



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312691-22

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<b>Development</b>	Construction of 93 houses (NIS submitted to PA)
<b>Location</b>	The Miles Road, Clonakilty, Co. Cork
<b>Planning Authority</b>	West Cork County Council
<b>Planning Authority Reg. Ref.</b>	20740
<b>Applicant(s)</b>	Cloncastle Developments Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Cloncastle Developments Limited
<b>Observer(s)</b>	Regina Campbell & John Maguire
<b>Date of Site Inspection</b>	5 <sup>th</sup> May 2022
<b>Inspector</b>	Liam Bowe

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## 1.0 Site Location and Description

1.1. The 4.26 hectare site is located at the western end of the town of Clonakilty in County Cork. It is accessible from the east via the Miles Road from the N71 National Road and from the west via the L8052 local road. A local road bounds the site to the north (known as the Miles Road) and this serves residential development in the area. There are partly completed residential estates to the east and southeast of the site, which are presently being extended towards the appeal site. There is a row of one-off houses along the western boundary of the site and an agricultural field to the north. The site slopes steadily from north to south. The eastern portion of the site is under grassland and western portion is an area of recently felled woodland with a patch of immature woodland remaining. There are well-established hedgerows along the northern (roadside), eastern and southern site boundaries. The western site boundary, which is shared with the one-off houses, is less defined. The Tawnies Lower Stream runs along part of the southern boundary of the site. There is a national monument (CO135-148 *fulacht fia*) located approximately 65 metres to the east of the site.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 93 houses, the provision of a childcare facility, and all ancillary works. Access to the development would be via the Miles Road to the north. The scheme would be developed in three phases, which includes an area of zoned land within the same field that is not incorporated into this proposed development but forms part of an overall masterplan. There would be 18 detached, 46 semi-detached and 29 terraced houses in the scheme. The principal open space serving the development would be along the southern section of the site and would include a neighbourhood play area and a kickabout area. There are two local play areas also proposed within the scheme. The development would be served by a mains water supply and public sewer.
- 2.2. Details submitted with the application included a Cover Report, a Design Statement and a Landscape Design Rationale.

## **3.0 Planning Authority Decision**

### **3.1. Further Information Request**

Prior to issuing a notification of decision, the Planning Authority issued a further information request on 16<sup>th</sup> February 2021 requiring details in relation to Confirmation of Feasibility (CoF) from Irish Water, a revised Traffic and Transport Assessment, details of tie-in with L-8053 local road to the west, a revised Outline CEMP, a detailed landscaping plan, and a revised public lighting design.

The applicant submitted a response to this further information request to the Planning Authority on 10<sup>th</sup> November 2021, which included architectural drawings, a revised Transport Assessment Report, a revised landscaping plan, a public lighting scheme, and an Outline CEMP.

### **3.2. Decision**

By order dated 14<sup>th</sup> January 2022 Cork County Council issued a Notification of Decision to Refuse Permission for the proposed development for the following reason:

The proposed development would be premature by reference to the existing deficiency in the provision of water supplies and existing capacity constraints of the Clonakilty Water Supply Zone which the site forms part of and the period within which the constraints involved may reasonably be expected to cease. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

### **3.3. Planning Authority Reports**

#### **3.3.1. Planning Reports**

There are two Planning Reports on file dated 16<sup>th</sup> February 2021 and 13<sup>th</sup> January 2021, respectively. The Planning Officer in the initial report stated the relevant development plan policies, planning history, pre-planning, summarised the third-party submissions and the responses from the internal and statutory consultees. The Planning Officer accepted the principle of the proposed development but raised

issues in relation to an up-to-date CoF from Irish Water, traffic and transport, mitigation measures within the CEMP, the open space layout, the height of house type A1 and the public lighting scheme. The report recommended further information be requested on these issues, which is reflected in the decision of the Planning Authority.

Screening for AA and Stage 2 Appropriate Assessment was carried out and concluded, with mitigation measures, that there is no likely potential for significant effects to any Natura 2000 site.

A second Planner's Report (dated 13<sup>th</sup> January 2021) refers to the further information submitted and considered that, having regard to the additional information, permission should be refused, which is reflected in the decision of the Planning Authority.

### 3.3.2. Other Technical Reports

**Traffic & Transport** – The initial Roads Engineer's report dated 15<sup>th</sup> February 2021 stated that a revised Traffic & Transport Assessment was required with suitable trip generation rates and a detailed assessment of the impact on the N71 National Road. Further details were also sought regarding the tie-in with the L-8053 local road to the west of the site. A second Roads Engineer's report dated 13<sup>th</sup> January 2022 requests that conditions be attached to a grant of planning permission.

**Area Engineer** – The initial Area Engineer's report dated 11<sup>th</sup> February 2021 stated no objection to the proposed development, subject to conditions.

A second Area Engineer's report dated 12<sup>th</sup> January 2022 states that, as Irish Water have confirmed the application is premature due to water supply constraints, this effectively means the application cannot be permitted. The Area Engineer also confirmed revised proposals for road layouts and public lighting were acceptable.

**Specialist Estates Engineer** – No objection. Conditions recommended.

**Environment** – No objection. Condition recommended.

**Ecology** – The Ecologist's report dated 15<sup>th</sup> February 2021 assesses the potential impacts of the proposed development on the European sites that the site has a hydrological connection with. Further details were sought in relation to mitigation

measures being included in the CEMP and a more detailed / legible landscaping plan.

**Archaeology** – No objection. Condition recommended.

### 3.4. **Prescribed Bodies**

**Irish Water** – The initial observations on 15<sup>th</sup> December 2020 sought the applicant to re-engage through a Pre-Connection Enquiry in order to assess the feasibility of connection to the public water / wastewater infrastructure.

