



An
Bord
Pleanála

Inspector's Report ABP-311804-21.

Development	Construction of a single storey coffee dock building and associated site works.
Location	Garretstown Beach, Coolbane, Garretstown, Kinsale, Co. Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	21/6313.
Applicant(s)	Denis Calnan.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Denis Calnan
Observer(s)	None
Date of Site Inspection	27/01/2022.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located to the sea side of the R604 in the townland of Coolbane, Garrettstown, Kinsale. The subject site comprises a small grassy headland, approximately 4m above sea level, which separates Garrettstown beach, to the north and Garrylucas beach to the south. The site is irregular in shape and while temporary fencing was erected along the public roadside of the site, it is generally accessible from the road.
- 1.2. The site has a stated area of 0.18ha and is located at a bend in the public road. Across the public road, there is the remnants of a previously started development which appears to have stopped construction. The R604 comprises part of the Wild Atlantic Way and is a busy tourist route in the area.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for development consisting of the construction of a single storey coffee dock building and associated site works, all at Garrettstown Beach, Coolbane, Garrettstown, Kinsale, Co. Cork.
- 2.2. The application included a number of supporting documents including plans, particulars, completed planning application form, and cover letter.
- 2.3. The proposed development seeks to construct a single storey coffee dock building which will have a stated floor area of 44m². The building will rise to a height of 3.7m and will include a flat roof and extensive glazing offering views over the sea. The information submitted indicates that the development will provide for a takeaway service, with a hatch as well as room to queue internally, and the food will be in the form of pre-prepared snacks. No internal seating is to be provided and no WC facilities are to be provided. The Board will also note that the building does not propose to connect to any public water services or water supply and a soakaway is proposed to be installed to address surface water run-off.
- 2.4. The submitted site layout plan does not propose any car parking within the site and I note that a wall is to be constructed along the front of the site (as permitted under ABP ref: 305987-19) which will include 3 pedestrian openings and 1 vehicle access point.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the development for the following stated reason:

1. Having regard to the location of the site outside the settlement boundary of Garretstown / Garrylucas as identified in the Bandon-Kinsale Municipal District Local Area Plan (LAP) 2017, and the sensitive scenic coastal location of the site in a 'high value landscape' setting and adjoining a designated Scenic Route, it is considered that the proposed development would not fit appropriately into this landscape, would be visually incongruous in this sensitive scenic area, would seriously injure the visual and scenic amenities of the area and would interfere with the character of the landscape. The proposed development would, therefore, contravene materially with Objectives RCI 9-1, HE 4-6, GI 6-1, GI 6-2, GI 7-2, GI 7-3, TO 2-1 and EE 9-1 of the County Development Plan 2014, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history, third-party submissions and the relevant Development Plan and LAP policies and objectives. The report also includes an Appropriate Assessment Screening Report.
- 3.2.2. The planning report notes the previous application for a similar development on the site, and while the applicant has claimed that there was a building on the site, with the submission of unclear photographs, the Planning Officer was not satisfied that that the issue was of sufficient weight to warrant a reversal of the previous PA decision to refuse permission. The report also noted the comments of the Area Engineer in terms of roads and traffic.

3.2.3. The Planning Officer (SEP) recommends that permission for the proposed development be refused. The Board will note that the SP accepted the SEP report and concurred with the recommendation to refuse permission. This Planning Report formed the basis of the Planning Authority's decision to refuse permission.

3.2.4. **Other Technical Reports**

Area Engineer: The report notes that the applicant has produced an unclear photo to claim that a building was on the site in the distant past. It is submitted that the previous report prepared for the previous application, PA ref: 21/5325 still stands.

The applicant has not provided drawings in relation to Road Safety on the provision of parking and pedestrian safety. No site suitability assessment report, drainage or percolation design has been submitted, and it is noted that the importation of material onto the site in February 2021 appears to try and create a large, levelled area.

The proposal to provide a permanent building which will operate like a mobile unit in that there is no connection to water services, raises concerns as to how the unit will be cleaned, including countertops and food preparation areas. Questions also raised in relation to where the fats grease will be treated. Concerns are raised regarding traffic and pedestrian safety as well as surface water disposal and wastewater treatment.

