



An
Bord
Pleanála

Inspector's Report ABP-314423-22

Development	Construction of a house, wastewater treatment system, and site entrance
Location	Cooldurragha, Union Hall, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	22/315
Applicant(s)	Sean Walsh
Type of Application	Permission
Planning Authority Decision	Grant permission s.t. conditions
Type of Appeal	Third party against grant
Appellant(s)	Peter Davis Peter Olden
Date of Site Inspection	24 th January, 2023
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1. The site of the proposed development is located in Cooldurragha Townland, which is a highly scenic, rural area to the southwest of Union Hall village, County Cork. It is located close to Reen Pier and to Castlehaven Inlet, on the opposite shore to Castletownshend. Rineen Woods is located to the northwest and Lough Cluhir is located to the east of the site. It is located on a long, narrow, private cul-de-sac lane which is accessed off a local road (L8261) and the lane serves one other single house. The local road travels in a N-S direction parallel to the inlet (The Narrows). Rineen Castle (a Recorded Monument - Tower House CO142082) is located c.260m to the south. The lands are elevated above Castlehaven inlet with uninterrupted views overlooking Raheen Castle (Recorded Monument) and the pier area (known as The League) and Castletownshend to the south and south-west.
- 1.2. The site area is given as approx. 0.44ha. It forms part of a land holding of c.3ha. There is an existing house further to the west at the end of the land. The site is rectangular in shape and has frontage to the private lane. It is a rocky site with steeply sloping contours and rock outcrops. The ground levels fall towards the south-western corner. There is a drain on the adjoining lands which runs alongside the western boundary of the site.

2.0 Proposed Development

- 2.1. It is proposed to erect a one and a half-storey dwelling with a stated floor area of 252sq.m. The proposed development includes the installation of a secondary wastewater treatment system with a soil polishing filter. It is proposed to provide water supply from a new bored well in the north-eastern corner of the site. Drainage from the site is to be captured by means of soakaways and a drainage grating at the entrance.
- 2.2. The proposed dwelling is designed in the form of two narrow plan blocks, one in front of the other. The proposed dwelling would be set back some 34 metres from the southern boundary with the lane. Access from the lane would be from the south-western corner via a long T-shaped driveway (c. 30m long and 3.5m wide). The WWTP and percolation area with polishing filter would be located in the south-western corner of the site.

2.3. The applicant is a local fisherman and has bought the site, together with the remainder of the 3ha landholding. He is from the townland of Cooldurragha. There are no other buildings on the landholding, although the applicant had previously sought permission to build a house on a more elevated part of the landholding (21/451). This application was withdrawn prior to determination by the P.A.

3.0 Planning Authority Decision

3.1. Decision

On 28th July 2022, Cork County Council decided to grant permission for the proposed development subject to 13 conditions. The conditions were generally of a standard type. The following were of note:

- Cond 2. Occupancy clause – 7 years
- Cond. 3/5 Detailed Landscaping Scheme – detailed landscaping scheme to be submitted with tree and shrub planting proposals and existing trees and hedgerows to be retained.
- Cond. 4 Materials and finishes – external walls – natural stone to be sourced locally.
- Cond.7 no polluting matter, soiled water, silt or gravel shall be allowed to drain into any watercourse and detailed proposals for silt traps and other such measures to be submitted to the P.a. for agreement prior to commencement of development.
- Cond. 11 Wastewater treatment – proprietary treatment system
- Cond 13. Development contribution – GDCS - €4,036.48.

3.2. Planning Authority Reports

Planning Reports

3.2.1. The Planner's initial report (30/06/22) noted that the site is located within a 'Tourism and Rural Diversification' (CDP 2014) and made reference to the policy context for the proposal and the Area Engineer's report. It was considered that the applicant had demonstrated that he complies with the rural generated housing need criteria

provided for in the County Development Plan (RP 5-5) as he is from the area and works locally as a fisherman.

