



An
Bord
Pleanála

Inspector's Report

ABP-317176-23

Development	Construction of 4 houses and associated site works.
Location	Boulysallagh, Goleen, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	22/447
Applicant(s)	Christine Forde
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	Third Party v. Grant
Appellant(s)	Gordon Elliot Robert Allen
Observer(s)	Morgan Crowe
Date of Site Inspection	29 September 2023
Inspector	Cáit Ryan

1.0 Site Location and Description

- 1.1. The site is located in Goleen village, approx. 33km south west of Skibereen and 108km south west of Cork city. It is approx. 0.4km south of the village centre.
- 1.2. The site comprises 0.49ha and is roughly wedge-shaped, accessed via the existing Rockview housing scheme to the east which comprises a mix of 12 no. detached and semi-detached houses. The site is bounded:
 - To the north west by a field which is elevated above the subject site. This field is accessed from a narrow roadway off Church Road.
 - To the south west by a field.
- 1.3. Land uses directly to south comprise a small amount of residential ribbon development. Other land uses in the vicinity comprise mostly detached houses on individual sites. Goleen National School is approx. 60m north of the entrance to Rockview. The site is overgrown, and grass, gorse, bracken and rushes were noted. Rock is evident on site, particularly to the north and west of the existing turning circle near No. 6 Rockview. There are no structures on site, save for a small dilapidated pre-fabricated unit. ESB wires traverse the site in a roughly north/south axis near the eastern site boundary.

2.0 Proposed Development

- 2.1. Permission is sought to construct 4 no. detached dwelling houses and associated site works on a 0.49ha site. The proposal originally lodged indicates dwellings on Plots 1, 2 and 3 comprise 131sqm, and the Plot 4 dwelling comprises 153sqm. A potential access route to adjoining lands is shown between Plots 3 and 4. Each dwelling would be served by a septic tank, connected to the public sewer. Surface water disposal is to stormwater network. Water supply would be by public mains.
- 2.2. Significant FI received on 27 February 2023 includes a revised site plan whereby the access route between Plots 3 and 4 is omitted, and the same 145sqm house type is proposed on each of the 4 plots.
- 2.3. At appeal stage, the applicant's response to appeal grounds indicates that the Plot 1

dwelling can be moved from 20m to 22m from the dwelling at No. 10 Rockview, and the septic tank location can be increased to 13m from this dwelling.

3.0 Planning Authority Decision

3.1. Decision

Following a request for Further Information, the planning authority made a decision to grant permission subject to conditions. Conditions of note are:

Condition 1: Standard condition requiring development to be carried out in accordance with plans and particulars lodged with the application on 7 July 2022, as amended on 26 August 2022, 27 February 2023, 13 March 2023 and 6 April 2023.

Condition 2: No permission to use alternative access road for construction traffic.

Condition 3: A person shall not be entitled solely by reason of a permission to carry out any development, in accordance with Section 34(13) of the Planning and Development Act 2000, as amended.

Condition 5: Comply with landscaping scheme submitted on 27 February 2023.

Condition 13: Prior to commencement, applicant to consult with Irish Water in relation to connection agreement requirement.

Condition 15: Details of proposals to prevent surface water flowing from the site onto the public road to be submitted and agreed.

3.2. Planning Authority Reports

3.2.1. Planning Reports (30 August 2022, 27 April 2023)

Basis for planning authority's decision:

First Area Planner's report

- Includes no objection to density proposed, and notes concerns regarding siting of site between 2m-4m above existing estate.

- Considers Unsolicited Further Information (FI) submitted on 26 August 2022 showing revised site layout plan does not satisfy concerns.

FI request on 18no. items reflects Area Planner's report.

Second Area Planner's report

- Notes the revised site layout, revised house type and landscaping proposals.
- Recommends grant of permission subject to 20 conditions.

3.2.2. Other Technical Reports

Area Engineer (24 August 2022, 27 April 2024)

First report recommends FI relating to construction management plan, gully details and public lighting proposals.

Second report states no objection subject to 5 no. conditions.

3.3. Prescribed Bodies

Uisce Éireann/Irish Water in a letter dated 24 August 2022 states no objection, subject to conditions:

- Applicant shall sign a connection agreement with IW prior to commencement
- Development shall be in compliance with IW standards codes and practices
- Any proposals to divert or build over existing water or wastewater services shall be submitted to IW for written approval prior to works commencing
- Separation distances between existing IW assets and proposed structures, services, trees, etc., shall accord with IW Codes of Practice and Standard Details.

Inland Fisheries Ireland in a letter dated 21 July 2022 requests that Irish Water/Cork County Council signifies that there is sufficient capacity in the public sewer so that it does not (a) overload hydraulically or organically existing treatment

facilities (b) result in polluting matters entering waters or (c) cause or contribute to non-compliance with existing legislative requirements.

3.4. **Observations to the Planning Authority**

5no. observations were received on the application originally lodged. The main issues raised are summarised as overlooking, overshadowing and overbearing impacts, damage to properties as a result of rockbreaking, concerns regarding landscaping plan, surface water and septic tank proposals, car parking impacts for existing residents, lack of detail for existing ESB poles and lack of full title.

A further 5no. observations were received on the Significant FI, in addition to the matters raised above, can be summarised as concerns regarding construction access via a private boreen, agreement required regarding right of way and easements, and concerns regarding proposed boundary treatment and landscaping.

4.0 **Planning History**

Planning history set out in the Area Planner's report includes:

P.A. Ref. 20/00708: Application for 4 no. houses on this site was withdrawn.

P.A. Ref. 99/6916: Permission was granted for 12 no. units on the adjacent site. I note however that the site boundary on the planning authority's online planning search includes the subject site and adjoining lands.

5.0 **Policy Context**

5.1. **Cork County Development Plan 2022-2028**

The site is located within the Goleen development boundary. No land use zoning pertains to the site. The site's south western boundary and part of the northwestern boundary forms part of the Goleen development boundary.

Vol. 1: Main Policy Material

Chapter 18:

Objective ZU 18-4: Land Use Zoning of Other Lands Where lands have not been explicitly zoned, in the Plan the specific zoning shall be deemed to be that of the existing use of the lands (if such a use is not an authorised use under the Planning Acts) or, if such use is unauthorised, that of the most recent authorised use of the lands.

