



An
Bord
Pleanála

Inspector's Report ABP-313888-22.

Development	House.
Location	Ballygibbon, Blarney, Co Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	22/4714.
Applicant(s)	Maria Guerin.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Maria Guerin.
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 Ballygibbon, Blarney, Co Cork, approximately 2.5km to the north of the settlement of Blarney and approximately 8.5km to the north-west of Cork City centre, within the Metropolitan Greenbelt and rural area. The subject site comprises part of a larger field and the applicant advises that it is to be purchased subject to planning permission being granted. The site lies to the west of the local road and there are two existing houses located to the south. There is currently no northern boundary to the site and the site is generally level. The applicants' family home lies approximately 500m to the north of the subject site and it would appear that there is no landholding associated with the applicant.
- 1.2. The subject site has a stated area of 0.405 hectares, is currently greenfield and under grass. The site is generally flat and level with trees and hedgerows comprising the east, south and western boundaries. There is an existing land drain which runs along the southern boundary of the site and the main Limerick – Cork railway line lies approximately 250m to the west of the site.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for the construction of dwellinghouse, domestic garage, new entrance, wastewater treatment system together with all other ancillary site works, all at Ballygibbon, Blarney, Co. Cork.
- 2.2. The Board will note that this is a repeat application by the applicant.
- 2.3. The application included the following documents:
 - Plans and particulars
 - Cover letter & medical reports
 - Completed planning application form
 - Completed supplementary application form
 - Site Characterisation Report
 - Letter of consent from the owner of the site

2.4. The proposed house comprises a single-storey three bedroomed house, and will include a separate study, sitting room, kitchen/dining and utility all on one level. The house will have a stated floor area of 174.251m² and the plans propose a detached garage building of 24.94m². The overall height of the proposed house is noted to be 5.547m and the building will be finished in smooth plaster to the walls and a natural slate roof. The windows will be triple A rated, charcoal in colour. The house will be serviced via a private well and an on-site treatment system.

3.0 Planning Authority Decision

3.1. Decision

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

1. The subject site is located within the Metropolitan Greenbelt. The PA is not satisfied that the applicant has demonstrated that she comes within the scope of the rural generated housing need criteria as set out in Objective RCI 4-1 and Objective RCI 4-8.
2. The development would contribute to an undesirable excessive concentration of suburban type development in a rural area served by a substandard road network outside a designated settlement.
3. The development would constitute an excessive density of development, would set a precedent and create an expectation for planning permission to be granted on adjoining lands where there are no sewerage facilities. The development would also further erode the Metropolitan Greenbelt and would contravene Objectives RCI 5-1 to RCI 5-4.

Overall, the PA considered that the proposal would be contrary to the objectives 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 planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening assessment. The report notes that no pre-planning was undertaken.

The planning report raises concerns in terms of the applicants' compliance with the Councils settlement location policy, given the location of the site within the Metropolitan Cork Greenbelt. The report concludes that the applicant has not demonstrated that she comes within the scope of the genuine rural generated housing need criteria for a dwelling at this location – Objective RCI 4-1 refers.

The report notes that the applicant now seeks to make the case relating to exceptional health circumstances under Objective RCI 4-8 of the Cork CDP 2014. A folder of confidential medical information was provided by the applicant. The report considers the proximity of the site to the rail corridor, the N20 and the high density of development in the vicinity of the site and concludes that based on the information submitted, the applicant has not demonstrated that exceptional health circumstances apply in this instance. The report also referenced Objective RCI 5-4 in terms of the sustainability of exceptions to greenbelt policies.

The report continues in terms of a consideration of the existing density of development in the immediate area, identifying that if permitted the house would result in approximately 35 dwelling houses within a 500m radius of the site, all within the greenbelt area. It is considered that a grant of permission would set a precedent and would create an expectation to develop further sites along this road in the future. The development would increase the number of WWTPs and wells in the immediate area. there is no public water system in the area, and it is concluded that the development would be at odds with the proper and sustainable development of the area and could present possible significant future public health risks.