- 3.2.2. It was noted that the site is located on elevated ground with spectacular views overlooking Raheen Castle and the Castle Haven Estuary and is highly visible from same. It was further noted that it is located within a High Value Landscape and that the site is accessed off a Scenic Route to the east. The previous planning application for a house elsewhere on the landholding was withdrawn prior to determination, but it was noted that it had been recommended for refusal on the grounds of visual and scenic amenity. It was considered that the bulk and scale of the current proposal for a dwellinghouse, although substantial in size, is reduced by the two narrow plan elements, which adheres to the Cork Rural Design Guide and assists with assimilating the proposed development into the landscape. Nevertheless, in light of the third-party comments regarding the highly visible nature of the site, it was considered that the external walls should be clad in stone.
- 3.2.3. Two further issues were identified which required further information, namely details and legal evidence of the stated r.o.w. over the lane and further details to demonstrate prevention of contamination by wastewater of adjoining lands. FI was requested on 01/07/22 on this basis.
- 3.2.4. The response submitted on 13/07/22 included revised drawings showing the external walls clad in stone and increased separation distances (of 14.33m) from the closest point of the proposed polishing filter to the neighbouring lands. Evidence of a legal right-of-way was also submitted. Permission was recommended subject to conditions.

3.2.5. **Other Technical Reports**

The Area Engineer (29/06/22) noted that the site is landlocked and appears to be accessed via a private laneway, for which no evidence has been submitted regarding a r.o.w. It was noted that the proposed soil polishing filter was in close proximity to the neighbouring drain, which raised concerns given the direction of ground water flow. These matters needed to be addressed by means of FI. The wastewater treatment proposals were otherwise considered satisfactory, and the proposed surface water disposal and water supply were also considered to be acceptable. Permission was recommended following receipt of FI subject to conditions.

3.3. Prescribed bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. Two observations received from one from each of the two third party appellants. The issues raised are similar to those set out in the grounds of appeal, which are summarised below. The main issues of concern related to visual impact, residential amenity, issues relating to the right of way, potential for contamination by wastewater of adjoining well, wastewater treatment system and drain and encroachment.

4.0 Planning History

On subject site

21/451 – Application withdrawn for planning permission for a single house on a site to the north-east within the landholding. This site is located adjacent to the local road and is one field to the north of the junction with the lane.

On nearby sites

PA Ref. 18/278 – Planning permission granted for an extension to an existing house to the southwest.

5.0 Policy Context

5.1. National Planning Framework

5.1.1. **National Policy Objective 15** Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

5.1.2. **National Policy Objective 19** makes a distinction between areas under urban influence and elsewhere. It seeks to ensure that the provision of single housing in rural areas under urban influence on the basis of demonstrable economic and social

housing need to live at the location, and 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 Guidelines for Planning Authorities

- 5.2.1. These guidelines differentiate between Urban Generated Housing and Rural Generated Housing and directs urban generated housing to towns and cities and lands zoned for such development. Urban generated housing has been identified as development which is haphazard and piecemeal and gives rise to much greater public infrastructure costs. Rural generated housing includes sons and daughters of families living in rural areas and having grown up in the area and perhaps seeking to build their first home near the family place of residence.

5.3. Cork County Development Plan 2022-2028

- 5.3.1. **Introduction:** - The planning application was considered and determined by the planning authority under the previous development plan for the area, namely the Cork County Development Plan 2014. However, a new Development Plan was adopted on the 25th of April 2022 and came into effect on the 6th of June 2022. The new County Development Plan incorporates the plans for each of the Municipal Districts. The site is located within the West Cork Municipal District which is contained within Volume 5 of the CDP.
- 5.3.2. The site is located in a rural area to the southwest of Union Hall between Leap and Skibbereen, in an area designated as **Tourism and Rural Diversification Area (Chap. 5)**. These areas are characterised by considerable pressure for rural housing, particularly holiday and second homes and also have higher levels of environmental and landscape sensitivity, together with weaker economic structures and significant opportunities for tourism and rural diversification (5.4.5). Objective **RP5-26** recognises the limited capacity of such sensitive coastal areas for significant levels of development.