Chapter 3: Settlements and Placemaking

Section 3.1.8 sets out the seven key principles of placemaking, detailed in Table 3.1.

Ease of Movement relates to promoting accessibility and local permeability by making places that connect with each other and are easy to move through, putting people before traffic and integrating land uses and transport. Local outcomes are that streets and routes should be direct, overlooked, barrier-free and measures used to slow traffic down to encourage pedestrian and cycling safety. Use of DMURS to apply at all settlement levels.

Objective PL 3-1: Building Design, Movement and Quality of the Public Realm includes (j) Achieve permeability and connectivity in town centre / village locations which contributes to the 10 Minute Town Concept and Sustainable Neighbourhood Infrastructure. The loss of existing laneways will normally not be permitted.

Chapter 12: Transport and Mobility

Objective TM 12-2: Active Travel TM12-2-1: Deliver a high level of priority and permeability for walking and cycling to promote accessible, attractive, liveable, vibrant and safe settlements to work, live, shop and engage in community life, within a ten minute walk of one's home. Prioritise development in our settlements that is well located and designed to facilitate walking, cycling and public transport trips. Promote equal access for all through the adherence to universal design in the external built environment to facilitate greater use of public transport, walking and cycling.

(c) Applications for all new developments are to be accompanied by a statement of how enhanced and inclusive permeability will be achieved, to include a statement of compliance with DMURS (2020 or later revision) and a quality audit (as referred to in DMURS).

Vol. 5: West Cork

Section 2.42.1 sets out that the vision for Goleen is to encourage consolidation of the village within the development boundary and its landscape setting. To promote the appropriate expansion of community and tourist services and facilities while maintaining and restoring the environmental quality of the area through the provision of appropriate infrastructure.

Objective DB-01: Within the development boundary encourage the development of up to 20 additional dwelling units during the plan period.

Objective DB-08: Goleen adjoins the Barleycove to Ballyrisode Special Area of Conservation. Development in the village shall be compatible with the protection of this site.

Objective DB-09: Notwithstanding the scale of growth envisaged, in the absence of a public wastewater treatment plant, only the development of individual dwelling units served by individual treatment systems will be considered, subject to normal proper planning and sustainable development considerations. Any new dwellings with individual wastewater treatment must make provision for connection to the public system in the future and have a sustainable properly maintained private water system unless a public supply is available. Such proposals will be assessed in line with the appropriate EPA code of practice and will have regard to any cumulative impacts on water quality and on the Barley Cove to Ballyrisode Special Area of Conservation.

Objective DB-10: New development should be sensitively designed and planned to provide for the protection of the green infrastructure features of the village and will only be permitted where it is shown that it is compatible with the requirements of nature conservation directives and with environmental, biodiversity and landscape protection policies as set out in Volume One Main Policy Material and Volume Two Heritage and Amenity.

Development Plan Mapping

The site is located within a High Value Landscape.

South east of the site, **Scenic Route S102** – Road from Schull via Derryleary to Toormore Goleen and Crookhaven runs along a limited stretch of 12 Rockview's

south eastern roadside boundary. The subject site does not adjoin the scenic route. The site is located within Flood Zone C.

5.2. Natural Heritage Designations

The site is not within or adjacent to any European sites.

Barley Cove to Ballyrisode Point SAC (Site Code 001040) is approx. 0.6km to east.

Sheep's Head to Toe Head SPA (Site Code 004165) is approx. 2.2km to south.

Barley Cove to Ballyrisode Point pNHA (Site Code 001040) is approx. 0.6km to east.

5.3. National Planning Policy

The following guidelines/other codes of practice of note are considered to be of relevance to the proposed development. Specific policies and criteria are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage (2024)
- Code of Practice Domestic Waste Water Treatment Systems, EPA, 2021

5.4. EIA Screening

See Form 1 and Form 2. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Two third party appeals have been received, the grounds of which are summarised below.

Gordon Elliot – No. 10 Rockview

- Privacy/overlooking: Separation between the rear (west) elevation windows of No. 10 and the east elevation of Plot 1 dwelling is 17m-20m.
- 2 bedroom windows and a large patio door on east elevation of Plot 1 overlook the entire rear of No. 10. FFL of Plot 1 dwelling is 2m above that of No.10. Plot 1 dwelling is closer to a 3-storey from perspective of No. 10. No cross-sectional levels diagram provided.
- Decision does not meet County Development Plan 2022-2028 minimum 22m separation distance between dwellings/opposing windows. Queries why windows on front or rear elevations not provided. Overlooking is easily avoided. Request that overlooking windows on Plot 1 be removed.
- Overbearing impact
- House on Plot 1 will reduce daylight considerably and block evening sunlight. Shadow map submitted is not sufficient to show actual impact on residential amenity of patio area.
- Plot 1's septic tank is very close and elevated to the back of No. 10.

Robert Allen – No. 6 Rockview

- The FI received contained so many significant and material changes that a complete new application should have been directed. It did not afford fair opportunity to submit further submissions.
- Significant material changes first mention of an existing wayleave which borders No. 6 Rockview. The wayleave is vague, and no information available as to how it is to be fenced, landscaped, treated and maintained.
- FI Point 12 requested that a separate access not through the existing estate

be used for HGV traffic. FI response proposed a temporary access from north. Condition 2 insist that the applicant not use the temporary access but use the existing estate. A large number of children play in the estate.

- The proposed access past No. 5 and 6 is extremely restricted less than 2m wide when owners' cars are parked outside, and completely blind on one side due to a high boundary wall of 2m.
- It may not be possible to park car directly in front of property due to the access required to the new development. Condition should attach that parking in No.6's front garden should be offered and cost to be borne by developer.
- Survey should be carried out on third party's home before rock removal, and developer to bear the cost. This should be planning condition.
- Noise and vibration associated with rockbreaking will make it impossible to enjoy amenity of their home. Suggested time conditions for rockbreaking are 10am-1pm and 2pm-5pm Monday to Friday. In lieu of this, developer would bear cost of their alternative accommodation for duration of rockbreaking.
- No methods to ease rockbreaking have been put in place
- No plan or condition attached to deal with excessive surface water from development site which continues to flow into No. 6.
- Construction site fencing across the entire front of No. 6 will almost completely enclose garden and side entrance.

