



An
Bord
Pleanála

Inspector's Report ABP-313842-22.

Development	House.
Location	Gurteen, Ballyhooley, Co Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	21/6507.
Applicant(s)	Andy & Helen Shinnick.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Andy & Helen Shinnick.
Observer(s)	None.
Date of Site Inspection	22/09/2022.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Gurteen, Ballyhooley, Co Cork, approximately 2km to the south east of Ballyhooley and 7km to the west of the town of Fermoy. The family landholding runs from the local road, the L-1508-0 to the south towards the north to the River Blackwater. The topography of the landholding slopes down from the local road towards the river valley and the N72 lies to the north of the river. The site is therefore, located at an elevated location, and slopes down from the public road.
- 1.2. There is an existing access which runs in a south to north direction immediately to the west of the proposed development site which provides access to the existing family home and farmyard. There are two existing houses located immediately to the east of the subject site. The site is bound by existing hedges which essentially block any views from the public road through the site. I noted on the date of my inspection that there are existing electricity lines which traverse the western side of the site and the wider area to the north of the site includes an extensive area of treelines.
- 1.3. The subject site has a stated area of 0.7785 hectares, is currently greenfield and under grass. The site slopes down from the public road in a south to north direction. The applicants are seeking permission to build the house as they are due to retire from farming. The information submitted with the application indicates that the farmyard, including the existing farm house which is located within the body of the working farm, is to be taken over by the applicants' children.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for the construction of a domestic dwellinghouse, domestic garage/fuel store and all associated site works, all at Gurteen, Ballyhooley, Co. Cork.
- 2.2. The application included the following documents:
 - Plans and particulars
 - Cover letter
 - Completed planning application form

- Completed supplementary application form
- Site Characterisation Report

- 2.3. The proposed house comprises a single-storey two bedroomed house, which will have a finished floor level approximately 6.9m below the existing level of the public road which lies to the south of the site. The modest house has a stated floor area of 121m² and the plans propose a detached garage building of 44m². The overall height of the proposed house is noted to be 4.85m and the building will be finished in a smooth render to the plinth, roughcast render to the walls and natural stone. The roof will be finished in a grey / black concrete roof tile with dark grey soffit and fascia and rainwater gutters and down pipes. The development will include cutting into the sloping site in order to provide the reduced finished floor level.
- 2.4. The house will provide accommodate over one floor with an open plan kitchen / living / dining room, with a pantry and utility room, as well as a separate living room, as well as two bedrooms and family bathroom. The house will be serviced via a private well and an on-site treatment system.
- 2.5. The Board will note that following the request for further information, full details of the proposed landscaping plan for the site was provided, as well as details of the potential sight lines to the site.

3.0 Planning Authority Decision

3.1. Decision

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

1. The subject site is located within a rural area which is identified in the 2014 Cork County Development Plan as being under strong urban influence. Therefore, applicants shall satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area and must demonstrate that they comply with the categories of housing need set out in Policy Objective RCI4-2. The Planning Authority is not satisfied that the applicants have demonstrated that the currently have a rural generated housing need that

complies with the housing need criteria set down in Policy Objective RCI 4-2 of the 2014 County Development Plan for the area. it is therefore considered that the development would materially contravene policy objective RCI 4-2 of the Cork County Development Plan 2014 and be contrary to the proper planning and sustainable development of the area.

2. Given the prominent, elevated and visible location of the site, in an area of high landscape value, the planning authority are not satisfied that the applicants have provided adequate justification for the site selection within the landholding. The proposal is therefore contrary to the objectives of GI 6-1 of the County Development Plan 2014 and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening assessment.

The planning report raises concerns in terms of the applicants' compliance with the Councils settlement location policy, given the location of the site within a rural area under strong urban influence. In such circumstances, the applicants are required to establish a local need for a rural house. The report concludes that further information is required in relation to this issue as insufficient justification for the house has been provided by the applicant. In addition to the above, the Board will note that the report raises concerns in terms of the visual impact associated with the proposed house in an elevated location and visible from the blackwater valley.