CDP Objective RP 5-5: Tourism and Rural Diversification

This rural area has experienced high housing construction rates and above average housing vacancy rates which has led to concerns that a higher demand for holiday

and second homes is depriving genuine rural communities the opportunity to meet their own rural generated housing needs. Therefore, in order to make provision for the genuine rural generated housing needs of persons from the local community based on their social and / or economic links to a particular local rural area and to recognise the significant opportunities for tourism and rural diversification that exist in this rural area, it is an objective that applicants must demonstrate that their proposal complies with one of the following categories of housing need:

- (a) Farmers, 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, (or part – time basis where it can be demonstrated that it is the predominant occupation), 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 (or part – time basis where it can be demonstrated that it is the predominant occupation), forestry, inland waterway, marine related occupations or rural based sustainable tourism, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.
- (d) Persons who have spent a substantial period of their lives (i.e., over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.
- (e) Persons whose predominant occupation is farming / natural resource related, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.
- (f) Persons whose permanent employment is essential to the delivery of social and community services and intrinsically linked to a particular rural area for a period of over three consecutive years and who can demonstrate an economic and social need to live in the local rural area where they work, within which it is proposed to build a first home for their permanent occupation.
- (g) Returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for

their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire. It is not necessary for the applicant to show that they have already returned to Cork, provided they can show that they genuinely intend taking up permanent residence.

5.3.3. The site is located within an area designated as High Value Landscape and the Landscape Character Type is Indented Estuarine Coast. The local road from which access to the lane is gained is designated as a Scenic Route (S84) 'Roads between Union Hall and Reen'.

5.3.4. Other relevant chapters and policies of the main CDP (Volume 1) are as follows:

Chapter 14 - Landscape sets out the objectives for landscape protection. **Appendix F** contains the **Landscape Character Assessment for County Cork**. The site is located within the **Indented Estuarine Coast**. This Landscape Type has a 'Very High Landscape Value' and a 'Very High Landscape Sensitivity' and is of 'National Landscape Importance'. The most relevant Landscape policies are: -

GI 14-9 Landscape (a) Protect the visual and scenic amenities of County Cork's built and natural heritage; (c) Ensure that new development meets high standards of siting and design; (d) Protect skylines and ridgelines from development; and (e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

GI 14-13 Scenic Routes – Protect the character of those views and prospects obtainable from Scenic Routes.

GI 14-14 Development on Scenic Routes

(a) Require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area.

(b) Encourage appropriate landscaping and screen planting of developments along scenic routes.

GI 14-10 Draft Landscape Strategy – ensure the management of development throughout the county will have regard to the value of the landscape, its character, distinctiveness and sensitivity as recognised in the Cork County Draft Landscape Strategy and its recommendations in order to minimise the visual and environmental impact of development, particularly in those areas designated as High Value Landscapes where higher development standards (layout, design, landscaping, materials used) will be required.

GI 14-12 General Views and Prospects – preserve the character of all important views and prospects, particularly sea views, river or lake views of unspoilt mountains, upland or coastal landscape, views of historical or cultural significance ... and view of natural beauty as recognised in the Draft Landscape Strategy.

Chapter 10 – Tourism

TO 10-1 Promotion of Sustainable Tourism in County Cork – (a) Ensuring the protection of the natural, built and cultural heritage assets of the county...

TO 10-5 Protect and conserve those natural, built and cultural heritage features that form the resources on which the county's tourist industry is based, including areas of important landscape and coastal scenery.

Tourism Assets (10.6) – include the coastline (over 1,100km of scenic coastline and peninsulas). Activities and assets include marine related activities such as fine blue flag beaches, whale watching, exploring shipwrecks, kayaking, surfing.

Chapter 16 – Built and Cultural Heritage

HE 16-2 Protection of Archaeological Sites and Monuments

Secure the preservation (i.e., preservation in situ or in exceptional cases preservation by record) of all archaeological monuments and their setting included in the Sites and Monuments Record and the Record of Monuments and Places (RMP) and of sites, features and objects of archaeological and historical interest generally.

In securing such preservation, the planning authority will have regard to the advice and recommendations of the Development Applications Unit of the Department of

Housing, Local Government and Heritage as outlined in the Frameworks and Principles for the Protection of the Archaeological Heritage policy document or any changes to the policy within the lifetime of the Plan.