No issues are raised in terms of design and layout or flood risk. The development will require the setting back of the front boundary to achieve sightlines which is considered to further suburbanise the area and erode the rural character further.

The Planning Officers report concludes that the issues of the previous refusals of permission have not been addressed. The report concludes that the proposed development is not acceptable, and the Planning Officer recommends that permission be refused for the proposed development for three stated reasons.

The Board will note that the Case Planners report was endorsed by the A/SEP. The A/SEP report notes that a pre-planning consultation was held with the applicant where it was advised that the previous refusal reasons would need to be addressed. The option to reapply was discussed but the applicant was advised that it was unlikely that the outcome would change. The applicant was advised to consider the potential for ancillary family accommodation at family home. It is concluded that a genuine rural generated housing need has not been proven. Even if this was the case, the development would contribute to and exacerbate the existing density of development in the immediate area, would contribute to the further erosion of the greenbelt, would add to linear development build up on the public road and would contravene policies of the CDP.

These recommendations formed the basis of the Planning Authority's decision to refuse planning permission.

3.2.2. **Other Technical Reports**

Area Engineer: The report raises no objection subject to compliance with conditions.

Liaison Officer: No comment.

3.2.3. **Prescribed Bodies**

Limerick City & County Council – NM20 Project Coordinator: No observations.

TII: Requests that the PA ensures compliance with national policy and notes that the Authority reserves the right to appeal to ABP any decision which is at variance with the criteria cited.

3.2.4. **Elected Members:**

Cllrs Eileen Lynch and John Paul O'Shea both submitted a letter of support for the application.

Colm Burke TD also submitted a letter of support for the proposed development.

3.2.5. Third Party Submissions

Ms Lily Buckley: Ms. Buckley is the current owner of the site and indicates that OPP was granted to her on the site in the past, but she was not in a position to build. This is the current applicants third application on the site and she is committed to the Ballygibbon community and setting up home there with her family.

The previous refusals appear unreasonable in light of the history of the site and it is hoped that the present application will meet with success.

4.0 Planning History

The following is the planning history pertaining the subject site:

PA ref: 21/4314: Permission sought by the current applicant for the construction of a new dwelling house. This application was withdrawn prior to a decision issuing.

PA ref: 19/4495: Permission refused to the current applicant for the construction of a new dwelling house for the following 3 reasons:

1. Location of site within the Metropolitan Greenbelt and non-compliance with settlement location policy.
2. Development would contribute to an undesirable excessive concentration of suburban type development in a rural area.
3. Excessive density of development in a rural area where there are no sewerage facilities contrary to local policy and national guidelines.

PA ref. 04/2190: OPP granted for dwelling on the site to Ms. Elizabeth Buckley.

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 Metropolitan Cork Strategic Planning Area. The site is also located within the Metropolitan Green Belt. 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 CS 2-3: Metropolitan Cork Strategic Planning Area which includes:
 - c) Maintain the principles of the Metropolitan Cork Greenbelt to protect the setting of the City and the Metropolitan Towns and to provide easy access to the countryside and facilities for sports and recreation.

- CDP Objective RP 5-3: Metropolitan Cork Strategic Planning Area which notes that:

The Metropolitan Cork Greenbelt is the area under strongest urban pressure for rural housing. Therefore, applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of four categories of housing need.

- CDP Objective RP 5-10: Exceptional Health Circumstances
- CDP Objective RP 5-11: County Metropolitan Cork Greenbelt
- CDP Objective RP 5-12: Purpose of Greenbelt
- CDP Objective RP 5-13: Land Uses within the County Metropolitan Greenbelt which seeks to:

Preserve the character of the Metropolitan Greenbelt as established in this Plan and to reserve generally for use as agriculture, open space,

recreation uses and protection / enhancement of biodiversity of those lands that lie within it.