On 14<sup>th</sup> December 2021, Irish Water advised that it is not in a position to facilitate a water connection to cater for the proposed development as the Clonakilty Water Supply Zone is currently subject to constraints and upgrade works are required to provide additional capacity. Irish Water further advised that the required upgrade works are not planned within the current investment plan or within the lifetime of any planning that may be granted in the nearby future and, consequently, the proposed development is considered premature.

**TII** – Advised that the proposed development be undertaken in accordance with the Transport (Traffic) Assessment and Road Safety Audit submitted.

**An Taisce** – The Head of Advocacy stated that the site to the west of the town does not follow appropriate sequential development principles and that there are other undeveloped lands closer to the town centre. He further states that the location lacks safe, protected, dedicated cycle lanes to the town centre and schools and does not address the 'Town Centre First' principle in the 2020 Programme for Government.

**IFI** – No objections. Conditions recommended.

### 3.5. **Third Party Observations**

Submissions were received from Regina Campbell & John Maguire and John O'Brien, Chris O'Callaghan & John J. Lyons. The issues raised are generally similar to those referenced in the observations on this appeal. These include concerns regarding accessing the public sewer, boundary treatments, connecting footpaths, public lighting, traffic safety, overlooking / loss of privacy, overshadowing, and surface water management.

## 4.0 Planning History

### 4.1. Appeal site:

**P.A. Ref. No. 19/460** – Application for 93 no. two-storey houses withdrawn.

### 4.2. Adjacent sites:

**P.A. Ref. No. 18/605** – Permission granted for 81 no. houses and a childcare facility.

**P.A. Ref. No. 18/703** – Permission granted for 99 no. houses and a creche.

## 5.0 Policy Context

### 5.1. National Planning Framework

5.1.1. The site is located is within the Southern Regional Assembly Area identified in the NPF. The NPF projects that around 2 million people will live in this region by 2040.

5.1.2. National Policy Objective 11a.

Support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.

### 5.2. Regional Spatial and Economic Strategy

5.2.1. The Regional Spatial and Economic Strategy for the Southern Region 2019-2031 is the relevant RSES for Cork.

#### 5.2.2. **Water Supply RPO 208 – Irish Water and Water Supply**

It is an objective to:

- a. Support the implementation of Irish Water Investment Plans and seek such plans to align the supply of water services with the settlement strategy,
- b. Support the role of Irish Water Investment Plans in taking into account seasonal pressures, climate change implications and leakage reduction,
- c. Deliver and phase services,



- d. Require local authority Core Strategies to demonstrate phased infrastructure led growth.

### **5.3. Cork County Development Plan 2022-2028**

5.3.1. I draw the Board's attention to the adoption of the County Development Plan on 25<sup>th</sup> April 2022, which came into effect as the statutory plan for the county on 6<sup>th</sup> June 2022.

5.3.2. Under the Core Strategy and in line with the NPF and RSES, a significant portion of County Cork's proposed growth will be in the County Cork Metropolitan Area and the two Key Towns of Mallow and Clonakilty. It is stated in the Plan:

"Outside of the Cork MASP, the Key Towns of Mallow and Clonakilty are large scale urban centres functioning as self-sustaining regional drivers. They are strategically located urban centres with good accessibility and significant influence in a sub-regional context. While significant development is proposed for both Key Towns, as Clonakilty is proportionally a smaller settlement in population terms, it will exceed the 30% population increase on its 2016 population (34 %) growth on 2016 population."

### **5.4. West Cork Municipal District Local Area Plan 2022-2028**

5.4.1. In line with RPO 23 of the RSES, this plan designates Clonakilty as a Key Town in the settlement typology. In recognition of the role of Clonakilty in the settlement hierarchy, growth targets have been allocated to position the town as a key economic driver in the region, whilst protecting and enhancing the natural environment of Clonakilty Bay and while acknowledging the significant water services constraints currently impacting on the town.

5.4.2. However, it is stated in the LAP that the provision of water supply for Clonakilty is a major issue which requires resolution to enable future growth targets to be fully realised. It further states that Cork County Council are currently engaging with Irish Water with a view to developing solutions to resolve the current water supply issues. These discussions are ongoing, and it is hoped that a resolution to the current restrictions will be delivered in the short / medium term and during the lifetime of the plan.

5.4.3. The appeal site has a land use zoning under the LAP of 'Residential' and the specific development objective (**CK R-01**) for the site states:

'Medium B Density Residential Development. The site should be subject to a detailed landscape plan. Provision should be made for retention and protection of existing boundary hedgerows and mature trees and for the protection of the small stream on the southern boundary which supports biodiversity networks.'

## 5.5. **Natural Heritage Designations**

The appeal site is not located within any designated European sites however a stream runs along part of the southern boundary of the site, and this is directly linked to Clonakilty Bay SPA (site code: 004081) and Clonakilty Bay SAC (site code: 000091), which are located approximately 1.8km to the southeast.

## 5.6. **EIA Screening**

5.6.1. The project falls under Class 15, Schedule 7 of the Planning and Development Regulations 2001, as amended. The project is below the threshold for triggering the need to submit an EIAR and having regard to the nature of the development comprising a significantly sub-threshold residential development on appropriately zoned lands where public piped services are available 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**

6.1.1. The grounds of appeal are submitted by Hughes Planning & Development Consultants, 85 Merrion Square, Dublin 2 on behalf of Cloncastle Developments Limited. The main points made can be summarised as follows:

- It is stated that the refusal of new dwellings on this site will further delay the delivery of homes in Clonakilty and that the proposal should be granted, subject to a condition requiring entry into agreements with Irish Water.
- State that First Party requested that the planning authority grant permission for a 10-year period to allow for the provision of the required infrastructure, which would allow for the development of the land on a phased basis.
- States that the proposed development is consistent with the objectives of the Cork County Development Plan 2014 and the West Cork Municipal District Local Area Plan 2017.