No issues are noted in terms of impacts on existing residential amenity. Access proposals to the site are noted and further information is required in relation to same. In terms of water services, the report notes that the previous EPA Code of Practice in relation to the WWTP is referenced rather than the new, updated 2021 CoP. The report also notes that an ESB line traverses the site. The initial report concludes that further information is required with regard to a number of issues.

Following receipt of the response to the FI request, the final Planning Officers report notes that while the applicant references that the proposed house can be offset with regards to housing policy, no documentary evidence that their children are going to take over the farm has been provided as requested in the FI. No details of who will live in the farm house have been provided or what the intended use of the house will be. As the subject site is located within a rural area under strong urban influence, Development Plan criteria associated with Policy RCI 4-2 must be satisfied. The applicants have not demonstrated compliance in this regard.

In terms of visual impacts, the Planning Officers report notes the location of the site at an elevated location within a High Value Landscape. The report concludes that an alternative site within the landholding should be considered. The submitted landscaping plan is considered to be inadequate, and all other issues raised in the FI request are considered to have been adequately addressed.

The report concludes that the proposed development is not acceptable, and the Planning Officer recommends that permission be refused for the proposed development. This recommendation formed the basis of the Planning Authority's decision to refuse planning permission.

The Board will note that the Case Planners report was endorsed by the SP. The SP report notes that the details of the identifiable family member who qualifies for consideration in terms of rural housing need provisions of the Plan were requested at pre-planning stage as well as further information but was not forthcoming. It is concluded therefore that a genuine rural generated housing need is not proven. The report also endorses the case planners concerns in relation to the inadequate justification for the site selection owing to the sites' prominence within a high value landscape.

3.2.2. Other Technical Reports

Area Engineer: The report notes that sight distances of 90m cut through the neighbours' hedge. An updated drawing indicating achievable sight distances in both directions for the site is required. If relevant, a letter from the neighbouring property confirming that any works required to their property is permitted is required to be submitted.

With regard to water services, the report requires that the developer ensure that that an adequate water services are provided.

In terms of wastewater treatment, the report notes that the submitted Site Characterisation Report refers to the old EPA Code of Practice. It is required that the applicant confirms that any new installation will comply with the 2021 CoP.

It is requested that the applicant provide a proposal to ensure the roadside drainage is maintained.

Overall, the report recommends that further information be sought in relation to a number of issues.

Following receipt of the response to the FI request, the final Area Engineer Report raises no objection subject to compliance with conditions.

Liaison Officer: No comment.

3.2.3. **Prescribed Bodies**

None.

3.2.4. **Third Party Submissions**

None.

4.0 **Planning History**

There is no specific planning history pertaining the subject site or wider landholding.

5.0 **Policy and Context**

5.1. **National Planning Framework – Project Ireland 2040, DoHP&LG 2018**

- 5.1.1. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF

that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.

- 5.1.2. National Policy Objective 19 refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence, ie. the commuter catchment of cities and large towns and centres of employment. This will also be subject to siting and design considerations. In rural areas elsewhere, it refers to the need to facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2. Sustainable Rural Housing Development Guidelines 2005

- 5.2.1. The Rural Housing Guidelines seek to provide for the housing needs of people who are part of the rural community in all rural areas and makes a distinction between 'Urban Generated' and 'Rural Generated' housing need. Chapter 4 of the guidelines relates to rural housing and planning applications and states that in areas under significant urban influence, applicants should outline how their proposals are consistent with the rural settlement policy in the development plan. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply, including 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas'.
- 5.2.2. The Guidelines further require that new houses in rural areas be sited and designed in a manner so as to integrate well with their physical surroundings and generally be compatible with water protection, roads, traffic and public safety as well as protecting the conservation of sensitive areas.