6.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows:

Response to third party at No.6 Rockview:

- The area of rock to be removed around Plot 4 is 15m from No. 6. Applicant proposes to carry out a detailed survey of the existing dwelling within the development before works start.

- Rock will be removed with various measures depending on rock quality. It will be carried out during normal working hours and applicant expects that development will commence during winter months.
- Septic tank is 17m from No. 6 boundary, not 9m. There is no percolation area and foul matter from septic tank is discharged to public sewer.
- Wayleave details were visible on title documents when applicant (*sic*) purchased his dwelling. Wayleave is for connection to services by an adjoining landowner.
- There is no allocated parking to side or front of No. 6. The allocated parking spaces are outlined in attached image.
- Applicant has submitted traffic management plan for construction traffic where each HGV will be supervised on access by walking control personnel.

Response to third party at No. 10 Rockview

- Applicant has no objection to omitting first floor windows on east elevation of Plot 1, placing patio door to rear and replacing with window on gable.
- Plot 1 dwelling can be moved from 20m to 22m from No. 10.
- Setback boundary fence is proposed 2.5m from appellant's rear boundary.
- The appellant will have full enjoyment of sunlight from 5:30am to 8:30pm. After 8:30pm the existing boundary wall casts a shadow over the rear garden space. Refers to an image relating to 8:30pm mid-June.
- Holding septic tank is required to be located 7m from a dwelling and 3m from a boundary. This was shown on layout plan at 11m from No.10 dwelling and 5m from boundary. Applicant proposes to move tank 13m from this dwelling.

6.3. Planning Authority Response

None.

6.4. Observations

An observation was received from Morgan Crowe (1 June 2023). The main issues raised are summarised as follows:

- Concerns relate to applicant's outstanding obligation to provide a right of way through her lands and easements for watermain, surface water and foul sewer pipes to be laid across her lands to service lands owned by the observer.
- Site/development map does not show all of applicant's lands.
- Requests conditions to
 - Require area highlighted on attached Map 3 to be developed into an access road with watermain, surface water and foul sewer pipes.
 - No development to take place until applicant executes legal agreements with adjoining owner to construct formal right of way over her lands, and to construct watermain, surface water and foul sewer pipes across her lands to boundary over lands coloured yellow on Map 3.
 - Ensure the 'no man's land' is properly developed.

A further observation was received from Mr. Crowe (4 July 2023). It reiterates a number of issues previously raised, and also states:

- It would make sense for rockbreaking to be done at one time to minimise inconvenience in locality of No. 6.
- If planning permission as granted is upheld, applicant will not be able to develop 'no man's land' area belonging to her, and nor would the observer.
- Requests conditions that rock-breaking and new roadway behind No. 6 would go to boundary with observer's lands, so that observer can continue access road to his lands.

6.5. Further Responses

Further response from Gordon Elliot:

- Newly proposed dining room window overlooks bedrooms of 10 Rockview

- Increased separation distance by 2m to west is maximum 22m and minimum 19m. Given overlooking issues, elevation topography and the loss of light and visual amenity, third party's continued objection is to breach of minimum 22m.
- Boundary wall to rear of No.10 is 5m.
- Applicant's statements relating to shadowing and light are not supported by data.

Further response from Robert Allen:

- Rockbreaking is required in close proximity to No. 6
- Welcomes applicant's proposal to carry out detailed survey of dwelling before work commences
- Proposal to carry out rock-breaking during normal working hours is unacceptable.
- Wayleave is not mentioned in deeds. Wayleave area is overgrown with gorse, is a fire risk and an eyesore.
- No marked or assigned parking spaces in estate.
- Third party did not remove fence at side of dwelling. It fell in.
- Applicant has not responded to ongoing issue of excessive surface water flowing into the site side/back of No. 6
- Construction site fence will restrict access to his property.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Zoning

- Site Layout and Residential Amenities
- Construction Impacts
- Surface Water
- Wastewater
- Parking
- Legal and Procedural
- Appropriate Assessment

7.2. Zoning

- 7.2.1. The site is within the Goleen development boundary. No specific land use zoning pertains to the site. **Objective ZU 18-4: Land Use Zoning of Other Lands** states that where lands have not been explicitly zoned, the specific zoning shall be deemed to be that of the existing use of the lands (if such a use is not an authorised use under the Planning Acts) or, if such use is unauthorised, that of the most recent authorised use of the lands. On site inspection, the site did not appear to be in use for agriculture or any other use, and is overgrown.
- 7.2.2. Given that the site is proposed to be accessed via the existing 10-unit Rockview residential scheme, and is within the Goleen development boundary, I do not consider that the provision of 4 no. residential units would be in conflict with the ZU 18-4 land use zoning objective.

7.3. Site Layout and Residential Amenities

- 7.3.1. With regard to the overall site layout, I consider that the provision of 4no. houses in the configuration shown on the 0.49ha site is generally acceptable. However, I consider that the matters of permeability and boundary treatments are not adequately addressed in the proposed development.

Permeability

- 7.3.2. An access route to adjoining lands to the west between Plots 3 and 4 was proposed in the application originally lodged. No potential access route to adjoining lands is shown in the FI site plan. While there is a gap between Plot 4 and No. 6 Rockview, the width of this gap is not dimensioned in the 1:360 FI site plan. An

easement/wayleave is indicated but not delineated. I noted on site inspection that there is a substantial amount of rock in the area between Plot 4 and No. 6 Rockview.