Further information required.

Environment Report: The report advises no objections subject to conditions.

3.2.5. **Prescribed Bodies**

None

3.2.6. **Third Party Submissions**

There is 1 third-party submissions noted in relation to the proposed development.

The issues raised are summarised as follows:

- The proposed development will destroy the beautiful sea views for walkers, cyclists and motorists alike.
- Garrettstown is already served by a multitude of coffee docks situated in less obtrusive areas.
- There is no justification for the proposed development.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

ABP re: ABP-305987-21 (PA ref: 19/6183): Permission refused by Cork County Council for the construction of a 0.7m high block wall with piers to match existing wall, incorporating 3 pedestrian openings and 1 vehicle access point and associated site works. The Board overturned this decision on appeal and permission was granted for the wall subject to 5 conditions.

PA ref: 21/5325: Permission refused by Cork County Council for the construction of a single storey coffee dock building and associated site works for the same reason as the decision the subject of the current appeal.

PA ref: 04/9743: Permission granted by Cork County Council in 2006 for the demolition of an existing hotel and the construction of a new hotel on lands across the road from the current appeal site. The current site formed part of this wider application site.

The Board will note that the hotel was demolished and while work commenced on the new hotel, it remains unfinished.

ABP ref: PL04. 204806 (PA ref. 02/2828): Permission was granted in 2004 for the demolition of an existing hotel and the construction of a hotel and 24 no apartments. The current site formed part of this wider application site.

Minor amendments to the above permitted scheme, including an Extension of Duration of permission were granted under PA. Ref. 08/7234, PA. Ref. 13/4486, PA. Ref. 18/6611. These subsequent applications and decisions did not include the area of the landholding between the road and sea, the current appeal site and the final permission to extend the duration of the permission, PA. Ref. 18/6611 refers,

appears to have expired as a two year extension was sought. The original permission expired on the 12th of October 2018, and therefore, the permission for the hotel and apartment development expired on the 12th of October 2020.

5.0 Policy and Context

5.1. County Development Plan

- 5.1.1. The Cork County Development Plan 2014, as extended, is the relevant policy document relating to the subject site. The site is located outside any zoned area and within the rural area of Co. Cork. The site lies adjacent to a regional road, the R604 a designates scenic route, S67 - Road from Old Head to Timoleague via Garrettstown, Coolmaine and Harbour View and within a landscape which has a very high value and sensitivity.
- 5.1.2. Chapter 6 of the Plan deals with Economy and Employment while Section 6.9 deals with Business Development in Rural Areas. County Development Plan Objective EE9-1 is relevant, and states as follows:

The development of appropriate new businesses in rural areas will normally be encouraged where:

- The scale and nature of the proposed new business are appropriate to the rural area and are in areas of low environmental sensitivity.
- The development will enhance the strength and diversity of the local rural economy,
- The proposal will not adversely affect the character and appearance of the landscape,
- The existing or planned local road network and other essential infrastructure can accommodate extra demand generated by the proposal,
- The proposal has a mobility plan for employees' home to work transportation,
- Where possible the proposal involves the reuse of redundant or underused buildings that are of value to the rural scene;

- The provision of adequate water services infrastructure; and
- Provision of a safe access to the public road network (See Objective TM 31: National Road Network (c) and (d)).

5.1.3. The following policies are considered relevant in relation to the proposed development:

- RCI 9-1: Development in Coastal Areas
- TO 2-1: Protection of Natural, Built and Cultural Heritage
- GI 6-1: Landscape
- GI 7-1: General Views and Prospects
- GI 7-2: Scenic Routes
- GI 7-3: Development on Scenic Routes
- ZU 2-3: Land Use Zonings of Other Lands.