- CDP Objective RP 5-14: Sustainability of Exceptions to Greenbelt Policies which states:

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

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 11.7km to the north and Cork Harbour SPA (Site Code: 004030) which is located approximately 12.2km to the south-east of the site.

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 0.405ha 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 Board will note that the appeal also refers to the 2014 County Development Plan policies and objectives. The appeal is summarised as follows:

- It is submitted that the applicant falls under Objective RCI 4-2.
- It is submitted that the medical information provided, Objective RCI 4-8 refers, was not strongly considered by the PA. The planners took into consideration the appellants work environment, and at the time of long absence from work she was living in rented accommodation in an estate in Tower. Moving back to her family home has brought some relief but is not a permanent solution.
- The proposed house will facilitate the applicant and her disability.
- The applicant would not be adding to traffic on the road as she is currently living on the road.
- The house will be serviced by a septic tank and well in accordance with regulations.
- Issues of public health have not been encountered in the area. The well can be relocated on the site if necessary.

- The proposed site is 500m from the Cork City boundaries and the CDP (2014) has policies to encourage and accommodate rural house needs, which the appellant feels is a category she fits into. She is from the area.
- In terms of the greenbelt, the objectives make allowances for which the applicant meets the criteria.
- It is proposed to turn as much of the site into a wild meadow and to keep bees which will add to native biodiversity.
- Without the option to build locally, the applicant will have to move further into Co. Cork or outside of the county, leaving her parents alone and eventually in need of state help. It also leaves the applicant without the support from family and neighbours.

There are a number of enclosures with the appeal document.

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

No valid observations

The Board will note that an observation was submitted in support of the appeal on the 2nd day of October 2022. The final date for submissions was the 18th day of July 2022.

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. Other Issues
3. 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 Ballygibbon, Blarney, Co. Cork, approximately 2.5km to the north west of Blarney and 8km to the north west of Cork City centre. The Planning Authority considered the proposed development under the provisions of the 2014 Cork County Development Plan and the submitted appeal makes reference to this policy document also. 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 Metropolitan Cork Strategic Planning Area and within the Metropolitan Greenbelt. Applications for one off houses in such locations are subject to specific policies which require applicants to satisfy a number of criteria, Policy Objective RP 5-3: Metropolitan Cork Strategic Planning Area of the 2022 Cork County Development Plan refers.

7.1.4. This policy notes that the Metropolitan Cork Greenbelt is the area under strongest urban pressure for rural housing. Therefore, applicants are required to satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

- a) Farmers, including their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
- (b) Persons taking over the ownership and running of a farm on a full-time basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.
- (c) Other persons working full-time in farming, forestry, inland waterway, or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.
- (d) Landowners including their sons and daughters who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence for a minimum of seven years prior to the date of the planning application.

In circumstances, where a family land holding is unsuitable for the construction of a house, consideration may be given to a nearby landholding where this would not conflict with Objective GI 8-1¹ and other policies and objectives in the Plan. In this context a 'nearby landholding' may be construed to mean adjoining landholdings but not normally more than 1.5km from the prospective applicant's family residence. Proposals exceeding the 1.5km distance may be considered in exceptional circumstances on a case-by-case basis.

The total number of houses within the Metropolitan Greenbelt, for which planning permission has been granted since 15th January 2015 on a family farm or any single landholding within the rural area, will not normally exceed two.

7.1.5. With regard to the above, I would note that the applicants' family are not farmers in the local area. It would appear that the family resides in a one-off house in the rural area for many decades, and that the site the subject of this appeal is being purchased subject to planning permission being granted. In this regard, I do not consider that the applicant, notwithstanding her living in the local area for the majority of her life, can comply with the requirements of Policy Objective RP 5-3: Metropolitan Cork Strategic Planning Area of the 2022 Cork County Development Plan as it relates to the construction of a house in the Metropolitan Greenbelt.