- 7.3.3. The applicant's response to grounds of appeal (response to Mr. Allen) states that the area of rock shown to be removed around Plot 4 is 15m from No. 6, and includes Image A. This image shows an apparent link to adjoining lands between Plot 4 and No. 6 Rockview. However, there is no scale on this image and it is not shown in the context of the overall site plan. The indicated area of rock removal does not extend into the 'gap'. While amendments proposed in the applicant's submission may be considered as suggestions, I note however that there does not appear to be a definitive proposal to create a permeable route between Plot 4 and No. 6 Rockview to access adjoining lands. In the absence of clearly detailed proposals for access arrangements and extent of rock removal, I consider therefore that the proposed development does not include the provision of a permeable link to potentially connect to adjoining lands.
- 7.3.4. I note that the adjoining field northwest of the site has an agricultural access along its northern roadside frontage, accessed from a narrow cul-de-sac road. This route has a concrete-type surface at its north eastern end, and is more akin to a lane with grass in centre as it continues south west. This road is unassigned as viewed on the planning authority's online Cork County Road Schedule Viewer. It is accessed from L-44041-0, off Church Road. Given that this cul-de-sac road is unassigned, and having regard to the site context, I consider that this further underlines the importance of permeability being adequately addressed in the proposed development.
- 7.3.5. However, given that a link route between Plot 4 and No. 6 Rockview is not proposed in this application, I do not consider it appropriate in this instance to require the provision of same by condition. In addition, having regard to the significant amount of rock at this location which would be required to be removed in order to create a potential access point, I consider that the extent of rock removal as it would pertain to the subject site would be required to be addressed, and that this could not be adequately addressed by condition.
- 7.3.6. The importance of creating permeability is outlined in Section 3.1.8 (seven key principles of placemaking) of the Development Plan, which outlines that ease of

movement relates to promoting accessibility and local permeability by making places that connect with each other and are easy to move through and Objective PL 3-1: Building Design, Movement and Quality of the Public Realm (j) Achieve permeability and connectivity in town centre/village locations which contributes to the 10 Minute Town Concept and Sustainable Neighbourhood Infrastructure. In addition, Objective TM 12-2: Active Travel TM12-2-1 includes to deliver a high level of priority and permeability for walking and cycling to promote accessible, attractive, liveable, vibrant and safe settlements to work, live, shop and engage in community life, within a ten minute walk of one's home, and (c) further states that applications for all new developments are to be accompanied by a statement of how enhanced and inclusive permeability will be achieved, to include a statement of compliance with DMURS (2020 or later revision) and a quality audit (as referred to in DMURS). Based on the information on file, I do not consider that it has been demonstrated that these objectives have been complied with in the proposed development.

- 7.3.7. In terms of detail, while the overall site configuration is generally acceptable, in the absence of any potential access to adjoining lands, there would be no passive supervision of the 'gap' between Plot 4 and No. 6 Rockview. The gap is approx. 28m in length. I note the large amount of rock and that the ground levels in the gap are substantially higher than that at No. 6. Notwithstanding the relatively limited length of this gap, I consider that passive supervision of this space and permeability would be required to be adequately addressed in the proposed development.
- 7.3.8. As outlined, I do not consider that the matter of permeability to adjoining lands can be adequately addressed in this case by condition, and as such the proposed development would not be in compliance with Section 3.1.8, Objective PL 3-1 and Objective TM 12-2: Active Travel TM12-2-1 of the Development Plan. Refusal of permission is recommended on this basis.

Site Layout and Residential Amenities – context to No. 10 Rockview

- 7.3.9. The FI site plan shows that the proposed dwelling at Plot 1 would be located 20m from the rear building line of No. 10 Rockview. The rear garden depth of 10 Rockview is in the range of approx. 4m – 6m as estimated from Overall Site Development Layout Plan lodged with the original application. The FFL at Plot 1 is

36.5, and at No. 10 is 34.6. No section or contiguous elevation showing the proposed development (as amended by FI) in this context have been submitted.

- 7.3.10. Annotated dimensions on the FI house design drawings on file are not easily discernible. I have viewed the planning authority's online planning search, and note that Section A-A (on FI Drawing No. 021) shows that the FI dwelling type has an overall ridge height of 6.5m.

Overshadowing

- 7.3.11. The FI Shadow Study drawing (Drawing No. 023) includes annotations for June and December. However, it is unclear based on this drawing as to what the overshadowing impacts of the proposed development would be.
- 7.3.12. Separately, the applicant's response to appeal grounds refers to shadow cast in mid-June. As June is the optimum time for short shadow casts, there would appear to be a lack of detail on file relating to any overshadowing analysis during other times of the year, namely March/September and December.
- 7.3.13. Having regard to the 6.5m ridge height of the proposed development, located at a higher level than No.10 Rockview, I consider that the proposed development would result in some overshadowing of this adjoining property.
- 7.3.14. However, notwithstanding the difference in finished floor levels between the two properties, and having regard to this overall ridge height combined with the separation distance to the rear elevation of No. 10, I consider that the proposed dwelling would not adversely impact to an undue degree on the residential amenities of No. 10 in terms of overshadowing and overbearing impacts.
- 7.3.15. I note also the applicant's response to the grounds of appeal states that the proposed dwelling could be moved a further 2m (to 22m) from No. 10. Image B shows a 22m separation distance from rear elevation of No.10, but does not show the entirety of Plot 1, nor has a revised site plan been submitted. This image is not scaled, and any consequent reduced separation distance from the Plot 1 dwelling to Plot 2 is not shown. I note that the FI site plan shows a 4m dimension at this location. While I consider that the repositioning of this dwelling would be acceptable in principle, I do not consider that the information provided is sufficiently detailed. However, in the event that the Board was minded to grant permission, I consider that

this matter could be adequately addressed by condition, whereby a revised scaled site plan is submitted, and the increased 22m separation distance from No. 10 Rockview and other principal dimensions are clearly annotated.

Overlooking

7.3.16. The FI revised house type is a 1½ storey dwelling and has first floor accommodation, although the external appearance is more similar to a bungalow.

7.3.17. 2no. windows serving bedrooms are proposed on the south eastern gable, facing the rear of 10 Rockview. Given the 20m separation distance shown in the FI response to the rear elevation of No.10, and notwithstanding the more elevated nature of No.10, I consider that the provision of the gable windows as shown would be acceptable, and would not result in undue overlooking of the neighbouring dwelling. In this regard I note SPPR 1 of the Sustainable Residential Development and Compact Settlements Guidelines states that development plans shall not include an objective where minimum separation distances exceed 16 metres between opposing windows serving habitable rooms at rear or side of houses, duplex units or apartment units above ground floor level, and that applications shall be determined on a case-by-case basis. I consider that the provision of windows as proposed in the FI house type would not be inconsistent with SPPR 1 and would be acceptable.