5.3. Development Plan

- 5.3.1. The Board will note that the Elected Members of Cork County Council made the Cork County Development Plan 2022-2028 and adopted the Plan on the 25th of April 2022. The Plan came into effect on the 6th of June 2022. It is noted that the application, the subject of this appeal, was submitted under the provisions of the

previous 2014 County Development Plan. The Board will note that the adoption of the 2022 Cork County Development Plan replaces this policy document.

5.3.2. Chapter 5 of the CDP deals with Rural (including rural housing) and the subject site is located within a rural area which is identified as being under strong urban influence and within the Greater Cork Ring Strategic Planning Area. Specific policies are noted in relation to housing in such areas whereby applicants are required to satisfy a number of criteria. The following objectives are considered relevant in relation to the subject site. full details of the objectives are provided in the appendix to this report:

- CDP Objective 2-4: Greater Cork Ring Strategic Planning Area
- CDP Objective RP 5-4: Rural Area under Strong Urban Influence and Town Greenbelts.

5.3.3. The subject site is also located within a High Value Landscape where the CDP advises that ‘within these High Value Landscapes considerable care will be needed to successfully locate large scale developments without them becoming unduly obtrusive. Therefore, the location, siting and design of large-scale developments within these areas will need careful consideration and any such developments should generally be supported by an assessment including a visual impact assessment which would involve an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape.’ In this regard, CDP Objective GI 14-9: Landscape is also considered relevant where by the Plan seeks to protect the visual and scenic amenities of County Corks built and natural environment, as well as protecting skylines and ridgelines from development.

5.4. Natural Heritage Designations

The site is not located within any Natura 2000 site. The closest Natura 2000 site is the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) which is located approximately 400m to the north. In addition to the above, the Blackwater Callows SPA (Site Code: 004094) lies approximately 8.2km to the east.

5.5. EIA Screening

5.5.1. 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 comprises the construction of house in rural Co. Cork, on a site of 0.7785ha and 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.

5.5.1. 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

6.1.1. This is a first-party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The appeal is summarised as follows:

- It is noted that the applicants' specific situation does not fall simply within the Policy Objective RCI 4-2 which covers all persons, except retiring farmers who are handing over the farm business which includes the farmhouse.
- It is requested that the application be viewed as an exceptional circumstance.
- Section 3.2.3 of the Sustainable Rural Housing Guidelines 2005 is cited as it relates to Rural Generated Housing.
- It is submitted that while the applicants' specific situation is not directly mentioned in the policy description, they will fall under policy guidelines once the ownership of the farm is transferred and they will be building their first home.
- Both applicants are an intrinsic part of the rural community and should have the same right as a returning emigrant to retire here. It is submitted that the Policy (e) should be amended to include this specific scenario for future applicants.
- In terms of the visual impacts, it is submitted that alternative sites within the landholding were considered but there were too many negative and detrimental factors to the farm.
- The entire farm is located within a high value landscape.
- While the site is elevated, the opportunities for viewing the proposed house and site are limited. The landscape plan was developed as a buffer to conceal the proposed house from the nearside road.
- The house type proposed is a modern bungalow, massed with respect to a tradition or vernacular scale. The proposed ridgeline will be kept below the level of the road.

- The existing farmhouse has too many factors working against it to make it a viable option for alteration or renovation. One of the applicants has restrictive mobility issues and the one and a half storey house with steep stairs, narrow doors and outdated heating system will mean that they require a change of accommodation.
- From a farm perspective, there is no other appropriate site.
- The costs associated with the resurfacing of the current passageway is prohibitive and the current surface makes it impossible to walk from the house to the public road.
- The landscape plan will enhance and contribute to the high value landscape, including retention of boundary hedges and trees, planting of additional trees and hedges, providing pocket lawned spaces, an orchard and an area for beehives.
- It is concluded that sufficient information and correspondence has been provided to the planning authority to demonstrate mitigating circumstances and to address the PAs concerns.
- The applicants are in genuine need of housing once they retire from the farm.