## 6.2. Planning Authority Response

The Planning Authority has not responded to the grounds of appeal.

## 6.3. Observations

6.3.1. An observation was received from Regina Campbell and John Maguire who reside in the dwelling on the junction of the L8052 local road and the Miles Road, immediately to the west of the appeal site. The observers raised the following issues:

- Concerned that overshadowing, loss of light and overlooking will occur to their property due to the proximity of proposed house no.'s 58 and 64. Requests that the applicants undertake a shadow survey.
- Concerned about loss of privacy and impact on their residential amenity.
- Concerned about the visual impact / home security and request a 2.1m high block wall (with stone facing to their property) along the shared boundary.
- Concerned about how surface water from the appeal site is to be managed as their site is at a lower level.
- Contend that the location of the main entrance to the proposed development may interfere with the use of the northern gate to their property.
- Contend that the additional traffic generated by the proposed development will pose a risk to existing road users.

- Concerned about impact of noise, dust, run-off, invasive species and general issues associated with a construction site during the different phases of the development of the site.
- Contend that development should not commence until there is adequate drinking water supplies.

## 7.0 **Assessment**

I consider that the main issues in the assessment of this appeal are as follows:

- Principle of the development
- Water supply
- Impact on residential amenity
- Traffic impact
- Overshadowing, daylight and sunlight
- Surface water disposal
- Other Issues

### 7.1. **Principle of the development**

- 7.1.1. Clonakilty is designated as a 'Key Town' in the West Cork Municipal District Local Area Plan 2022-2028. The site lies within the town's development boundary and is at the western edge of the town. The appeal site has a land use zoning of 'Residential' and a specific development objective (CK R-01 Medium B Density Residential Development), which seeks a detailed landscape plan for the site with the retention and protection of existing boundary hedgerows and mature trees and for the protection of the small stream on the southern boundary of the site.
- 7.1.2. Given the location of the site relative to the town centre and existing developed lands, I consider that the proposed development of the 93 houses would form a coherent addition to the built-up area of the Clonakilty town area. This is a fully serviced site and utilisation of existing infrastructure will allow the proposal to successfully integrate with the established housing. Further housing development of

this nature is consistent with the form, character, scale, design and density of development which prevails in this part of the town. Such development would contribute to the achievement of Objective CK R-01.

- 7.1.3. Further to this, I consider the proposed development to be consistent with the growth targets that have been allocated to position the town as a key economic driver in the region, subject to the requirement of protecting and enhancing the natural environment of Clonakilty Bay and consideration of the significant water services constraints currently impacting on the town.
- 7.1.4. In conclusion, I submit to the Board that the proposed development, within the development boundary of the town, would present as a natural extension to the town and has a land use zoning for residential development under the Local Area Plan. I again submit that the scale, height, density and form of the development is compatible with the adjoining estate development. This is consistent with the provisions of the Local Area Plan for Clonakilty, and I consider this to be sustainable and the proposed development to be acceptable in principle.

## 7.2. **Water supply**

- 7.2.1. I note the reason for refusal of the proposed development by Cork County Council and the observations on the planning application from Irish Water. It is stated in the West Cork Municipal District LAP 2022-2028 that the provision of water supply for Clonakilty is a major issue which requires resolution to enable future growth targets to be fully realised. It further states that Cork County Council are currently engaging with Irish Water with a view to developing solutions to resolve the current water supply issues and concludes:

“These discussions are ongoing, and it is hoped that a resolution to the current restrictions will be delivered in the short / medium term and during the lifetime of the plan.”

- 7.2.2. The First Party acknowledges that ‘the water infrastructure is not capable of supporting this development at this moment in time’. However, the First Party contends that the refusal of new dwellings on this site will further delay the delivery of homes in Clonakilty and that the proposal should be granted, subject to a condition requiring entry into agreements with Irish Water. The First Party requested

that the planning authority grant permission for a 10-year period to allow for the provision of the required infrastructure, which would allow for the development of the land on a phased basis.

- 7.2.3. The observation from Irish Water on the file dated 14<sup>th</sup> December 2021 is unambiguous where it is stated that the Clonakilty Water Supply Zone is currently subject to constraints and upgrade works are required to provide additional capacity. It further states that the construction of the required upgrade works to provide the necessary capacity to cater for the proposed development is not planned for within the current investment plan or within the lifetime of any planning that may be granted in the nearby future.
- 7.2.4. I have reviewed the Irish Water Investment Plan 2020 to 2024 and Appendix 3 of the Plan lists the wastewater projects and programmes that are expected to be either commenced, progressed or completed during the 2020-2024 period. There are 27 projects listed for County Cork and upgrade works to the Clonakilty water supply system is not included on the list.
- 7.2.5. I consider that there is insufficient clarity and certainty on the timelines to progress the upgrade of the water supply given the required design, planning and consent processes. Consequently, I consider that the proposed development would be premature because of the existing deficiency in the provision of water supply facilities in the area and the time period within which such deficiencies are likely to be resolved. It is likely that the proposed development would lead to further demands on the water supply system and would, therefore, also be likely give rise to a risk to public health. On the basis of the above, I recommend refusal for lack of water supply.

### **7.3. Impact on residential amenity**

- 7.3.1. I note the concerns of the observers about loss of privacy and impact on their residential amenity as well as the visual impact / home security concerns and their request for a 2.1m high block wall (with stone facing to their property) to be erected along their shared boundary with the appeal site. I also note their concerns about the impact of noise, dust, run-off, invasive species and general issues associated with a construction site during the different phases of the development of the site.