7.1.6. In terms of policy objectives relating to development within the Metropolitan Cork Greenbelt, CDP Objective RP 5-12: Purpose of Greenbelt requires that attention should be focused on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area. The Objective also seeks to recognise that in order to strengthen existing rural communities' provision can be made within the objectives of this Plan to meet exceptional individual housing needs within areas where controls on rural housing apply.

¹ The Board will note that this Objective references the previous 2014 CDP Objective relating to Prominent and Strategic Metropolitan Greenbelt Areas requiring Special Protection.

Objective GI 14-16 of the current (2022) CDP relates to Prominent and Strategic Metropolitan Green Belt Map and is essentially the same objective. The only change to the text of the objective is that new Plan Objective refers correctly to updated figure which shows the relevant areas. The objective continues to be to preserve these areas from development.

7.1.7. The Board will note that the applicant has provided significant information in relation to medical conditions which is submitted as substantiating the need for the proposed one-off house in the rural area. In this regard, I note the provisions of CDP Objective RP 5-10: Exceptional Health Circumstances which states as follows:

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

This objective applies to all rural housing policy area types.

In this regard, I would acknowledge the submission of the applicant / appellant.

7.1.8. However, while I acknowledge the arguments made, I would note that the applicant is purchasing the site, which forms part of a larger agricultural field. There is a natural gap in the pockets of one-off houses on this local road at this location and as such, I am inclined to agree with the Planning Authority that the subject site if permitted, would result in an excessive concentration of sub-urban development within the Greenbelt, eroding the open and rural character of the Metropolitan Greenbelt as established, and a grant of planning permission in this instance, would therefore be contrary to the provisions of Objectives CS 2-3 (c), RP 5-11, RP 5-12 and RP 5-13, all of which seek the protection of the Metropolitan Greenbelt.

7.1.9. While the applicant references exceptional health circumstances, which I acknowledge and accept, Objective RP 5-14 requires consideration of the sustainability of exceptions to Greenbelt policies and notes that the granting of regular exceptions to overall policy is likely to give rise over the years to incremental erosion of much of the Greenbelt. While provisions to meet exceptional individual housing needs is provided for within the Cork CDP 2022, the overriding policy objective for the Metropolitan Greenbelt, and all greenbelts, is to protect against urban sprawl and the coalescence of built-up areas and to retain the open and rural character of lands. As the site is being purchased, I consider that there is no scope to consider an alternative site on a landholding which may address the concerns as raised above.

7.1.10. As such and given the location of the site within a rural area under strong urban influence and within the Metropolitan Greenbelt, 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.

7.2. Other Issues

7.2.1. Roads & Traffic

The proposed development is to be accessed via the local road network in the area. The Board will note that the PA considered that the road network is substandard and that due to the necessity of the front boundary to be set back in order to achieve adequate sight distances, this will further suburbanise the area and erode the rural character of the area. I note that the Area Engineer raised no objections to the proposed development subject to compliance with conditions, including a condition which requires the setting back of the front boundary by 3m in order to achieve proper sight distances for emerging traffic.

The visual impacts associated with this requirement, notwithstanding the landscaping proposals would contravene the provisions of CDP Objective GI 14-9: Landscape, which seeks to protect the visual and scenic amenities of County Cork's built and natural environment and discourages proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

As such, and while 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 have no objections in principle to the proposed development in terms of roads and traffic, the measures required to affect a safe access and egress would go against the policies of the CDP 2022 as they relate to the protection of the landscape.

7.2.2. 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 new septic tank and percolation area. The Board will note that site characterisation form submitted with the application was prepared in 2019 and therefore makes reference to the previous EPA Code of Practice and not the most up-to-date 2021 EPA CoP. The new CoP includes a number of changes addressing technical matters and bringing references to legislation and standards up to date. In terms of the percolation test, the new CoP changes the terminology from T test and P test to subsurface and surface test. The change in terminology, however, does not change how the tests are carried out. The most significant change is the inclusion of a chapter which addresses determining site suitability and the selection of an appropriate WWTP for the site.