There are a number of enclosures with the appeal document, including a letter from the applicant and details of email correspondence between the applicants' agent and the PA. It is requested that the Board grant permission for the proposed development.

6.2. **Planning Authority Response**

The Planning Authority submitted a response to the first-party appeal noting that the relevant issues have been covered in the technical reports already forwarded to the Board. The PA has no further comments to make.

6.3. **Observations**

None

7.0 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 development the subject of this application 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
2. Visual Impacts
3. Other Issues
4. Appropriate Assessment

7.1. Principle of the Development:

- 7.1.1. The proposed development seeks to construct a house with services on this rural site within the townland of Gurteen, Ballyhooly, Co. Cork, approximately 2km to the south east of Ballyhooly and 7km to the west of the town of Fermoy. The Planning Authority considered the proposed development under the provisions of the 2014 Cork County Development Plan. The Board will note that the Elected Members of Cork County Council made the Cork County Development Plan 2022-2028 and adopted the Plan on the 25th of April 2022. The Plan came into effect on the 6th of June 2022. It is noted that the application, the subject of this appeal, was submitted under the provisions of the previous 2014 County Development Plan. The Board will note that the adoption of the 2022 Cork County Development Plan replaces this policy document.
- 7.1.2. The Plan, together with the Sustainable Rural Housing Guidelines, provide clear guidance that there is a presumption against the development of one-off houses except where the proposal constitutes a genuine rural generated housing need based on social and / or economic links to the particular rural area. Should the Board be minded to grant planning permission in this instance it should be satisfied that the appellant adequately complies with the requirements of these stated policies, as well as National Policy Objective 19 of the National Planning Framework.

- 7.1.3. Objective 19 of the National Planning Framework seeks to ensure that in rural areas under urban influence, the provision of single housing in the countryside will be based on the core consideration of demonstratable economic or social need to live in a rural area..... having regard to the viability of smaller towns and rural settlements. I note that this area of the county is identified as a rural area under strong urban influence in the County Development Plan, 2022, as well as being located within the Greater Cork Ring Strategic Planning Area. Applications for one off houses in such locations are subject to specific policies which require applicants to satisfy a number of criteria. The applicant is required to accord with one of five categories of rural housing need in accordance with Policy Objective RP 5-4: Rural Area under Strong Urban Influence and Town Greenbelts of the 2022 Cork County Development Plan.
- 7.1.4. With regard to the above, I would note that the proposed development amounts to the construction of a retirement home for the applicants and it is indicated that the running of the farm business will be passed onto their children. The existing farmhouse will comprise part of the farm operation and I note that the applicants suggest that one of their adult children will likely reside in the house, offsetting their housing need in the future. I also note the arguments in relation to the categories in the relevant policy objective and that the current situation does not fall easily into any. Suggested changes to the policy are not a matter for the Board.
- 7.1.5. While I acknowledge the arguments made, I would note that the applicant has not provided any clear indication as to the future running of the family farm. It is indicated that the applicants three children will take over the running of the farm, although I note that pre-application correspondence indicates that the farm will be handed over to one of the applicants' children who are to complete their farming green certs. There is no clear indication who this is, if the green certs have been achieved, if they currently work on the farm, either full time or part time, or are employed elsewhere. It is not indicated anywhere in the information submitted if the applicants' children are engaged in agriculture or any other rural activity. The applicant has been requested to submit the clear details in relation to the transfer of the farm by the PA on a number of occasions, but I would have to agree with the Planning Authority that as the information has not been forthcoming, compliance with the Councils settlement location policy has not been established.

- 7.1.6. Further to the above, I would note the assessment of the existing farmhouse and would accept that the renovation of same would be necessary. I would also accept the applicants' argument that the person who is to take over the farm and the farmhouse, would be better suited to such a renovation project. However, in the absence of the information as detailed above, I cannot conclude that the applicants have a rural housing need, which would warrant a grant of planning permission, as they currently own a home in the rural area.
- 7.1.7. As such and given the location of the site within a rural area under strong urban influence, I am not satisfied that the proposed development complies with the principle of the policy objectives of the County Development Plan as they relate to rural housing, Objective 19 of the National Planning Framework and the guidance provided within the Sustainable Rural Housing Guidelines. I propose to address the visual impacts associated with the proposed development, and compliance with the relevant CDP policy objectives, further in section 7.2 of this report below.