5.4. **Cork County Rural Design Guide** – provides Guidance on the siting, layout and design of development in rural and coastal areas.

Siting - The aim of site selection is to ensure that development appears visually integrated and sympathetic with its surrounding landscape rather than imposed upon it. It is important to avoid exposure and prominence and to seek shelter and integration with the landscape. The advice is to avoid building on prominent, unsheltered hillside locations and avoid building on ridges.

Layout – Use layout to minimise visual impact by avoiding prominence. Orientate the building with the contours to give an integrated appearance.

Design – proportion, form, scale and massing - simple vernacular style is generally single-storey with a rectilinear plan, usually no more than one room deep, with gable-end or hipped end details.

- Proportion – traditional houses maintain a balance between the height, the walls and openings. There should be a high solid-to-void ratio with vertical emphasis of openings.
- Scale – extremely important to ensure that the building's size is relative to its surroundings.
- Form – should be simple, narrow width, steep roof, vertically proportioned windows, low eaves, central chimney at gable and natural local finishes.
- Colour – choice of colour and materials should blend in with local traditions and surrounding buildings. Contrast between roof and walls provides relief and lighter coloured walls with darker roofs are traditional.

5.5. **Natural Heritage Designations**

Galley Head to Duneen Point SPA (004190) and Sheeps Head to Toe Head SPA (004156) are located approx. 8km and 10km, respectively, to the southeast and the southwest.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be synopsised as follows:

- **Visual and scenic amenity** – The proposed development would have a detrimental impact on this High Value Landscape which is a highly scenic area and of considerable importance to the tourism of the area. It is noted that the applicant had previously applied for permission on an adjacent site within the landholding, but that the P.A. was about to refuse it on the grounds of scenic and visual amenity as it would be situated on a prominent and exposed coastal site within a designated high value landscape. It is difficult to see what has changed in the meantime. The new location is considered to be much worse than the previous one as it would have a more adverse impact on the views from The League towards the Castle, which is a famous and much photographed view. It would also have a detrimental impact on views from Reen Pier, from the Scenic Route and on the views from boats entering Castletownshend. If permission is to be granted, it should be elsewhere on the landholding.
- **Impact on Recorded Monument** – the impact on Reen Castle has not been adequately considered. The proposed dwelling would stand on a ridge line above Reen Castle. It would sit behind the historic monument when viewed from the sea which would be highly intrusive in this beautiful landscape.
- **Potential for surface and groundwater water contamination** – The soakage in the area is very poor with a tendency for overland flow at times of heavy rain. Concern is expressed regarding potential contamination of an adjoining well. The proposed layout shows a 'drain' on the appellant's site which is very close to the proposed WWTP system. It is disputed that this is a 'drain' as it regularly holds a lot of water for a considerable amount of time. There is an abundance of reeds and rushes on the site which indicates poor drainage conditions. The so-called 'drain' is used for drinking water by the organic sheep that graze the adjoining lands and any contamination due to overflow of untreated water would be unacceptable. In addition, there are

organic, edible mushrooms which could be contaminated by any such overflow.

- **Residential amenity** – The proposed development, including the wastewater treatment system, is too close to the adjoining site to the west and will interfere with the residential amenities of this property. It will overlook adjoining properties.
- **Impact on biodiversity** – organic farming takes place on the adjoining property, which includes an apiary, and the bees cannot be contained. An adjoining residential use would be too close and could result in conflict. It also includes the breeding of organic sheep, and no artificial fertiliser or slurry has been used on the lands in the last ten years. The site is adjacent to a field which is a feeding site for Curlew and Choughs and is part of an established breeding ground for badgers, hares and other wildlife.
- **No utilities** – there are no existing utilities on the lane, which means that water, electricity, broadband will have to be introduced.
- **Procedural issues** – The submitted drawings show the lane as part of the site (red line). This is incorrect as the lane is a shared access laneway with rights-of-way over it.

6.2. Planning Authority Response

- 6.2.1. The planning authority has not responded to the grounds of appeal.