7.3.18. As outlined previously, I consider the applicant's suggested proposal in the response to the appeal grounds to reposition the Plot 1 dwelling 2m further from No. 10, thereby increasing the separation distance to 22m, to be acceptable subject to condition. In addition, the applicant also suggests that these gable windows be omitted, as shown in Image A. While I consider that the omission of the 2no. gable windows on the south east elevation is not required in order to mitigate overlooking of No.10 Rockview, I consider that the omission of same would be acceptable, in the event that the Board was minded to grant permission. However, I note that the submission does not refer to any impacts on daylight access to the two bedrooms. I note that these bedrooms are served by rooflights, as shown on FI front and rear elevations. Given that the rear bedroom is served by 1no. rooflight only, in the event the Board was minded to grant, it may wish to consider that an additional rooflight would be required to serve this bedroom, and to include a condition to address this.

7.3.19. With regard to the applicant's suggestion to replace the south east facing patio doors

with a window, and to provide a patio doors on the rear (south west) elevation, I do not consider that such amendments are required to obviate overlooking of No. 10. However, these suggested amendments are minor and I consider them to be acceptable.

Boundary Treatments – Eastern Site Boundary

- 7.3.20. The FI landscape plan and drainage drawing (Drawing No. 24) shows the provision of a concrete post fence 1.5m from the existing wall with solid hedge planting along the eastern site boundary bounding the rear the gardens of Rockview properties. This planting is *contoneaster franchetti*, maintained at 1.2m height. The height of the proposed concrete post fence is not stated. The drawing indicates planting extending either side of the proposed fence.
- 7.3.21. There is a significant difference in ground levels between the subject site and the existing houses to east at Rockview which in some cases is estimated to be approx. 2m, although there is some variation along this boundary.
- 7.3.22. With regard to proposed boundary treatment, I do not consider that a concrete post fence would be sufficient to obviate overlooking of Rockview dwellings, due to its 'open' nature. With regard to the fence's 1.5m set back from the boundary, I do not consider that proposed planting would be appropriate on the eastern side of the new boundary, given that no details are set out as to how this new planting would be maintained, particularly between Plot 1 and properties in Rockview, I note that the First Area Planner's report states that the 4no. houses would be an extension to Rockview estate, which has been taken over by the local authority. However, there does not appear to be any information on file as to how the proposed planting facing existing dwellings at Rockview would be maintained, including maintenance access.
- 7.3.23. In terms of detail, the applicant's response (to Mr. Elliot) states that the there is a proposal for a setback boundary of 2.5m from the appellant's rear boundary. However, this stated 2.5m setback is not shown on associated drawings.
- 7.3.24. While finished floor levels are indicated on FI site plan, I consider that sections demonstrating proposed boundary treatments to Rockview would be required in this instance to clearly illustrate the relationship between the proposed boundary and the rear of existing Rockview properties, including at No. 10.

- 7.3.25. Site Section B-B shown on FI drawing Layout Plan for CEMP shows the difference in levels through the site and the context to No. 8 Rockview. While the existing boundary wall and varying ground levels within the site are shown, proposed boundary treatment (such as concrete post fence and landscaping) are not shown.
- 7.3.26. I note also that the provision of any increased boundary heights, particularly where any solid boundary is proposed, may impact on the residential amenities of existing dwellings at Rockview in terms of some overshadowing, including at No. 10 due to its limited rear garden depth. However, as the subject site is located within the Goleen development boundary, I consider that the principle of the proposed development, including the provision of a house as shown at Plot 1, would be generally acceptable. Subject to detailed design for the eastern site boundary to be confirmed by condition, I do not consider that the proposed development would adversely impact on existing Rockview properties to an undue degree.
- 7.3.27. In the event that the Board was minded to grant permission, it may consider that a condition could attach in this instance, whereby revised boundary treatments are submitted for written agreement which shall confirm that the proposed concrete post fence and associated landscaping shall not be permitted, and to provide revised proposals to include annotated drawings, to include sections, elevations and materials of proposed boundary treatment to the adjoining Rockview scheme, which shall include a high quality finish facing both Rockview houses and the open space area within the proposed scheme, in the interests of privacy and visual amenities.

Boundary Treatments – Peripheral Boundaries and Internal Site Boundaries

- 7.3.28. Boundaries to rear of Plots 3 and 4 are indicated to comprise *Ligustrum Ovalifolium* (green privet) and *Fuschia Riccartonii*, and hedge maintained to 2m high. Cut rock outcrop is indicated. FI Section B-B shows the dwelling on Plot 4 in the context of the rock outcrop to rear. However, no detailing of any rear site boundaries is indicated. I note that the upper level of the rock outcrop to the rear of this proposed dwelling would appear to be very marginally below the eaves level of this dwelling, and therefore at a relatively high level. However, given that part of the rear (north west) boundary of Plot 4 bounds undeveloped lands within Goleen development boundary, I consider that the proposed north western site boundary should be clearly detailed in annotated drawings, including plans, sections and elevations, for clarity as to the

nature of any new peripheral boundary treatment.

7.3.29. The FI Landscape Plan & Drainage proposes timber post and rail fence with hedging between sites. I do not consider that this would be an acceptable boundary treatment between the house sites to the rear of dwellings, in terms of privacy and residential amenities.

7.3.30. In the event the Board was minded to grant permission for the proposed development, it may wish to consider the attachment of a condition requiring the submission of detailed peripheral boundary treatment proposals, and an alternative boundary treatment between the rear of the proposed house sites, such as 2m high boundary walls, capped and plastered.