7.2. Visual Amenity Issues

- 7.2.1. The subject site is located within a high value landscape, which are considered to be the county's most valuable landscapes. CDP Objective GI 14-9: Landscape is also considered relevant where by the Plan seeks to protect the visual and scenic amenities of County Corks built and natural environment, as well as protecting skylines and ridgelines from development.
- 7.2.2. I note that the matter of site selection within the landholding for the proposed development was raised as part of the Planning Authority's assessment of the proposed development at both pre-planning and assessment stages. The applicant has presented an argument for the proposed development site, noting the distance from the farmyard so as not to interfere with the running of the farm and the proximity to the public road. The site is located at the most elevated area of the landholding and the PA has considered that the applicant has failed to justify the site selection.
- 7.2.3. While the whole landholding is located within a high value landscape, I would note that the subject site is not located at or near a ridge and if permitted, would be unlikely to result in a skyline development when viewed from the wider area. In the context of CDP Objective GI 14-9: Landscape, I would note that the proposed

development includes an extensive landscaping plan which sets out the proposals for the site. The PA considered that the proposal was inadequate due to the majority of the proposed planting being located on the eastern part of the site. It was determined that this would not provide adequate screening from the north/north west where the site is most visible.

- 7.2.4. The site is visible from the N72 which lies to the north of the site and the River Blackwater including areas of the N72 which are identified as Scenic Routes. As such, and while I acknowledge that skylines and ridges may not be impacted, I consider that if permitted, the development will significantly impact on the visual amenity of these designated routes in principle – S9 – Castlehyde to Fermoy Bridge which lies to the north east of the site and S10 – Road adjoining Ballyhooly with view to Philip Wood, Johnston Wood and Gurteen Wood which lies to the north west (Gurteen Wood lies to the west of the subject site).
- 7.2.5. In the context of the proposed house, I note the low profile and modest scale proposed which will be constructed on the site. In order to reduce the overall height of the building in the landscape however, substantial cutting into the existing site will be required to provide the driveway. The existing site slopes down towards the north, with a level difference of approximately 12m across the full length of the site (90m approx.). The proposed house will be located just off centre on the site towards the southern end of the site (closer to the road) with a proposed finished floor level of +73.250m, just under 7m below the level of the public road. While the proposed house design itself might be considered acceptable, such interventions are likely to exacerbate the visual impacts associated with the proposed development, particularly when viewed from the north and while I note the proposed works to the site in terms of landscaping, overall, I am not satisfied that the site can accommodate the house without undue visual impacts arising.
- 7.2.6. While I accept the submission of the applicant with regard to the selection of the subject site, the proposed development is unacceptable in my opinion. I consider that the visual impacts associated with the proposed development are unacceptable in this high value landscape, and as such, a grant of planning permission would be contrary to the CDP Objective GI 14-9: Landscape, as it has not been demonstrated that there will be no adverse impacts to the visual and scenic amenities of the natural environment in this area of County Cork.

7.3. Other Issues

7.3.1. Roads & Traffic

The proposed development is to be accessed via the local road network in the area, and where there are a small number of existing access points serving existing farms and residential properties. The Board will note the initial concerns raised by the Area Engineer with regard to the access to the site, in particular given the site levels and the sight distances identified. Following the submission of a response to the further information request, I note no further objections in this regard.

I do not consider that the proposed development will give rise to a significant increase in the volume of vehicular traffic as to warrant a refusal of planning permission and I note that the applicants currently use the adjacent farm entrance on a daily basis. I have no objections to the proposed development in terms of roads and traffic.