6.3. First party Response

- 6.3.1. The first party responded to the grounds of appeal on the 20th of September 2022. The response is on the file for the Board to view. The response was mainly in the form of a rebuttal of the grounds of appeal and reiterated the points made in the submissions to the planning authority as part of the further information and clarification provided, which have been summarised above. The following additional points were made -

- It is reiterated that the site is the most suitable location and that it is better than the previously chosen site. It is confirmed that the applicant has worked

with the planning authority to achieve the most appropriate design and has agreed to the requirement for stone cladding on the front elevation. It is submitted that the design is consistent with the Rural Design Guide. The first party has confirmed that they would be happy to clad the side gables in stone also, if the Board deemed this to be necessary.

- It is submitted that the fact that the site can be seen from a Scenic Route does not in itself prevent the grant of permission for a house, as this can be achieved without detracting from the character of the landscape. The indented estuarine coastal landscape as seen from The League has a heavily wooded patchwork of agricultural land containing a busy range of rural structures and the proposed dwelling will simply replicate this and nestle unobtrusively in front to the mature trees. It is sited in such a way to protect the visual integrity of the skyline which is distinctive.
- The P.A. has not raised any issues regarding the impact on the historic Raheen Castle which is a Recorded Monument.

7.0 Planning Assessment

7.1. Introduction

- 7.1.1. I consider that the principal planning issues arising from the appeal are the potential impacts on visual and scenic amenity and the setting of a Recorded monument and the impact on water quality. Given that a new development plan has been adopted since the planning authority made its decision, it is considered that a review of the level of compliance with the rural housing policy should also be addressed.

7.2. Compliance with Rural Settlement Policy

- 7.2.1. The site is located in an area designated as Tourism and Rural Diversification in the current Cork County Development Plan (2022). It was also located in this rural settlement policy area in the 2014 CDP. The policy for Tourism and Rural Diversification has not changed in any material way with the adoption of the new County Development Plan, which came into effect in June 2022.

- 7.2.2. The applicant is a local fisherman who grew up in the area. Although the site is not part of any family landholding, and was purchased in recent years by the applicant, he has demonstrated that he and lives and works in a marine related occupation in the local area and has connections with the local community. The applicant states that he bought the landholding of 3.64ha in 2020, of which the site forms a part. He states that he has lived at his parent's house since 2000, which is at Cahergal (c.1km to the south-east). The P.A. accepted that he has a rural generated housing need to live in the area and complied with the relevant criteria under the previous settlement policy.
- 7.2.3. I would agree that he appears to comply with the requirements of Policy RP 5-5 of the current Cork County Development Plan (2022). Thus, the proposed development is considered to be generally in accordance with the rural settlement policies for the area. However, as the Tourism and Rural Diversification Area is one where there is considerable pressure for rural housing and is generally located in scenic coastal landscape areas of high sensitivity, it is acknowledged that such areas have a limited capacity for absorbing development (RP5-26). This issue will be addressed in the following section.

7.3. **Landscape Character**

- 7.3.1. The site is shown in Appendix F of the CDP as being within the Landscape Character Area 'Indented Estuarine Coastline', which is classified as 'Very High Landscape Value', 'Very High Landscape Sensitivity' and of 'National Landscape Importance'. These classifications mean that the site is designated as a 'High Value Landscape', which was also the case under the previous CDP. The site is in a highly scenic and prominent location, as it is on an exposed ridge overlooking Castletownshend and Castlehaven Estuary, which is in the heart of the highly valued West Cork tourist coastal area. The view towards the site from the harbour area and various piers/viewing spots includes the prominently located Recorded Monument **Raheen Castle** (ruins of a tower house - CO 17300). This monument is located c. 200m to the southwest of the site. The view is well renowned as one of the valued West Cork coastal vistas.
- 7.3.2. The High Value Landscape designation reflects its significance in landscape terms, but this landscape is also one that is an important tourist asset. There is a suite of

policy objectives throughout various chapters of the CDP which emphasise that considerable care will be needed to successfully locate development in such locations, and that higher standards of development will be required in order to minimise visual and environmental impact and to protect the visual and scenic amenities of the county.