- 7.3.2. The site of the proposed housing development is on more elevated ground behind the established houses on the land to the west of the appeal site. However, the layout of the proposed development provides for significant separation distances between existing and proposed housing.
- 7.3.3. The observers make particular reference to house no.'s 58 and 64 and the proximity of these proposed houses to their house. Both of these proposed houses are to be sited approximately 35m from the observers' house. Both houses are also proposed to be sited perpendicular to the shared boundary and both have blank western gable ends such that no direct overlooking of the observers' private open space would arise. It is indicated on the landscape masterplan (Drawing no.20304-2-101) submitted to the planning authority as part of the RFI's on 12<sup>th</sup> November 2021 that the existing hedgerow along the western site boundary is to be retained and a 2m high post and panel concrete fence is to be erected along the length of the inside of this boundary.
- 7.3.4. In relation to impacts of the proposed development as a result of noise / dust generated during construction phases, I am satisfied that the works would not give rise to excessive noise and dust, subject to measures set out in the CEMP submitted to the planning authority. If the Board are minded to grant permission for the proposed development, a standard condition could be attached to a grant of permission requiring details / constraints to be agreed with the planning authority in a Construction Management Plan. I am also satisfied that the proposals for surface water run-off (settlement pond) will result in a normal greenfield run-off rate.
- 7.3.5. On the basis of the above, I submit to the Board that the layout of the proposed scheme has had due regard to the amenity of established neighbouring houses. The separation distances and proposed screening is such that there could be no significant impacts relating to overlooking of the established dwellings. It, therefore, cannot reasonably be concluded that there would be significant adverse impacts on the amenities of established residents.

#### **7.4. Traffic impact**

- 7.4.1. The proposed development would utilise the existing road infrastructure and network at this suburban location in Clonakilty town. The public road at the location of the site takes the form of a typical local road in the countryside. However, there is a housing development under construction immediately adjacent to the east and a footpath and public lighting are provided to this point as part of the built-up area of Clonakilty town.
- 7.4.2. I note that concerns have been raised about the location of one of the proposed entrances and the lack of a contiguous footpath and public lighting for pedestrians / cyclists. I also note the RFI of the planning authority requiring a revised Traffic and Transport Assessment in the context of likely intensification of traffic on the N71 national road even though, in their submission on the proposed development, TII were satisfied with the contents of the initial traffic assessment and impact on the national road network.
- 7.4.3. On the day of my site inspection, I noted the current provision of a footpath and public lighting to be within 20m of the north-eastern corner of the appeal site at present. The housing development to the east of the appeal site is nearing completion and connection to this footpath is indicated on the proposed site layout plan. The Board should note that the provision of this footpath and lighting have been provided since the Traffic & Transport Engineer of Cork County Council highlighted a pinch point in his report dated 15<sup>th</sup> February 2021. In relation to the cycling infrastructure, I note the comments of the Council's Area Engineer and I agree that proposals for traffic calming measures on the road / street would act as a control on speed and encourage the road to be used as a shared environment.
- 7.4.4. I note that the revised Traffic & Transport Assessment submitted to the planning authority on 12<sup>th</sup> November 2021 as a response to the RFI demonstrates clearly that no congestion will occur at the site ingress / access points. It acknowledges that the proposed development will have some impact on the operation of the N71 / Lady's Cross junction to the northwest of the appeal site, but that capacity and safety improvements are separately proposed for this junction. Similarly, the impact on the N71 / L-8052 junction to the east of the appeal site is shown to be minimal. I note



and agree with the methodology and conclusions of this Traffic & Transport Assessment.

- 7.4.5. There is likely to be some inconvenience for established road users, including a very short part of the road affecting the road as a walking route during the construction phases. However, this would be very much short term given the nature and scale of development proposed. Overall, I do not consider that there would be any serious traffic concerns arising from the proposed development.

## 7.5. **Overshadowing, daylight and sunlight**

- 7.5.1. The observers contend that the proposed development will result in overshadowing of their property. They have requested that the applicant should carry out a Shadow Study Analysis demonstrating possible overshadowing of their property. In relation to the impact on the observers' rear garden, I have examined the submission and the proposed site layout, and I consider the submission of a Shadow Study Analysis not to be necessary in this instance. As standard, BRE guidance recommends that at least half of the rear garden of a house should receive two hours sunlight on the 21st of March.<sup>1</sup> In this regard, I consider that the rear garden of the existing house(s) to the west of the appeal site will not be impacted in any significant way by overshadowing from the proposed development and that the requirements of the BRE guidance for sunlight to amenity spaces would be met. Similarly, given the relative orientations between existing and new development and the separation distances, I consider that no significant loss of daylight is likely to occur.
- 7.5.2. In conclusion, I consider that, given separation distances and aspects of the existing houses and associated rear gardens, to the west of the appeal site, that there is limited potential for additional loss of sunlight / daylight to occur to these properties. In particular, I consider that there is limited potential for additional loss of sunlight / daylight to accrue to the rear gardens and there could be no potential for overshadowing of these established houses from the proposed houses.

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<sup>1</sup> P.18, Site Layout Planning for Daylight and Sunlight – a guide to good practice, P. Littlefair

## 7.6. Surface water disposal

- 7.6.1. The observers have also raised concerns about how surface water from the appeal site is to be managed as their site is at a lower level. The applicant proposes direct infiltration to the ground via permeable paving and one large attenuation area (753m<sup>3</sup>) that will collect surface water from the street network within the proposed development and discharge it at greenfield rate to the stream at the southern end of the site.
- 7.6.2. The site falls generally from the north to the south, which facilitates easy collection of surface water at the southern end of the site. However, there is a fall in ground levels on part of the site towards the northwest corner i.e., towards the observers' house. It is proposed to site house no.'s 58 and 59 at this location with finished floor levels of 26.75m and 27.2m, respectively. The proposed permeable car parking spaces for these houses are located to the north of the houses on the main access road within the proposed development. Any run-off from this area would be served by the road gullies and natural fall of the ground towards the attenuation area.
- 7.6.3. Similarly, part of the public road at the northern boundary of the site falls towards the observers' house in an east to west direction. I note the provision of road gullies and storm sewer at this location (Drawing no.181015/C/006 refers) and further note that the invert levels of the proposed storm sewer at this location (S2.0 – S1.4) is such that a west to east fall has been designed into the system with invert levels of 25.8m to 25.55m (Drawing no.181015/C/023 refers). Therefore, surface water will be entirely directed away from the observers' house.
- 7.6.4. In conclusion, I consider the proposals for the collection and disposal of surface water from the proposed development to be an acceptable approach and, consequently, the proposed development would be unlikely to give rise to any surface water ingress / issues to neighbouring properties.