7.4. Construction Impacts

7.4.1. With regard to concerns raised that the construction site fence will restrict access to No. 6 Rockview, I note that the FI Layout Plan for CEMP (Drawing No. 026) does not show the pedestrian access from the existing footpath to this dwelling. While the red line boundary is shown on the CEMP drawing, the extent of any site hoarding during construction is not. In the event that the Board was minded to grant permission for the proposed development, I consider that this matter could be adequately addressed by the submission of a revised CEMP site plan, which clearly shows the location of proposed hoarding and that existing pedestrian access to No. 6 is not obstructed.

7.4.2. The FI Layout Plan for CEMP shows the location of proposed rock removal in the approximate area of Plots 3 and 4, albeit faintly. The CEMP states that the excavated material is rock (1200m³) including soil (600m³ - soil retained for gardens or imported if required). While the quantum of rock proposed to be excavated is indicated, the proposed methodology for rock-breaking is not stated in the CEMP. Having regard to the proximity of the proposed development to existing dwelling houses, I consider that the detailing of the proposed methodology would be required to be addressed. In the event that Board was minded to grant, I consider that the attachment of a condition requiring rock-breaking methodology to be submitted and agreed would adequately address this matter.

7.4.3. I note that concerns are raised regarding construction hours with reference to rock-breaking. However, I consider that standard construction hours would be acceptable

in this case, including allowance for deviation from standard working hours to be subject to prior written agreement.

- 7.4.4. The cover letter submitted with the planning application originally lodged states that any materials excavated from the site will be removed to a local landfill site. In contrast, the FI CEMP states that none of the excavated material will be exported off site. I consider that in the event the Board was minded to grant, that this matter could be adequately addressed by condition, whereby this matter is clarified in a revised site-specific CEMP.

7.5. Surface Water

- 7.5.1. The appeal grounds include that there is no plan or condition to deal with excessive surface water from the development site which continues to flow into No. 6 property.
- 7.5.2. The FI response proposes a 150mm dia land drain in a collection gravel ditch drain at the base of the cut rock at rear of Plots 3 and 4. The FI Landscape Plan & Drainage (Drawing No. 024) shows proposed land drains to the rear of dwellings in Plots 3 and 4, which connect to an existing piped system near the site entrance. Land drains are also shown on Plots 1 and 2, and near the eastern site boundary.
- 7.5.3. Plot 4 is on the opposite side of the 'gap' to No.6 Rockview. The proposed FFL of the dwelling on this plot is 37.8, and No. 6 Rockview is indicated at 35.3. However, this considerable difference in finished floor levels is not easily discernible on FI Section A-A. Notwithstanding this, given the location of Plot 4 relative to No. 6, and proposals to provide a land drain on each of the 4no. house sites and on the open space area, which connect into existing stormwater infrastructure, this aspect of the proposed development, by itself, is considered acceptable.
- 7.5.4. However, I would have concerns based on the information on file that surface water management proposals for the proposed development do not adequately demonstrate that provision has been made for Sustainable Urban Drainage Systems (SuDS). The plans and particulars on file do not appear to contain nature-based solutions or various SuDS measures such as, for example, tree pits, swales, etc., to manage surface water run-off from the proposed development.
- 7.5.5. In this regard I note that Development Plan Objective WM 11-10: Surface Water, SuDS and Water Sensitive Urban Design (a) requires that all new developments

incorporate SuDS, and efforts taken to limit extent of hard surfacing and impermeable paving, and (c) Optimise and maximise the application of SuDS to mitigate flood risk, enhance biodiversity, protect and enhance visual and recreational amenity, and proposals should demonstrate that due consideration has been given to nature based solutions in the first instance in arriving at the preferred SuDS solution for any development.

- 7.5.6. While I note the relatively small scale of the proposed development at 4no. houses on a 0.49ha site, I consider based on the plans and particulars on file that it has not been adequately demonstrated that the proposed development is in accordance with Objective WM 11-10 (a) and (c).
- 7.5.7. In the event that the Board was minded to grant permission, it may wish to consider the attachment of a condition requiring the submission of detailed revised surface water management proposals incorporating SuDS to serve the proposed development. In this regard I note also that such a requirement may have implications for the design and use of the open space area, for example, in the event a swale is proposed.
- 7.5.8. In terms of detail, the Overall Site Development Layout Plan (Drawing No. 08) lodged with the original application appears to show the foul and stormwater sewers incorrectly colour-coded on the legend. The FI General Site Plan (Drawing No. 07; Rev. A) does not include an associated legend. In the event that the Board was minded to grant, I consider that this discrepancy could be adequately addressed by way of a condition requiring the submission of a revised drainage plan showing foul and stormwater infrastructure clearly annotated.

7.6. Wastewater

- 7.6.1. Table 5.2.2: West Cork Municipal District – Proposed Scale of Development (Vol. 5) indicates the wastewater status for Goleen is ‘no capacity’. In addition, Objective DB-09 (Vol. 5) includes that in the absence of a public wastewater treatment plant, only the development of individual dwelling units served by individual treatment systems will be considered, and any new dwellings with individual wastewater treatment must make provision for connection to the public system in the future.
- 7.6.2. Separately, the First Area Engineer’s report notes that the applicant appears to be carrying out primary treatment on site with the effluent flowing to the public system.

FI Item 17 sought written confirmation from Irish Water that a Pre-Connection Enquiry has been approved. While the FI response states that this is awaited, I note however that an Uisce Éireann/Irish Water letter on file (dated 24 August 2022) states no objection, subject to conditions.

- 7.6.3. Having regard to the UÉ/IW letter on file, I consider that the proposed development would be acceptable in terms of wastewater infrastructure, subject to conditions.
- 7.6.4. In terms of detail, with regard to the septic tank at Plot 1, the FI site plan shows it in the vicinity of its eastern site boundary to No. 10. No dimensions are annotated. I estimate that it is in excess of 3m to the site boundary with No. 10, and in excess of 7m from the dwelling at that site, and it would therefore exceed the minimum separation distances stated in EPA Code of Practice – Domestic Waste Water Treatment Systems (2021).
- 7.6.5. Separately, the applicant's response to grounds of appeal shows the septic tank relocated towards the north eastern corner of Plot 1. No separation distances to existing dwellings at No.s 9 and 10 are stated, nor to the proposed dwelling at Plot 1. While this revised septic tank location would appear to be in excess of 7m from existing and proposed dwellings, and in excess of 3m from boundaries to No.s 9 and 10, given its closer proximity to No. 9 however I do not consider it appropriate in this instance for the septic tank to be relocated as shown. In the event that the Board was minded to grant, it may wish to consider confirming Plot 1's septic tank location as shown on FI site plan.