- 7.3.3. The most relevant policy objectives are set out in Chapter 14 – Landscape, (summarised in 5.1 above), which seek to ensure that development will have regard to the value of the landscape, its character, distinctiveness and sensitivity as set out in the Draft Landscape Strategy (GI 14-10). Policy GI 14-9 seeks to protect these visual and scenic amenities, and in particular skylines and ridgelines, and to ensure that new development meets the high standards of siting and design. It is also sited close to and visible from Scenic Route 84, which travels to the east and to the south of the site and which requires an applicant to demonstrate that there will be no degradation in the quality of views. Chapter 10 – Tourism also emphasises the importance of the protection of the landscape and coastal scenery resource upon which the tourist industry relies (policies TO 10-1 and 10-5). The importance of respecting and protecting recorded monuments and their settings is also reflected in Chapter 16 and Policy HE 16-2.
- 7.3.4. The landscape in question is clearly of an exceptional quality which is very sensitive to change, due to its distinctive character, picturesque setting and high degree of prominence from coastal settings which are highly valued in amenity and tourism terms. The policy framework contained in the CDP requires an application for development in such locations to demonstrate that there will be no degradation of views or adverse impact on the landscape character.
- 7.3.5. The information submitted with the application and appeal do not address this issue in any detail and no evidence supporting the proposed siting and design of the dwelling have been provided. The appellants believe that the location of the dwelling on this particular site would result in even greater harm to the landscape character and scenic views in the area, than another site within the landholding. The P.A., however, considered that the previous proposal on the site to the east (at the junction with the local road) would have been more intrusive in the landscape. The first party submits that it is the most appropriate site within the landholding.

- 7.3.6. It is considered that insufficient information has been provided to enable a detailed comparison of the sites. However, the current site is closer to the harbour and to the Recorded Monument, and seems to be at least as prominent, if not more so than the previous one to the east. The proximity to the Recorded Monument and its location above/behind it on the hillside is likely to detract from the setting of the monument and of the views from the harbour. Arguably, there may be no site within the landholding which would be suitable for a dwelling of the scale proposed on an exposed ridgeline such as this. I note that the applicant purchased the landholding just three years ago and that it does not form part of a long-standing family farm/landholding.
- 7.3.7. Guidance in terms of appropriate siting, layout and design of new development in rural and coastal areas is provided in the Cork County Rural Design Guide (2010), (the RDG), which is summarised at 5.2 above. Reference is made to this document in various sections of the newly adopted CDP (and in the former CDP). This will be referenced in the visual impact assessment below.

7.4. Visual Impact Assessment

- 7.4.1. The RDG seeks to ensure that all new development is sited and designed such that it is visually integrated into the landscape and is sympathetic to the character of both the surrounding landscape and the vernacular architecture. In brief, therefore, prominent, exposed locations should be avoided, particularly ridges and skylines. Simple vernacular styles are generally most appropriate, such as use of narrow widths, steep roofs, high solid-to-void ratios and vertically proportioned windows, low eaves with clear contrasts between roofs and walls, symmetrical gables and choices of colours and materials that blend in with local traditions.
- 7.4.2. The siting of the proposed development is on an exposed ridge, which is prominent when viewed from the sea and from certain locations within the wider landscape. It is noted that the site is currently covered in grass and vegetation and has a boundary hedge, which would need to be removed to a certain extent to accommodate the proposed development. Given the High Value Landscape designation and its visibility from a Scenic Route and coastal amenity locations, it would also require a very sensitive approach in terms of the design, scale, form and massing to enable the building to be successfully integrated into the landscape.