## 7.7. Other Issues

### Design and Layout

- 7.7.1. The First Party submitted a comprehensive site analysis and design statement prepared on their behalf by Horgan Carroll Architects. It is stated that the overall

strategy of the proposed development aims to respond to the boundaries of the site and allow an inward focus. Houses address the public road along the northern boundary of the site by a “village style” street feel, which, I consider, will assist in integrating the proposed development with the existing built environment and create the possibility of a street scape at this location when the lands opposite become developed. Given the constraints of existing residential development to the east and west of the site, the opportunity for linkages are not realistically available. Overall, I am satisfied that the design approach is well considered.

- 7.7.2. The density of the proposed development is calculated on the basis of 3.759 ha. of developable site area. The proposal for 93 houses on the site represents a density of 24.74 houses per hectare. This is in accordance with the ‘Medium B Density’ land use zoning for the site where the upper limit is prescribed at 25 dwellings / ha. in the Cork County Development Plan. I am satisfied that this density is also in accordance with the guidance of 20-35 dwelling units per hectare for edge of centre sites contained in the Sustainable Residential Density in Urban Areas – Guidelines for Planning Authorities (2009).
- 7.7.3. It is proposed to provide 7 no. 4 bed, 67 no. 3 bed, and 19 no. 2 bed dwelling units within this residential scheme. These units are provided within a variety of 15 no. different house types. I consider this to be an acceptable mix of dwelling units at this location in Clonakilty town.
- 7.7.4. The First Party states that the provision of private open space is in accordance with policy S-C 5-8 of the Cork County Development Plan. 48m<sup>2</sup> and 60m<sup>2</sup> are the minimum required standards for two bedroom houses and three bedroom houses and larger, respectively.<sup>2</sup> Having reviewed the site layout plan, I am satisfied that all of the proposed houses, bar site no.6, meet the required standards. The three bedroom house on site no.6 has only 48m<sup>2</sup> of private open space to the side of the dwelling. given the contribution that this dwelling will make to the street scene and the amount of good quality public open space provided within the overall scheme I consider this to be acceptable. Most of the rear gardens associated with the proposed houses are 11 metres in depth and there are no directly opposing proposed first floor windows where gardens are less than this depth.

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<sup>2</sup> P.62, Making Places: a design guide for residential estate development (Cork County Council 2011)

- 7.7.5. Public open space is provided primarily at three locations within the proposed development – two areas located centrally and the largest area at the southern end of the site. A total of 1,121m<sup>2</sup> of usable public open space is proposed and this represents 13.64% of the site and is in accordance with the requirement for 12 – 18% set out in section 5.5.7 of the Cork County Development Plan.
- 7.7.6. The proposed creche will be capable of accommodating 33 no. children and 7 no. staff. This proposal complies with the guidance outlined in Childcare Facilities – Guidelines for Planning Authorities (2001)
- 7.7.7. In conclusion, having regard to the sites location at the edge of Clonakilty town centre and the pattern of development in the area, I am satisfied that the proposed development is appropriately designed, could be accommodated at the subject site, and that it would result in a development that would be sympathetic to its setting in terms of design, scale and layout.

## **8.0 Appropriate Assessment**

### **8.1 Compliance with Article 6(3) of the Habitats Directive**

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

### **8.2 Background on the Application**

- 8.2.1. The applicant has submitted a Natura Impact Statement as part of the planning application. This statement was prepared by OPENFIELD Ecological Services on behalf of the First Party in November 2020. The applicant's Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development.
- 8.2.2. An Ecological Impact Statement was also prepared by OPENFIELD Ecological Services on behalf of the First Party in November 2020. This includes a comprehensive site survey, a description of the proposed development and an assessment of the potential impacts during both the construction and operational phases of the proposed development. In the absence of mitigation, it identifies the

pollution of water courses (via the Tawnies Lower Stream) and the ingress of silt during the construction phase that can result in the degradation of fish habitat as aspects of the project that could have significant effects on European sites..

8.2.3. The applicants AA Screening Report concluded that the loss of construction pollutants to the estuary could result in impacts to invertebrate communities within mudflat habitats and this could have knock-on impacts to birds which rely on these invertebrates as a food source. Consequently, significant effects to the Clonakilty SPA / SAC cannot be ruled out.

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

### 8.3. **Screening for Appropriate Assessment - Test of likely significant effects**

8.3.1. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

8.3.2. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

### 8.4. **Brief description of the development**

8.4.1. The applicant provides a description of the project on pages 4 to 10 of the Construction and Environmental Management Plan. In summary, the development comprises:

- The construction of 93 houses,
- The provision of public open space,
- The construction of a creche,
- The provision of 2 no. vehicular junctions,
- The provision of an attenuation tank and hydro brake to service surface water, and

- The provision of street lighting, internal roads, footpaths and landscaping / boundary treatments.