5.2. **Bandon Kinsale Municipal District Local Area Plan 2017 (LAP)**

5.2.1. The subject site is also covered by the Bandon Kinsale Municipal District Local Area Plan 2017. Garrettstown/Garrylucas is identified in the LAP under the section relating to Village Nuclei. It is a strategic aim of the Cork County Development Plan, 2014 to preserve the rural character of village nuclei and encourage small scale expansion at a scale, layout and design that reflects the character of each village, where water services and waste water infrastructure is available generally through low density individual housing, in tandem with the provision of services. The subject site lies outside the settlement boundary of Garrettstown, and between the road and sea.

5.2.2. The LAP further provides that:

‘There is scope for development within the village nuclei; however, it is important that the village’s rural character, architectural heritage and its other heritage and natural amenities are maintained, enhanced and not compromised. It is also important that any future development maintains the integrity of the surrounding landscape, particularly any designated high value landscapes.’

5.2.3. Objective GO-01 of the LAP sets out the general objectives for Village Nuclei and the following sections are of note as they relate to commercial development:

- g) Retail and office development should be accommodated within the core of the village nuclei and should make adequate provision for off street parking.
- h) Other business / industrial development can be accommodated on suitable sites within the development boundary subject to normal proper planning and sustainable development criteria.

5.3. **Draft Cork County Development Plan 2022**

The Board will note that the Elected Members of Cork County Council will make the Cork County Development Plan 2022-2028, with or without proposed amendments and adopt the Plan on the 25th of April 2022. The Plan will then come into effect on the 6th of June 2022. The primary designation of the subject site outside the settlement boundary of Garrettstown / Garrylucas, within a high value landscape and adjacent to a designated scenic route are not changed in the Draft Plan.

5.4. **Natural Heritage Designations**

The site is not located within any designated site. The closest Natura 2000 site is the Old Head of Kinsale SCPA (Site Code: 004021) which is located approximately 3.2km to the southeast of the subject site. Courtmacsherry Bay SPA (Site Code: 004219) lies approximately 5.8km to the west with the Courtmacsherry Estuary SAC (Site Code: 001230) located approximately 6.5km to the west and Seven Heads SPA (Site Code: 004191) approximately 8km to the southwest.

Garrettstown Marsh pNHA (Site Code: 001053) lies approximately 300m to the north and Garrylucas Marsh pNHA (Site Code: 000087) 500m to the east of the subject site.

5.5. **EIA Screening**

5.5.1. The subject appeal does not relate to a class of development which requires mandatory EIA. Schedule 5 Part 2 of the Planning and Development Regulations

2001 (as amended) sets out the class of developments which provide that mandatory EIA is required. The proposed development is not of a scale or nature which would trigger the need for a statutory EIAR. It is therefore considered that the development does not fall within any cited class of development in the P&D Regulations and does not require mandatory EIA.

5.5.2. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

5.5.3. Having regard to:

- (a) the nature and scale of the development, and
- (b) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal against the decision of the Planning Authority to refuse planning permission for the proposed coffee dock building. The grounds of appeal are summarised under as follows:

- The site is located on the sea side of the public road opposite a large hotel and apartment complex now under construction.
- The planning history of the appellants former landholding (the site to the land side of the public road appears to have been sold to a third party) is set out in the appeal.
- It is submitted that development was previously permitted on the land, including the construction of a wall, as well as forming part of a larger development where 17 car parking spaces were to be accommodated.
- Development is permitted outside any development boundary within the development plan and the proposal is for a modest structure.
- There is a large and constant demand for limited ancillary facilities to support the local requirements and visiting public.
- The positioning or context of the proposed structure has to be viewed against the backdrop of the large hotel structure.
- There was a single storey building on the site at one time.
- The site formed part of previous planning applications and has the benefit of planning to erect a low boundary wall.
- The area is serviced by a public toilet but all other facilities are provided by casual traders. There is a need for some permanent facility. It is the applicants intention to operate the proposed facility and recruit seasonal staff as required.
- A pre-planning meeting was held with regard to placing a pod on these lands.

It is requested that the the Board grant the proposal to construct the coffee dock station. The appeal includes a number of enclosures including photographs and letters of support.

