing needs in accordance with the core principle of demonstrable economic or social need to live in a rural area, to avoid overdevelopment of rural areas and to have regard to the viability of smaller towns and villages in facilitating the provision of single houses in the countryside, it is considered that the applicant has not demonstrated a genuine housing need to live in this rural local area as set out in the County Development Plan and the board is not satisfied that her housing need could not be met within an established settlement. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and the viability of smaller rural settlements. The proposed development would, therefore, be

contrary to the national and local policies for rural housing development and to the proper planning and sustainable development of the area.

2. Having regard to the soil conditions, evidence of ponding on the site and the proximity to an open drain, the Board is not satisfied, on the basis of the submissions made in connection with the application and appeal, that the site can be drained satisfactorily by means of a septic tank, notwithstanding the proposed use of a proprietary wastewater treatment system with a polishing filter. In addition, it is considered that the presence of an existing septic tank within the site which serves an adjoining dwelling house that is outside the control of the applicant would give rise to an additional risk of pollution and that, taken in conjunction with the existing development in the vicinity, would result in an excessive concentration of development served by septic tanks in the area. The proposed development would, therefore, be prejudicial to public health
3. It is considered that the proposed development would endanger public safety by reason of a traffic hazard because the site is located alongside a busy regional road at a point where the road is substandard in width and where there is a considerable number of existing entrances and the traffic turning movements generated by the development would interfere with the safety and free flow of traffic on the public road. The proposed development would also contravene Objective TM 3-2 of the Cork County Development Plan which seeks to limit access to regional roads in order to preserve the level of service and carrying capacity of the road network and to protect the public investment in the road. The proposed development would, therefore, be contrary to the proper planning and sustainability of the area.

Mary Kennelly
Senior Planning Inspector

26th April 2022