7.7. Parking

- 7.7.1. Concerns are raised in the grounds of appeal that the proposed development if permitted would result in cars not being able to park on the road outside No. 6. On site inspection I noted that there is no off-street parking space at No. 6, and that there is a communal (non-designated) parking area to the side of No. 5's front garden which could accommodate approx. 2no. vehicles. Accordingly, there are existing parking alternatives in the immediate vicinity of No. 10.
- 7.7.2. I note the third party's concerns regarding the use of these and other spaces by others. However, I do not consider the request to condition the provision by the applicant of an off-street parking space within the third party's house site would be appropriate, given that such lands are outside the red line boundary of the site, no

details of planning permission for such works have been provided, and there is a parking alternative nearby.

7.8. Legal and Procedural

- 7.8.1. Concerns are raised that the reworking of the application at FI stage did not afford the opportunity to submit further observations. Revised public notices were submitted in this instance, and I consider therefore that there was sufficient notice to the public regarding the proposed development as amended in the Significant FI response. I consider this to be acceptable.
- 7.8.2. Concerns are raised in the observations received relating to future access to the observer's lands. I note that the observer requests conditions requiring a specified area to be developed into an access road with services, and no development to take place until the applicant executes legal agreements with the observer. This is, however, a civil matter to be resolved between the parties, having regard to the provisions of Section 34(13) of the Planning and Development Act 2000 (as amended).
- 7.8.3. For clarity, potential access to adjoining lands, in terms of permeability, are discussed separately in this report.

7.9. Appropriate Assessment

- 7.9.1. Appropriate Assessment Screening is addressed in Appendix 2.
- 7.9.2. The conclusion of the Appropriate Assessment screening is that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European sites, namely Barley Cove to Ballyrisode SAC and Sheep's Head to Toe Head SPA or any other European site, in view of the sites' conservation objectives, and Appropriate Assessment (and submission of a Natura Impact Statement) is not therefore not required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European site
- Distance from and weak indirect connections to the European sites.

8.0 Recommendation

8.1. It is recommended that permission be refused for the reason set out below.

9.0 Reasons and Considerations

1. The proposed development is located within the development boundary of Goleen in Cork County Development Plan 2022-2028. Having regard to the nature and scale of the proposed development, the site's relationship to adjoining lands within the development boundary, and the absence of any potential permeability to such adjoining lands, the proposed development would not be in compliance with Objective PL 3-1: Building Design, Movement and Quality of the Public Realm (j) and Objective TM 12-2: Active Travel TM12-2-1 (c). The proposed development would therefore be contrary to the provisions of the current County Development Plan and to the proper planning and sustainable development of the area.

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.

Cáit Ryan
Senior Planning Inspector

7 October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317176-23		
Proposed Development Summary	Construct 4 no. houses and associated site works.		
Development Address	Boulysallagh, Goleen, Co. Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes		Class 10(b)(i) of Part 2 of Schedule 5. Threshold is 500 dwelling units.	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317176-23	
Proposed Development Summary	Construct 4 no. houses and associated site works.	
Development Address	Boulysallagh, Goleen, Co. Cork.	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p>	<p>Proposed development comprises 4 no. dwelling houses, each served by an individual septic tank. The subject site is accessed via an existing 12-unit housing scheme, and is located with Goleen development boundary. The nature of the proposed development is not exceptional in the context of the existing environment.</p>	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>Rockbreaking is proposed. The FI CEMP states that excavated material is rock (1200m³) including soil (600m³ - soil retained for gardens or imported if required. All plant items will be provided with effective silencers and operated so as to avoid excessive noise, vibration or exhaust emission. A silk curtain will be constructed downgradient of the site works, and oil, petrol and other fuel containers will be double-skinned and banded.</p> <p>Having regard to the nature and scale of the proposed development, and the content of the CEMP, I consider that no significant waste, emissions or pollutants would ensue.</p>	No

<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>Proposal is for 4 no. dwelling houses within village development boundary, adjoining an existing 12-unit housing scheme. The size of the proposed development is not exceptional in the context of the existing environment.</p> <p>There are no significant cumulative considerations having regard to other existing and/or permitted projects.</p>	<p>No</p> <p>No</p>
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p>	<p>The subject site is not located on, in or adjoining, nor has the potential to significantly impact on an ecologically sensitive site or location. The nearest European sites are:</p> <ul style="list-style-type: none"> - Barley Cove to Ballyrisode Point SAC (Site Code 001040) approx. 0.6km to east. - Sheep's Head to Toe Head SPA (Site Code 004165) approx. 2.2km to south. <p>The Barley Cove to Ballyrisode Point pNHA (Site Code 001040) is approx. 0.6km to east.</p> <p>Appropriate Assessment screening is set out in Appendix 2. It concludes that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European sites, namely Barley Cove to Ballyrisode SAC and Sheep's Head to Toe Head SPA or any other European site, in view of the sites' conservation objectives, and Appropriate Assessment (and submission of a Natura Impact Statement) is not therefore not required.</p> <p>Having regard to the nature and scale of the proposed development and distance to the 2no. European sites and to the pNHA, I consider that the proposed development does not have the potential to significantly impact on an ecologically sensitive site or location.</p>	<p>No</p> <p>No</p>

Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	Having regard to the matters outlined above, the nature and scale of the proposed development and distance to the 2no. European sites and pNHA, the proposed development does not have the potential to significantly affect this or other significant environmental sensitivities in the area.	
<p style="text-align: center;">• Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____

Date: _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 2

Appropriate Assessment

Appropriate Assessment :Screening Determination

(Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed development comprises the construction of 4no. detached dwelling houses, accessed via an existing 12-unit housing scheme, Rockview, within the Goleen development boundary. Each proposed house would be served by an individual septic tank, which connect to the public sewer, and water supply would be by public watermain. Land drains from the curtilage of each site and from the open space area connect to the existing stormwater infrastructure, as per FI drawings.