7.3.2. Water Services & Site Suitability Issues

In terms of site suitability, the Board will note that the application advises that the proposed house is to be served by a private well and a proposed proprietary treatment system. The initial site characterisation form submitted with the application made reference to the previous EPA CoP, but following a response to FI, an updated form was submitted having regard to the 2021 EPA CoP.

The information provided on the planning authority file with regard to the proposed development suggests that the sites suitability with regard to the treatment and disposal of wastewater has been fully considered. The applicant submitted a completed site suitability assessment regarding the suitability of the proposed site in terms of the treatment and disposal of wastewater generated on the site.

The site characterisation assessment, submitted as part of the planning application, notes that no bedrock or ground water were identified in the trial pit, which was dug to 2.1m bgl. The assessment identifies that the site is located in an area where there is no Groundwater Protection Scheme but categorises the site as being a locally important aquifer (LI) with extreme vulnerability. A Groundwater Protection Repeal of R2¹ is indicated. The bedrock type is described as 'Devonian Old Red

Sandstones' while the soil type is identified as Amin DW – deep well drained mineral (mainly acidic), and subsoil as Till derived chiefly from Devonian Sandstones.

*T tests were carried out on the site at a level of 0.8m bgl (original form – 0.7m bgl following FI response) at the base of the hole, yielded a value of 41.86. *P tests were carried out at a level of 0.4m bgl and yielded a value of 33.81. The report concludes recommending a septic tank and percolation area which will include 72m of piping and will have a trench invert level of 0.9m bgl. The system will discharge to groundwater with a hydraulic loading rate of 20l/m².

I am satisfied that overall, if permitted, the development is acceptable in terms of site suitability for the treatment and disposal of wastewater arising from the development.

7.3.3. 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.

7.3.4. Residential Amenity Issues

Having regard to the rural location and the separation distance between the subject site and the nearest house to the east, together with the landscaping proposals for the eastern area of the site, I note no objections to the proposed development in terms of potential impacts on existing residential amenity.

8.0 Appropriate Assessment

8.1. Introduction

- 8.1.1. 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 site is not located within any Natura 2000 site and the development the subject of this application and appeal is not directly connected with or necessary to the management of a European site. The applicant did not submit an AA Screening or Natura Impact Statement.

8.2. Consultations

8.2.1. With regard to consultations, the Board will note that no issues relating to AA were raised by any party.

8.3. Screening for Appropriate Assessment

8.3.1. The applicant did not prepare an Appropriate Assessment Screening Report as part of the subject application. The site is not located within any Natura 2000 site. The site is not located within any Natura 2000 site. The closest Natura 2000 site is the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) which is located approximately 400m to the north. In addition to the above, the Blackwater Callows SPA (Site Code: 004094) lies approximately 8.2km to the east. In terms of AA, the Board will note that the development is not directly connected or necessary to the management of a European Site. The two mentioned Natura 2000 Sites are the only sites occurring within a 15km radius of the site.

8.3.2. I am satisfied that the of the above sites, the following Natura 2000 site can be screened out in the first instance, as although located within the zone of significant impact influence, the ecology of the species and / or the habitat in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated site to the development site and therefore, I conclude that no significant impacts on the identified site is reasonably foreseeable. I am satisfied that the potential for impacts on the following Natura 2000 site can be excluded at the preliminary stage:

Site Name	Site Code	Assessment
The Blackwater Callows SPA	004094	Site is located entirely outside the EU site and therefore there is no potential for direct effects. No habitat loss arising from the proposed development. No disturbance to species. No pathways for direct or indirect effects. Screened Out

8.3.3. Given the proximity of the site to the Blackwater River (Cork/Waterford) SAC, I consider it appropriate to consider the following Natura 2000 site as being within the zone of influence of the proposed development, for the purposes of AA Screening:

- Blackwater River (Cork/Waterford) SAC (Site Code: 002170).