6.2. Planning Authority Response

The Planning Authority has submitted a response to the first-party appeal. The submission submits that the assessment of the proposed development is set out in the planning and technical reports on file. The reference to pre-planning discussions

with a former Area Planner are noted and were queried. It is indicated that discussions took place prior to 2014 and no decision on the acceptability of the proposal was decided. No recent pre-planning discussions have taken place.

It is requested that the Board uphold the decision to refuse permission on this sensitive coastal and rural site between road and sea.

The Board will also note that a copy of the pre-planning minutes, dated 05/10/2011 and referenced in the SEPs comments, were submitted to the Board.

6.3. Observations

There are no observations noted in relation to the subject appeal.

7.0 Planning Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development, the planning history and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development & Compliance with the Development Plan & the Bandon Kinsale Municipal District Local Area Plan 2017
2. Roads and Traffic Issues
3. Other Issues

7.1. Principle of the development & Compliance with the County Development Plan & the Bandon Kinsale Municipal District Local Area Plan 2017

- 7.1.1. The proposed development site is located off a regional road and between the road and the sea in an area which is designated as a high value landscape, with very high sensitivity. The R604 is also a designated scenic route, S67 - Road from Old Head to Timoleague via Garrettstown, Coolmaine and Harbour View. In addition, the subject site lies outside the settlement boundary of the Garrettstown / Garrylucas village, as

detailed in the Bandon Kinsale Municipal District Local Area Plan 2017. The site, therefore, lies in a rural area.

- 7.1.2. In terms of the provisions of the CDP, the Board will note that Chapter 6 of the Plan deals with Economy and Employment, while Section 6.9 deals with Business Development in Rural Areas. As such, County Development Plan Objective EE9-1 is relevant and provides that the development of appropriate new businesses in rural areas will normally be encouraged subject to a number of criteria. In this regard, I would accept the small scale of the proposed development. However, I am fully satisfied that the proposed development, if permitted will certainly affect the character and appearance of the landscape at this location and will impact on views towards the sea from the designated scenic route. I therefore consider that if permitted, the development will seriously injure the visual amenities of the area and would set an undesirable precedent for similar type developments.
- 7.1.3. The Board will also note that the lands across the public road, on the landward side of the scenic route, comprises an extensive area of zoned land. The planning history of this site indicates that a large tourism related development was granted permission in the past which included for the provision of a hotel, bar, restaurant, retail units and holiday homes. The permission included the wider (former) landholding of the current applicant on the zoned land to the east of the public road, and which included the subject site. I would note, however, that all the physical development permitted, was permitted on the lands to the east of the public road. I also note that these previous grants of permission have expired and a partly constructed building remains on the site.
- 7.1.4. Having regard to the submission of the applicant / appellant that there was historically a building on the subject site, I would agree with the Planning Authority that given that there is no recent evidence of such a structure, no weight should be given in terms of considering the proposed development a replacement building. I would consider the development of a proposed coffee dock would be better suited on zoned lands. In addition, given the lack of any proposals regarding water services infrastructure to serve the proposed development, I do not accept that the principle of the proposed development accords with the CDP Objective EE 9-1.

7.1.5. With regard to the provisions of the Bandon Kinsale MD LAP, and with regard to Garrettstown / Garrylucas, the villages rural character, architectural heritage and its other heritage, and of note, natural amenities are required to be maintained, enhanced and not compromised by new development. Any development is required to maintain 'the integrity of the surrounding landscape, particularly any designated high value landscapes'. Objective GO-01 of the LAP requires that commercial development, including retail and office, should be accommodated within the core of the village nuclei. Other businesses are also noted to be accommodated on suitable sites within the development boundary subject to normal proper planning and sustainable development criteria. Given that the subject site lies outside the settlement boundary as identified in the LAP, I am satisfied that the principle of the proposed development is not acceptable at this site.