- 7.4.3. The applicant has sought to achieve such a sensitive design by using a double-block floor plan with a narrow width, keeping the height relatively low and utilising the slope of the land to minimise the visual impact of the dwelling. The use of natural stone to the front elevation would also help with integration into the landscape. Although the overall height is one and a half storeys, the ridge height would still be 4.76m and it would involve two roof slopes, one in front of the other. The floor level at 45.75m OD would be at least 5 metres above the level of the adjoining road, which would add to the prominence of the siting. Notwithstanding the staggered layout of the two blocks, the depth of the structure from front to rear would be c.15.75m and the overall width would reach almost 20 metres. This would be a substantial building at 252sq.m on a prominent hillside, notwithstanding the attempts to break down the mass and bulk in the design.
- 7.4.4. It is considered, therefore, that the proposed development is of an excessive scale and of a non-traditional design and form, which fails to adequately respond to the sensitive and prominent location or to visually integrate into the landscape. The RDG advice is to avoid building on prominent, unsheltered hillsides/ridges, to use a simple traditional form to minimise the scale and massing by keeping the depth to one room and to achieve a high solid-void ratio with a vertical emphasis of openings. The proposed design does not accord with this design guidance. It is considered that there is little or no attempt to blend in with local traditions or to respond to the prominent location of the building on a ridge within a sensitive landscape such as this. Furthermore, the proposed development, which is in close proximity to a Recorded Monument, does not have sufficient regard to the siting and prominence of the original historic structure or to the character and heritage value of the structure within the landscape.
- 7.4.5. Having regard to the assessment of visual impact above, I could not agree with the first party appellant that the proposed development would have a minimal impact on the landscape and visual amenities of the area. Given the prominent location of the site and the highly sensitive nature of the landscape, it is considered that any development at this location should be appropriately designed and scaled to ensure successful integration into the landscape, which is not achieved in this instance. It would also result in an obtrusive element in the landscape which would fail to respect the character and setting of the Recorded Monument to the southwest.

7.4.6. In conclusion, it is considered that the proposed development should be refused on the grounds of unacceptable impact on the highly valued landscape and on the visual amenities of the area, which would be contrary to the policies and objective of the development plan for the area.

7.5. Water Quality

7.5.1. The site is located in an area that is characterised by a Locally Important Aquifer with an Extreme Vulnerability. The Groundwater Protection Response is stated as R2¹ and the Depth to bedrock is 2.0m. The site characterisation form describes the soil type as a deep drained mineral, acid brown earth/podzol and the subsoil as till derived from Devonian sandstone. The trial holes assessment provided a T value of 30.33. The targets identified were the nearby drain (to west) and the groundwater aquifer. It was stated that all required separation distances from targets have been met in accordance with the EPA Code of Practice 2021.

7.5.2. I can confirm that the GWPR of R2¹ is consistent with the aquifer type and vulnerability rating as set out in Table E1 of the COP 2021. The trial hole test results also appear to be consistent with the conclusions in the GWPR. I am also satisfied that the separation distances required by Table 6.2 of the COP have been complied with, as shown on the submitted drawings.

7.5.3. The proposed development incorporates a tertiary system and infiltration area for the treatment of wastewater. This involves the installation of a Tricell (or similar) treatment plant with a polishing filter. No information is provided regarding the location of any adjacent domestic wells or wastewater treatment systems. However, the submitted documents indicate that the distances from any targets in the vicinity have been met in accordance with the requirements of the COP.

7.5.4. In terms of the visual assessment (section 3 of the form), however, I am not satisfied that my observations on site are generally consistent with the material submitted in the site characterisation form. The site is very rocky with an abundance of rock outcrops, is steeply sloping in sections and is generally quite wet. The vegetation on site is consistent with poor soakage conditions and the drain running alongside the western boundary seems to flow over land, ponding at the southern end near the lane. It is considered, therefore, that the soakage conditions may be worse than

indicated and that in addition, there is a tendency for overland surface-water flow, particularly at times of heavy rain.