8.4. **Qualifying Interests for Natura 2000 Sites within Zone of Influence**

8.4.1. The subject development site located within a rural environment and is not located within any designated site and does not appear to contain any of the habitats or species associated with any Natura 2000 site. There is no potential pathway to Blackwater River (Cork/Waterford) SAC (Site Code: 002170).

8.4.2. The following table sets out the qualifying interests for the identified Natura site:

European Site	Qualifying Interests
<p>Blackwater River (Cork/Waterford) SAC (Site Code: 002170)</p> <p>Located approx. 650m to the north of the site</p>	<ul style="list-style-type: none"> • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Perennial vegetation of stony banks [1220] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Water courses of plain to montane levels with the <i>Ranunculon fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260] • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] • <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] • <i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092] • <i>Petromyzon marinus</i> (Sea Lamprey) [1095] • <i>Lampetra planeri</i> (Brook Lamprey) [1096] • <i>Lampetra fluviatilis</i> (River Lamprey) [1099] • <i>Alosa fallax fallax</i> (Twaite Shad) [1103] • <i>Salmo salar</i> (Salmon) [1106] • <i>Lutra lutra</i> (Otter) [1355]

	<ul style="list-style-type: none"> • Trichomanes speciosum (Killarney Fern) [1421]
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Blackwater River (Cork/Waterford) SAC (Site Code: 002170)

8.4.3. The River Blackwater is one of the largest rivers in Ireland, draining a major part of Co. Cork and five ranges of mountains. The SAC is of considerable conservation significance for the occurrence of good examples of habitats and populations of plant and animal species that are listed on Annexes I and II of the E.U. Habitats Directive respectively. Furthermore, it is of high conservation value for the populations of bird species that use it. Two Special Protection Areas, designated under the E.U. Birds Directive, are also located within the site - Blackwater Callows and Blackwater Estuary. Additionally, the importance of the site is enhanced by the presence of a suite of uncommon plant species

8.4.4. Land use at the site is mainly centred on agricultural activities. The banks of much of the site and the callows, which extend almost from Fermoy to Cappoquin, are dominated by improved grasslands which are drained and heavily fertilised. These areas are grazed and used for silage production. Slurry is spread over much of this area. Arable crops are also grown. The spreading of slurry and fertiliser poses a threat to the water quality of this salmonid river and to the populations of E.U. Habitats Directive Annex II animal species within it. Many of the woodlands along the rivers belong to old estates and support many non-native species. Little active woodland management occurs. The main threats to the site and current damaging activities include high inputs of nutrients into the river system from agricultural run-off and several sewage plants, dredging of the upper reaches of the Awbeg, over-grazing within the woodland areas, and invasion by non-native species, for example Rhododendron and Cherry Laurel.

8.5. Conservation Objectives:

8.5.1. The Conservation Objectives for the relevant designated sites are as follows:

European Site	Conservation Objectives
Blackwater River (Cork/Waterford) SAC (Site Code: 002170)	<ul style="list-style-type: none"> • The NPWS has identified a site-specific conservation objective to maintain the favourable conservation condition of the following Annex I

<p>Located approx. 650m to the north of the site</p>	<p>habitat listed as a Qualifying Interest, as defined by a list of attributes and targets:</p> <ul style="list-style-type: none"> ○ Austropotamobius pallipes (White-clawed Crayfish) [1092] ○ Lampetra planeri (Brook Lamprey) [1096] ○ Lampetra fluviatilis (River Lamprey) [1099] ○ Salmo salar (Salmon) [1106] ○ Estuaries [1130] ○ Mudflats and sandflats not covered by seawater at low tide [1140] ○ Perennial vegetation of stony banks [1220] ○ Salicornia and other annuals colonising mud and sand [1310] ○ Mediterranean salt meadows (Juncetalia maritimi) [1410] ○ Trichomanes speciosum (Killarney Fern) [1421] ○ Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] <ul style="list-style-type: none"> ● The NPWS has identified a site-specific conservation objective to restore the favourable conservation condition of the following habitat and species listed as a Qualifying Interest, as defined by a list of attributes and targets: <ul style="list-style-type: none"> ○ Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] ○ Petromyzon marinus (Sea Lamprey) [1095] ○ Alosa fallax fallax (Twaiite Shad) [1103] ○ Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] ○ Lutra lutra (Otter) [1355] ○ Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] ○ Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]
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8.6. Potential Significant Effects