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 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 which was originally prepared for the development of the site in 2019. The Board may wish to request an updated assessment which accords with the provisions of the 2021 Code of Practice.

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 high vulnerability. A Groundwater Protection Reuse of R1 is indicated. The bedrock type is described as 'Addergoole River Formation' while the soil type is identified as Amin DW – deep well drained mineral (mainly acidic).

*T tests were carried out on the site at a level of 0.8m bgl at the base of the hole, yielded a value of 24.36. *P tests were carried out at a level of 0.3m bgl and yielded a value of 29.17. The report concludes recommending a septic tank and percolation area which will include 102m 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.

7.2.3. **Visual Amenity Issues**

The subject site is not located within a high value landscape or proximate to a designated scenic route as identified in the 2022 Cork CDP. CDP Objective GI 14-9: Landscape is 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.

I note that the subject site is currently well screened from the public road and any views to or from the site are intermittent, due to the existing hedgerow boundary along the easter (roadside) boundary. The southern boundary also comprises a hedgerow and trees and the landscaping plan submitted with the application suggests that a new northern boundary will comprise a new sod and stone ditch with whitethorn and hawthorn to be planted to ensure the proposed development sits into the landscape. The proposed development requires the setting back of the existing of the roadside boundary in order to achieve adequate sightlines and will be replaced with a new hedge.

Other than the visual impacts associated with the setting back of the front boundary and the creation of a new access into the site, I am generally satisfied that the low-rise nature of the proposed building could be accommodated on this site without undue visual impacts on the wider landscape.

7.2.4. **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.

7.2.5. **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 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 closest Natura 2000 site is the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) which is located approximately 11.7km to the north and Cork Harbour SPA (Site Code: 004030) which is located approximately 12.2km to the south-east of the site. 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.
- 8.3.1. I am satisfied that the above sites can be screened out in the first instance, as they are located outside the zone of significant impact influence because 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 sites to the development site and therefore, I conclude that no significant impacts on the above-mentioned sites is reasonably foreseeable and that they can all be excluded at the preliminary stage for the following reasons:

- 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.

In Combination / Cumulative Effects

8.3.2. Given the nature of the proposed development, being the construction of a house in a rural area, and at a remove from any designated site, I consider that any potential for in-combination effects on water quality of any of the Natura 2000 sites can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in any of the identified Natura 2000 sites via rivers and other surface water features are also subject to AA.

Conclusion on Stage 1 Screening:

8.3.3. 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, I recommend that planning permission be refused for the following stated reasons.

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 within the Metropolitan Greenbelt, 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 5-3 refers, for a house at this location. The applicant, notwithstanding her living in the local area for the majority of her life, cannot comply with the requirements of Policy Objective RP 5-3: Metropolitan Cork Strategic Planning Area of the 2022 Cork County Development Plan as it relates to the construction of a house in the Metropolitan Greenbelt as the site is being purchased subject to planning and does not comprise part of a family landholding.

Notwithstanding the additional information submitted by the applicant, the Board considers that the development, if permitted in an area where there are no existing public water services including sewage and water supply, would result in an excessive concentration of sub-urban development within the Greenbelt, eroding the open and rural character of the Metropolitan Greenbelt as established. The proposed development 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.

A grant of planning permission in this instance, would therefore be contrary to the provisions of Objectives CS 2-3 (c), RP 5-11, RP 5-12 and RP 5-13, all of

which seek the protection of the Metropolitan Greenbelt. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the subject site within the Metropolitan Greenbelt, together with the requirement to set back the existing roadside boundary to achieve adequate sight distances in both directions, it is considered that the proposed development would not accord with the provisions of Objective GI 14-9 of the Plan which seeks to protect the visual and scenic amenities of County Corks built and natural environment, and would, if permitted, 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
20/10/2022