7.1.6. Policy Objective ZU 2-3 of the Cork County Development Plan notes that where lands have not been zoned, the zoning of the lands shall be deemed that of the existing use. The existing site currently comprises an area of open space, which is generally publicly accessible. I note that planning permission has been granted by the Board to construct a wall with 3 pedestrian access points and 1 vehicular access point (ABP 305987-19 refers) however, the granting of that development, once constructed, will not exclude access to the area for use as open space. Having regard to the current proposal however, the introduction of a commercial use will alter the existing use of the site, as a publicly accessible area of open space and has the potential to set a precedent for similar type developments in the future. I am therefore satisfied that the proposed construction of a permanent building for use as a coffee dock is not in accordance with Policy Objective ZU 2-3 of the County Development Plan. It is, therefore, considered that the proposed development is not acceptable in principle and does not accord with the CDP or LAP provisions.

7.2. Roads and Traffic Issues:

7.2.1. The Board will note the comments of the Area Engineer with regard to the proposed development. I note that no car parking is proposed, and no roads assessment has been carried out by the applicant. In the absence of the wider tourism related development previously granted planning permission on the adjacent lands, there is a concern that the development may become a destination in its own right. In

addition, I note that there is an existing café located immediately adjacent to the Garrylucas beach, Stranded Beach Café, located approximately 400m to the south-east of the subject site. This café is located less than 60m from the public car park that serves the beach and is accessible from the beach. I also note that there is a mobile café which locates within the car park serving the Garrettstown Beach, approximately 600m to the north-west of the subject site. As such, the existing facilities, both permanent and mobile, are available to visitors to the beaches in areas where public car parking is available.

- 7.2.2. While I acknowledge the concerns of the Area Engineer in terms of parking and pedestrian access, I am generally satisfied that the development proposed is not of a scale which will give rise to significant volumes of traffic in its own right. I am therefore satisfied that the development is unlikely to have any significant impacts on the existing road network, or its users, as to warrant a refusal of permission on this issue.

7.3. Water Services & Site Suitability Issues

- 7.3.1. In terms of site suitability, the Board will note that the application advises that the proposed coffee dock building will not connect to any public water services. No water connection is proposed, and no WC is to be provided within the building. There is no information offered as to how the permanent building will be serviced in this regard, other than to suggest that it will function in a similar fashion to a mobile coffee station. I would have concerns in this regard in terms of general maintenance and cleaning of the building, and more importantly, the disposal of wastewater arising from cleaning etc. A mobile coffee unit can be brought to an appropriate location for cleaning etc. while the permanent structure cannot. Should the Board be minded to grant permission in this instance, this matter should be fully addressed.
- 7.3.2. With regard to wastewater, I note that no WC facilities are proposed. I acknowledge that the subject site lies within 250m of the public toilet block which serves Garrettstown Beach. Access to this facility is over the public road, which has no footpath along this narrow stretch of road. I do not consider that the proposed development is appropriate at this location, in this regard.

7.3.3. With regard to surface water management, I note the proposal to install a soakaway to deal with the roof rain-water run-off. I note the concerns of the Area Engineer in terms of the proposed surface water management proposal and the lack of a site suitability assessment or drainage report for the site. I also note that the site has been the subject of filling in February 2021, and no details of the material used to fill the site has been provided. I would agree with the AE that underlying a shallow layer of soil, there is rock. As such, and in the absence of any form of assessment, I cannot conclude that the proposed surface water management proposals are appropriate for the subject site.

7.4. **Other Issues:**

7.4.1. **Development Contribution:**

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

8.0 **Appropriate Assessment**

8.1. **Introduction:**

The site is not located within any designated site. The closest Natura 2000 site is the Old Head of Kinsale SCPA (Site Code: 004021) which is located approximately 3.2km to the southeast of the subject site. Courtmacsherry Bay SPA (Site Code: 004219) lies approximately 5.8km to the west with the Courtmacsherry Estuary SAC (Site Code: 001230) located approximately 6.5km to the west and Seven Heads SPA (Site Code: 004191) approximately 8km to the southwest.

8.1.1. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.

8.1.2. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site

in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site.

8.1.3. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.