8.6.1. In terms of an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 site, having regard to the relevant conservation objectives, I would note that in order for an effect to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As

the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated. With regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- **Habitat loss / alteration / fragmentation:** The subject site lies at a remove of some 650m from the boundary of the designated site. As such, there shall be no direct loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- **Disturbance and / or displacement of species:** The site lies within a rural environment, but within an area which has experienced pressure for on-off housing. The site itself comprises improved agricultural land and no qualifying species or habitats of interest, for which the designated site is so designated, occur at the site. As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the construction works proposed, there is little or no potential for disturbance or displacement impacts to species or habitats for which the identified Natura 2000 sites have been designated.
- **Water Quality:** The proposed development relates to the construction of a house on a rural site. The development includes a proposal to a private septic tank and percolation area to serve the house. Having regard to the nominal scale of the proposed development, together with the separation distances between the site and the boundary of the SAC, I am generally satisfied that the development, if permitted, is unlikely to impact on the overall water quality of the Blackwater River (Cork/Waterford) SAC (Site Code: 002170).

I am generally satisfied that the potential for likely significant effects on the qualifying interests of the Blackwater River (Cork/Waterford) SAC can be excluded given the distance to the sites, the nature and scale of the development and the lack of a hydrological connection.

8.7. In Combination / Cumulative Effects

- 8.7.1. Given the nature of the proposed development, being the construction of a house, I consider that any potential for in-combination effects on water quality in the

Blackwater River (Cork/Waterford) SAC can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in the SAC via rivers and other surface water features are also subject to AA.

8.8. Conclusion on Stage 1 Screening:

- 8.8.1. I have considered the NPWS website, aerial and satellite imagery, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites. It is reasonable to conclude that on the basis of the information available, 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 European Sites identified within the zone of influence of the subject site. As such, and in view of these sites' Conservation Objectives a Stage 2 Appropriate Assessment is not required for these sites.

9.0 Recommendation

- 9.1.1. Having regard to the information submitted in support of the appeal and development the subject of the appeal, and the lack of clear details relating to the proposed intended occupancy of the existing farm house and the running of the family farm, together with all other matters and details on the file, I am satisfied that the applicant has not provided sufficient information to consider compliance with both local and national policy as it relates to rural housing. While I accept the bone fides of the applicant / appellant, the lack of information, notwithstanding the PAs request for same, means that I have no option but to recommend refusal of planning permission on grounds of non-compliance with both national and local settlement location policy.
- 9.1.2. In addition to the above, and while I acknowledge the submission of the applicant, given the elevated nature of the site selected within a High Value Landscape, together with the extensive cutting works required to accommodate the proposed house, I consider that the development would give rise to a significant visual impact in the wider landscape, contrary to the CDP policy objectives for such areas.

10.0 Reasons and Considerations

1. Having regard to the location of the site within an Area Under Strong Urban Influence as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the current Cork County Development Plan 2022-2028, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan, Objective RP 5-4 refers, for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the prominent and elevated location of the site, in an area of high landscape value as identified in Figure 14-2 of the Cork County Development Plan 2022-2028, and where Objective GI 14-9 of the Plan seeks to protect the visual and scenic amenities of County Corks built and natural environment, together with the extensive cutting of the site to accommodate the proposed development, the Board is not satisfied that the development complies with the above requirements and would, if permitted, be visually obtrusive and visually detract from the scenic and visual quality of the high value landscape in this area. The proposal would, therefore, be contrary to the objectives of GI 14-9 of the County Development Plan 2022 and contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
17/10/2022