8.4.2. The development site is described in pages 5 and 6 of the NIS. It is described as land that can broadly be divided in two:

- i. 'The eastern half is a field of **improved agricultural grassland – GA1** with abundant Perennial Rye *Lolium perenne*. To the south this field slopes towards the stream and here there is a band of **wet grassland - GS4** with Soft Rush *Juncus effusus*, creeping buttercup *Ranunculus repens* and emerging saplings of Grey Willow *Salix cinerea* and Birch *Betula sp.*'
- ii. 'The western half of the lands were previously in forestry but much of this has been felled and so can be described as **recently felled-woodland – WS5**. There is brash along with emerging scrub vegetation, e.g. Brambles *Rubus fruticosus agg.*, Rosebay Willowherb *Chamerion angustifolia*, Grey Willow along with Foxglove *Digitalis purpurea*, Creeping Bent *Agrostis stolonifera* and Ragwort *Senecio jacobaea*.

Within this area there is a patch of **immature woodland – WS2** which is largely composed of non-native conifers although Ash *Fraxinus excelsior*, Hawthorn *Crataegus monogyma*, Grey Willow and Brambles are also present.'

8.4.3. The description also highlights that traditional field boundaries and native **hedgerow – WL1** is present along the eastern as well as portions of the western and southern boundaries. The presence of the Tawnies Lower Stream – **a lowland river – FW2** – is also noted along the south-eastern boundary of the site and its associated **treeline – WL2** with Alder *Alnus glutinosa* as well as Grey Willow and Hawthorn.

8.4.4. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related - uncontrolled surface water / silt / construction related pollution.

## 8.5. Submissions and Observations

8.5.1. No submission or observation has been received by the Board on foot of the appeal.

8.5.2. The observation received by the planning authority from Inland Fisheries Ireland asked the Council to ensure that the proposed sewage pumping station is designed in a manner so that there can be no overflow discharge to waters and to include a condition that there be no interference with bridging, draining or culverting of the adjacent stream and any watercourse, its banks, or bankside vegetation with prior approval.

## 8.6. European Sites

8.6.1. The development site is not located in or immediately adjacent to a European site. The closest European sites are Clonakilty Bay SAC (site code: 000091) and Clonakilty Bay SPA (site code: 004081), within 2km of the proposed development. A summary of these European Sites is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

8.6.2. The development site is hydrologically linked to two European sites: Clonakilty Bay SAC (site code 000091) and Clonakilty Bay SPA (site code 004081). Apart from the two sites cited in the previous paragraph there are five sites within approximately 15km of the appeal site: Galley Head to Duneen Point SPA (site code 004190) approx. 4.8km to the south, Seven Heads SPA (site code 004191) approx. 7.3km to the south east), Kilkeran Lake and Castlefreke Dunes SAC (site code 001061) approx. 7.8km to the south west, Courtmacsherry Estuary SAC (site code 001230) approx. 7.9km to the east, and Courtmacsherry Bay SPA (site code 004219) approx. 7.9km to the east.

8.6.3. These five European sites were not considered, by the applicant, to be within the Zol of the proposed development due to a lack of ecological/hydrological connectivity, the nature of qualifying interests, and/or physical distance. I concur with this assessment and consider that Clonakilty Bay SAC and Clonakilty Bay SPA are the only sites that have a pathway to the appeal site.

**Table 1: Summary Table of European Sites Within the Zone of Influence of the Proposed Development**

European Site	List of Qualifying Interests (QI)/Special Conservation Interests (SCI)	Distance from Proposed Development	Connections (source, pathway, receptor)
Clonakilty Bay SAC	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> [2120] Fixed coastal dunes with herbaceous vegetation [2130] Atlantic decalcified fixed dunes [2150]	1.8km to the east	Hydrological
Clonakilty Bay SPA	Shelduck [A048] Dunlin [A149] Black-tailed Godwit [A156] Curlew [A160] Wetland and Waterbirds [A999]	1.8km to the east	Hydrological

8.6.4. Based on my examination of the Screening Report, the NIS and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, I agree with the conclusion of the applicant's consultants that a Stage 2 Appropriate Assessment is required for two European sites referred to above, those being Clonakilty Bay SAC (site code 000091) and Clonakilty Bay SPA (site code 004081).

8.6.5. The remaining European sites can be screened out from further assessment because of the nature and scale of the proposed works, the nature of the



Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive hydrological or ecological linkage between the proposed works and the European site. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, 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 Galley Head to Duneen Point SPA (site code 004190), Seven Heads SPA (site code 004191), Kilkeran Lake and Castlefreke Dunes SAC (site code 001061), Courtmacsherry Estuary SAC (site code 001230), and Courtmacsherry Bay SPA (site code 004219) in view of their site conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.

#### **8.7. Identification of Likely Effects**

8.7.1. The conservation objectives of the Natura 2000 sites are as follows:

- Clonakilty Bay SAC – Conservation objectives are set out in the ‘Conservation Objectives Series Clonakilty Bay SAC 000091’ document published by the National Parks & Wildlife Service (NPWS). They are to maintain the favourable conservation condition of all habitats cited except fixed coastal dunes where it is a conservation objective to restore the favourable conservation condition.
- Clonakilty Bay SPA – Conservation Objectives are set out in the ‘Conservation Objectives Series Clonakilty Bay SPA 004081’ document published by the NPWS. They are to maintain the favourable conservation condition of all five bird species and habitats.

8.7.2. As identified in section 8.4.4 above, I consider the likely significant effects on European sites to be construction related concerning the uncontrolled disposal of surface water / silt / construction related pollution. These pollutants could have a significant effect on the invertebrate community within mudflat habitats and then have knock-on impacts to birds which rely on these invertebrates as a food source.

8.7.3. In relation to the SAC, given the direct hydrological link via the surface water drainage system there is potential for a pollution event to affect the mudflats. For the

SPA, potential pathways for impacts are through the potential for a pollution event as mentioned to impact on the foraging ability of the SCI bird species.

8.7.4. The applicant considers the potential for in-combination effects of the cumulative effects of urban growth is combatted through the integration of sustainable drainage systems to maintain natural, or 'green field' rates of surface water run-off while also improving water quality in rivers.