8.1.4. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:

- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

8.2. AA Screening Report

8.2.1. The application was not accompanied by an Appropriate Assessment Screening Report.

8.3. Consultations and Observations

8.3.1. The Planning Authority undertook AA Screening as part of its overall assessment of the proposed development.

8.3.2. No other issues relating to AA are noted from any party to the subject appeal.

8.4. Screening for Appropriate Assessment:

8.4.1. The purpose of AA screening, is to determine whether appropriate assessment is necessary by examining:

- a) whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of the site, and
- b) the likely effects of a project or plan, either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives and considering whether these effects will be significant.

8.4.1. I note that the proposed development is not directly connected with or necessary to the management of a European site. The following sites are located within 8km of the subject site:

- Old Head of Kinsale SCPA (Site Code: 004021) - 3.2km to the southeast.
- Courtmacsherry Bay SPA (Site Code: 004219) - 5.8km to the west.
- Courtmacsherry Estuary SAC (Site Code: 001230) - 6.5km to the west.
- Seven Heads SPA (Site Code: 004191) - 8km to the southwest.

8.4.2. I would note that the ecology of the species and / or the habitat associated with the above Natura 2000 sites are neither structurally nor functionally linked to the proposal site. The proposed development will not connect to any public water services and will not provide any WC facilities on the site. There is no obvious potential impact pathway connecting the designated site to the development site and therefore, it might be concluded that no significant impacts on these Natura 2000 sites is reasonably foreseeable. However, the issues raised in the PAs assessment, and in particular, the lack of any site assessment report, I am concerned that the information required to provide a conclusion on AA screening is lacking.

8.5. Conclusion on Stage 1 Screening:

8.5.1. Having regard to the information submitted as part of the application, together with the information available on the NPWS website, the scale and nature of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my inspection of the site and the surrounding area, I am concerned that the lack of clear detail relating to the nature of the subject site means that I cannot conclude that the information on the file is adequate in order to issue a screening determination, that the proposed

development, either individually or in combination with other plans or projects would not be likely to have a significant effect on the above European sites, in view of the sites' conservation Objectives and that a Stage 2 Appropriate Assessment is not required in respect of this site.

- 8.5.2. Therefore, I cannot conclude that the development will not give rise to potential impacts in terms of water quality of the Natura 2000 sites within the zone of influence.

8.6. Overall Appropriate Assessment Conclusion

- 8.6.1. Having regard to the nature of the subject development site, the nature of the proposed development, together with the lack of clear details presented in submitted application documents, and notwithstanding the small scale of the proposed development, I consider that there are gaps in the baseline data with regard to habitats and species within and using the proposed development site.

As such, I do not consider the information presented adequate in order to carry out a Stage 2 Appropriate Assessment and I cannot consider it reasonable to conclude on the basis of the information on the file, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the identified Natura 2000 sites within the zone of influence, or any other European site, in view of the sites Conservation Objectives. In these circumstances, I consider that the Board is precluded from granting permission.

9.0 Recommendation

I recommend that planning permission be refused for the proposed development for the following stated reasons.

10.0 Reasons and Considerations

1. Having regard to the lack of any detailed information relation to water services, including surface water management and waste water management at the site, the Board is not in a position to conclude that the proposed development individually, or in combination with other plans or projects, would

not adversely affect the integrity of Natura 2000 Sites within the zone of influence of the proposed development site, in view of the site's conservation objectives, and the Board is precluded from granting permission for this proposed development.

2. Having regard to the location of the site outside the settlement boundary of Garretstown / Garrylucas as identified in the Bandon-Kinsale Municipal District Local Area Plan (LAP) 2017, and the sensitive scenic coastal location of the site in a 'high value landscape' setting and adjoining a designated Scenic Route, it is considered that the proposed development would not fit appropriately into this landscape, would be visually incongruous in this sensitive scenic area, would seriously injure the visual and scenic amenities of the area and would interfere with the character of the landscape. The proposed development would, therefore, contravene materially with Objectives RCI 9-1, HE 4-6, GI 6-1, GI 6-2, GI 7-2, GI 7-3, TO 2-1 and EE 9-1 of the County Development Plan 2014, and would be contrary to the proper planning and sustainable development of the area.

A. Considine

Planning Inspector

13/04/2022