- 7.5.5. It is noted that the direction of ground water flow is stated as being to the west but is more likely to be to the south and the west, and/or to the south-west. The third-party appellants are concerned about overflow of wastewater from the polishing filter towards this pond/drain, which could result in contaminated water ponding on the adjoining lands. Although the separation distance complies with the standard required in the COP, the rocky ground and steep slopes within and around the site, could potentially result in some contamination of the pond, particularly in wet conditions.
- 7.5.6. At present there is a stone wall/ditch along the western and southern boundaries which presumably, would contain any overland flow to some extent, but it is not clear whether any future boundary treatment would provide the same level of containment of surface water. I note that the third-party appellants state that at times of heavy rainfall, the lane becomes inundated with surface water, which they considered would be exacerbated by the replacement of soft ground with hard surfaces associated with the development.
- 7.5.7. In conclusion, it is considered that the proposed development generally complies with the requirements of the EPA Code of Practice 2021. However, the information submitted in the site characterisation form appears to be somewhat inconsistent with my visual observations and other desk-based information provided by the applicant and the appellants. The sloping nature of the ground, both within and in the vicinity of the site, the tendency for extensive rock outcropping and the evidence of wet conditions, with the likelihood of overland and groundwater flow in the direction of the adjoining drain and laneway, raise some doubts regarding the suitability of the site for wastewater treatment, notwithstanding the proposed use of a tertiary system.
- 7.5.8. As such, I am not satisfied on the basis of the submissions made to the Board, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

7.6. Other matters

Biodiversity

7.6.1. The site is an agricultural field which has been used for grazing. The adjoining lands are used as an organic farm for breeding sheep and include an apiary. I note that the beehives were located in the adjoining field at the northern end. The appellant raised concerns that the apiary is likely to be problematic and contentious in such close proximity to a residential property. He has stated that he has nowhere else to place the beehives and is concerned that any contamination of the surface water or groundwater could have an adverse impact on both the bees and on the organic sheep who drink from the pond in the SE corner of the adjoining field. The appellants also mentioned the presence of curlews, choughs, badgers etc. on the site of the proposed development.

7.6.2. It is appreciated that the residential development of the site and its change of use from agricultural to residential may result in some disturbance to wildlife and existing agricultural practices. However, it is considered that this is not sufficient justification, in itself, to recommend refusal of permission for a house at this location.

Procedural issues

7.6.3. The appellants consider that the submitted drawings indicate that the right-of-way forms part of the site as it is shown within the red line boundary. Objection is raised to this as the laneway is a shared right-of-way. However, this matter was raised with the applicants by the planning authority and the applicant confirmed that the laneway is indeed a shared right-of-way and has provided evidence to support this.

8.0 Appropriate Assessment

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

- Castletownshend SAC (001547) – approx. 500m to the west.
- Moyross Wood SAC (001070) – located c. 4.5km to the north.
- Sheeps Head to Toe Head SPA (004156) located approx.6km to the southwest.

8.1.2. The closest European site is Castletownshend SAC, which are located approx. 500m away. The Qualifying Interest for this site is the Killarney Fern. There is no evidence of any hydrological link to these SACs, and they can be screened out. The distances between the site of the development and the remaining European sites are considered to be too great and there is no information indicating any hydrological link with any of these sites. Each of the European sites in the vicinity can therefore be screened out.

9.0 Environmental Impact Assessment

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

10.0 Recommendation

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

11.0 Reasons and Considerations

1. Having regard to the prominent and exposed coastal location of the site on a ridge overlooking Castlehaven Estuary and Reen Pier, which is designated as a High Value Landscape and to its close proximity to Scenic Route 84 in the current Cork County Development Plan 2022-2028, wherein it is required that new development is designed to a high standard, visually integrates into the landscape and does not degrade or obstruct valued views, it is considered that by reason of the excessive scale and bulk of the proposed structure, to its insensitive design and to its failure to adequately relate to the character and setting of the ruined tower house, which is a Recorded Monument, which it is sited nearby, the proposed development would result in an visually obtrusive element in this scenic coastal landscape which fails to respect the character of the landscape and the archaeological heritage of the area. The proposal would, therefore, seriously injure the visual amenities of the area, would be contrary to policy objectives GI 14-9 and HE 16-2 in the current Cork County

Development Plan 2022-2028 and would not be in accordance with the proper planning and sustainable development of the area.

2. Having regard to the soil conditions with a potentially high water-table, the proximity of an open drain and the direction of surface and ground water flow, the Board is not satisfied on the basis of the submissions made in connection with the planning application and appeal, that effluent from the development can be satisfactorily treated or disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Mary Kennelly
Senior Planning Inspector

1st August 2023