8.7.5. I consider that the applicant's conclusion that progression to Stage 2 AA is required for the reasons outlined, is appropriate.

## 8.8. **Mitigation Measures**

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

## 8.9. **Screening Determination**

8.9.1. The proposed development was considered in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended). Having carried out screening for Appropriate Assessment of the project, I conclude that the project individually (or in combination with other plans or projects) could have a significant effect on European sites Clonakilty Bay SAC (site code 000091) and Clonakilty Bay SPA (site code 004081) in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

## 8.10. **Appropriate Assessment of Implications of the Proposed Development**

8.10.1. The following is an assessment of the implications of the project on the relevant conservation objectives of the European sites using the best available scientific knowledge in the field (NIS). All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed.

8.10.2. I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service. Dublin

- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC

### 8.11. **Relevant European sites:**

8.11.1. The following sites are subject to appropriate assessment:

- Clonakilty Bay SAC (site code 000091)
- Clonakilty Bay SPA (site code 004081)

8.11.2. A full catalogue of these sites and their Qualifying Interests/Special Conservation Interests are set out in the NIS in tables 1-2. Habitats and species for which direct or indirect impacts were identified for assessment of adverse effects are examined in view of their conservation objectives, including detailed targets and attributes (Step 3 of NIS). This was based on ecological surveys, analysis of distribution mapping, ecological requirements of individual species and habitats and impact pathways etc. I have examined and evaluated this scientific analysis and provide a summary in tables 2-3 of this report as part of my assessment for the Board. I have also examined the Natura 2000 data forms as relevant and the conservation objectives supporting documents for these sites, available through the NPWS website ([www.npws.ie](http://www.npws.ie)). I am satisfied that in-combination effects have also been considered and adequately assessed in the NIS.

### 8.12. **Aspects of the Proposed Development that could affect Conservation Objectives**

8.12.1. In my opinion, having reviewed the development proposals, the main aspects of the proposed development that could affect the conservation objectives of the sites are those set out in section 8.7 above.

8.12.2. For the SAC this is a change in water quality as a result of a pollution event during construction, impacting on mudflats, annual vegetation of drift lines, embryonic shifting dunes and fixed coastal dunes / Atlantic decalcified fixed dunes.

8.12.3. For the SPA there is potential for significant effects as a result of a change in water quality as a result of a pollution event during construction affecting mudflats and / or prey (bird) species.

8.12.4. Tables 2 and 3 summarise the AA and site integrity test. The relevant conservation objectives for the two European sites have been examined and assessed with regard to the identified potential significant effects and all aspects of the project, both alone and in-combination with other plans and projects. Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed, and clear, precise, and definitive conclusions reached in terms of adverse effects on the integrity of the European sites.

**Tables 2 and 3 below: Summary of Appropriate Assessment of implications of the proposed development on the integrity of European sites alone and in-combination with other plans and projects in view of the sites' conservation objectives.**

**Table 2: Clonakilty Bay SAC [000091]**

**Summary of key issues that could give rise to adverse effects:**

- Changes in water quality as a result of a pollution event during construction/operation impacting on mudflats and sandflats not covered by seawater at low tide

Conservation objectives: see [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO000091.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000091.pdf)

**Summary of Appropriate Assessment**

Qualifying Interest Feature	Conservation objectives targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide	The site is hydrologically linked to the SAC/habitat via the existing surface water drainage system which discharges directly to the estuary. There is potential for effects through run off or a pollution event during construction. There is currently no treatment of surface water from the site.	Construction – A temporary silt trap / fence will be erected to the existing surface water drainage outfall prior to construction works. Silt fencing around the interceptor excavation until the ground has revegetated.  Combined – e.g. diesel/oils will be bunded; refuelling of plant at refuelling station.	There is no potential for the proposed development to undermine the integrity of Clonakilty Bay SAC, acting in-combination with other plans or projects.	Yes  Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for significant effects can be ruled out.

**Overall conclusion: Integrity test**

Following the implementation of mitigation, the construction and operation of the proposed development will not adversely affect the integrity of Clonakilty Bay SAC in light of the site’s conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

**Table 3: Clonakilty Bay SPA [004081]**

**Summary of key issues that could give rise to adverse effects:**

- **Changes in water quality as a result of a pollution event during construction/operation impacting on wetlands**

**Conservation objectives:** see [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO004081.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004081.pdf)

**Summary of Appropriate Assessment**

<b>Special Conservation Interest / Qualifying Interest Feature</b>	<b>Conservation objectives targets and attributes</b>	<b>Potential adverse effects</b>	<b>Mitigation measures</b>	<b>In-combination effects</b>	<b>Can adverse effects on integrity be excluded?</b>
Shelduck [A048]	To maintain the favourable conservation condition of Shelduck	Water Quality – Reliant on the habitat for foraging and would be impacted by any reduced quality of habitat and impact on prey species. Some of the bay could be rendered unsuitable for foraging with alternative feeding areas having to be found and increased competition for a common food source.	All potential impacts are via the same hydrological pathway identified for the SAC and mitigation measures are as identified in table 2, above.	There is no potential for the proposed development to undermine the integrity of Clonakilty Bay SPA, acting in-combination with other plans or projects.	Yes  With the implementation of the mitigation measures the potential for significant effects as a result of a pollution event can be ruled out.
Dunlin [A149]	To maintain the favourable conservation	Water Quality – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Clonakilty Bay SPA,	Yes  With the implementation of the mitigation

	condition of Dunlin			acting in-combination with other plans or projects.	measures the potential for significant effects as a result of a pollution event can be ruled out.
Black-tailed Godwit [A156]	To maintain the favourable conservation condition of Black-tailed Godwit	Water Quality – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Clonakilty Bay SPA, acting in-combination with other plans or projects.	Yes  With the implementation of the mitigation measures the potential for significant effects as a result of a pollution event can be ruled out.
Curlew [A160]	To maintain the favourable conservation condition of Curlew	Water Quality – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Clonakilty Bay SPA, acting in-combination with other plans or projects.	Yes  With the implementation of the mitigation measures the potential for significant effects as a result of a pollution event can be ruled out.

Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of the wetland habitat as a resource for the regularly occurring migratory waterbirds that utilise it	A pollution event could change the water quality and impact on the food source of the waterbird population. The assessment provided in table 2 applies.	As per table 2.	There is no potential for the proposed development to undermine the integrity of Clonakilty Bay SPA, acting in-combination with other plans or projects.	Yes With the implementation of the mitigation measures the potential for significant effects as a result of a pollution can be ruled out.
<p><b>Overall conclusion: Integrity test</b></p> <p>Following the implementation of mitigation, the construction and operation of the proposed development will not adversely affect the integrity of Clonakilty Bay SPA in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.</p>					



### 8.13. Potential in-combination effects

8.13.1. Having examined and assessed the project alone and in combination with plans and projects as presented in the NIS, I accept that due to the limited scale and duration of the works, that the construction and completion of the housing development will not constitute a significant additional loading on the ecological carrying capacity of area or the complex of habitats that are required to maintain the conservation objectives of any of the ecological receptors considered in the NIS. Taking account of the scope, scale, nature, size and location of the project and the sensitivities of the ecological receptors, there is very limited potential for synergistic interaction, between the proposed development and the projects, plans and activities considered in the preceding sections that could result in cumulative or in-combination impacts.

### 8.14. Mitigation measures

8.14.1. Step 4 of the NIS sets out the mitigation measures proposed to avoid, reduce or prevent the risk of potential impacts arising from the proposed development. The mitigation measures proposed include as follows:

- During the construction phase, surface run-off from the site will only be discharged to local drains via a settlement pond so that silt-free water will enter the environment, and this has been incorporated in the CEMP.
- A minimum buffer zone of 15m from the Tawnies Lower Stream will be established by erecting a temporary fence along the length of the site in that area.
- A silt trap will be erected, and both the silt trap and the silt fence will be inspected regularly at least daily for the duration of the construction phase.
- Emergency contact numbers for the relevant agencies will be displayed on-site.
- Site personnel will be trained on pollution prevention.
- Chemicals will be stored in sealed containers and spillages shall be avoided.
- Excavated material is not to be stored adjacent to watercourses.
- A detailed Construction and Environmental Management Plan (CEMP) is submitted with the application which sets out the measures required for

inclusion in the appointed contractor's CEMP which include the following categories:

- a. Dust minimisation,
- b. Control of noise and vibration,
- c. Ecology considerations, and
- d. Construction management measures.

8.14.2. All mitigation measures proposed have been examined, evaluated and assessed as being in line with current best practice. The measures have been described in detail providing evidence of how adverse effects will be avoided or reduced to non-significant levels. There is no doubt as to the effectiveness of these measures or their ease of implementation. In my view, the mitigation measures are appropriate to the risks identified and would, if implemented correctly, be sufficient to avoid any significant impacts and exclude adverse effects on site integrity.

#### 8.15. **Site Integrity**

8.15.1. The integrity of sites designated SAC or SPA involves their constitutive characteristics and ecological functions.

8.15.2. Following appropriate assessment of all aspects of the proposed development (alone and in combination with other plans and projects), which I consider to have been done in view of the best scientific knowledge, adverse effects on Clonakilty Bay SAC (site code 000091) and Clonakilty Bay SPA (site code 004081) can be excluded based on the following rationale:

- Following mitigation, none of the habitat types or species for which the sites have been designated will be significantly affected.
- The proposed development will not cause delays in achieving the conservation objectives of any of the European sites or interrupt progress towards achieving those objectives.
- The proposed development will not interfere with the ecological structure, function or ecological processes of any of the European sites.
- The proposed will not reduce the area of key habitats or the population of key species or the balance between key species.

- The proposed development will not result in fragmentation of habitats or species and will not result in the loss or reduction of key features supporting those sites.

#### **8.16. Appropriate Assessment Conclusion**

- 8.16.1. The proposed development of 93 houses has been considered in light of the assessment requirements of sections 177U and 177V of the Planning & Development Act, 2000 (as amended).
- 8.16.2. Having carried out screening for AA of the project, it was concluded that it may have a significant effect on Clonakilty Bay SAC (site code 000091) and Clonakilty Bay SPA (site code 004081). Consequently, an AA was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 8.16.3. Following AA, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of European site Nos. 000091 or 004081, or any other European site, in view of the sites Conservation Objectives.
- 8.16.4. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects. The basis of the conclusion is:
- a full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of Clonakilty Bay SAC and Clonakilty Bay SPA.
  - detailed assessment of the in-combination effects with other plans and projects including historical projects, current proposals, and future plans.
  - no reasonable scientific doubt as to the absence of adverse effects on the integrity of Clonakilty Bay SAC.
  - no reasonable scientific doubt as to the absence of adverse effects on the integrity of Clonakilty Bay SPA.

## 9.0 Recommendation

I recommend that permission be refused for the reason stated below.

## 10.0 Reasons and Considerations

Having regard to the lack of supply in the Clonakilty Water Supply System, and notwithstanding the indication from Irish Water of their intention to upgrade the Clonakilty Water Supply System as part of a programme to provide additional supply for the development of new homes, it is considered that, pending clarity and certainty on the timelines to progress the upgrade through design, planning and all relevant consents, the proposed development would be premature by reason of the existing deficiency in the provision of water supply facilities in the area, would lead to further demands on the water supply system, and would, therefore, likely give rise to a risk to public health and would be contrary to the proper planning and sustainable development of the area.

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Liam Bowe  
Planning Inspector

9<sup>th</sup> June 2022