A detailed description is presented in Section 1.0 of my report. In summary, it is a greenfield site, with some rock outcrop. The site is largely overgrown with grass, gorse and rush evident. The site is elevated above the existing Rockview residential development. Part of the site adjoins the western development boundary of Goleen. Land uses directly to the south comprise a small amount of residential ribbon development. Other land uses in the vicinity comprise dwellings on individual sites, and there is a primary school approx. 60m north of the entrance to Rockview.

No streams/watercourses are indicated on site, nor other ecological features of note that would connect it directly to European sites in the wider area. A Construction and Environmental Management Plan (CEMP) was submitted as Further Information (FI).

Inland Fisheries Ireland requests that Irish Water/Cork County Council signifies that there is sufficient capacity in the public sewer so that it does not (a) overload hydraulically or organically existing treatment facilities (b) result in polluting matters entering waters or (c) cause or contribute to non-compliance with existing legislative requirements.

Uisce Éireann/Irish Water letter on file states no objection, subject to conditions.

The planning authority sought Further Information, stating that there is potential for the development's construction and operational phases to have significant impacts on habitats for which Barleycove to Ballyrisode Special Area of Conservation is designated, and requested a draft Construction and Environmental Management

Plan (CEMP). The FI assessment noted that the submitted CEMP details water protection measures to be implemented on site during the construction phase.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European site, comprising a Special Area of Conservation or Special Protection Area (SPA).

Two no. European Sites are located within a potential zone of influence of the proposed development. These are:

- Barley Cove to Ballyrisode SAC (Site Code 001040), approx. 0.6km to east.
- Sheep's Head to Toe Head SPA (Site Code 004156), approx. 2.2km to south.

European Site	Qualifying Interests (summary)	Distance	Connections
Barley Cove to Ballyrisode SAC (Site Code 001040) S.I. No. 489 of 2018	In this list the sign [*] indicates a priority habitat type as defined in the Directive): <u>Habitats:</u> 1140 Mudflats and sandflats not covered by seawater at low tide 1220 Perennial vegetation of stony banks 1310 <i>Salicornia</i> and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 4030 European dry heaths <u>Species:</u> 1395 Petalwort <i>Petalophyllum ralfsii</i>	0.6km	No direct
for Sheep's Head to Toe Head SPA (Site Code 004165) S.I. No. 387 of 2010	<u>Bird Species:</u> <i>Falco peregrinus</i> Peregrine <i>Pyrhocorax pyrrhocorax</i> Chough	2.2km	No direct

The NPWS site synopsis outlines that **Barley Cove to Ballyrisode SAC (Site Code 001040)**, situated on the Mizen Head peninsula, straddles a 10km stretch of coastline from the Barley Cove inlet to Ballyrisode Point at Toormore Bay. While rocky heath is the dominant habitat, the site is most important for the sand dunes and related habitats which occur at Barley Cove. The dune system at Barley Cove is of moderate size and relatively intact. The dunes merge with a substantial area of saltmarsh which displays characters of both Atlantic and Mediterranean salt meadows. The dominant habitat over much of the remainder of the site is coastal heath, of high conservation value. This occurs from the maritime shoreline to the highest point of the site (164 m). It is varied in character, ranging from shallow dry soils to wet peaty pockets. The site is of notable ornithological importance for Chough (listed on Annex I of E.U. Birds Directive), with 9 breeding pairs in 1992. In addition to nesting, substantial numbers of Choughs utilise the heath and sandy habitats for feeding and socialising. Main land uses at this site are grazing and tourism related activities. Most of the site is grazed by livestock, though not intensively.

The NPWS site synopsis for **Sheep's Head to Toe Head SPA (004165)** states that this site encompasses the high coast and sea cliffs from Sheep's Head to Mizen Head, Brow Head and Crookhaven in the west and from Baltimore to Tragumna Bay, Gokane Point and the Toe Head peninsula in the east. It includes the sea cliffs, the land adjacent to the cliff edge, an area further inland to the east of Dunlough Bay, and also areas of sand dunes at Barley Cove and Crookhaven. This SPA is one of the most important sites in the country for Chough, with a breeding population of international importance occurring. It also supports a nationally important Peregrine population. The presence of Chough and Peregrine, both species that are listed on Annex I of the E.U. Birds Directive, is of particular significance.

Likely impacts of the project (alone in or in combination)

Having regard to the extent of existing overgrowth on site and to the presence of rock, some of which is proposed to be removed, the proposed development would result in considerable changes to the site.

A CEMP was submitted as Further Information, which includes (at Section 6) that all plant items will be properly maintained, provided with effective silencers and

operated in a manner as to avoid causing any excessive noise, vibration or exhaust emission. Section 7 further outlines

- During construction all necessary precautions will be put in place to ensure no surface run-off to SAC.
- A silk curtain will be installed downgradient of the site works and between the works and sensitive aquatic receptors
- All vehicles used on site will be inspected daily to ensure no minor leaks of hydrocarbons
- Oil, petrol and other fuel containers will be double-skinned and bunded
- Construction materials will be stored in a secure compound
- Works will primarily take place during daylight hours to minimise disturbance to roosting birds or feeding nocturnal mammal species.

The proposed development would not have direct impacts on any European site. During site clearance, rock removal, construction of the proposed development and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.

The contained nature of the site (serviced, no direct ecological connections or pathways) and distance from receiving features connected to Barley Cove to Ballyrisode SAC and Sheep's Head to Toe Head SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could effect European sites.

No detail has been provided regarding the possible use of the site by birds that are qualifying interests of Sheep's Head to Toe Head SPA. However, given the scale of the development comprising 4no. houses on a serviced site, within the Goleen development boundary, I do not consider it likely that any temporary noise or other disturbance that may occur during the construction phase would be of any significant increase on the current baseline.

Likely significant effects on the European sites in view of the conservation objectives

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and

lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species.

In combination effects

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

No mitigation measures are required to come to these conclusions. I consider that these measures outlined in the CEMP relating to surface water management to be standard construction practices, and are not measures intended to avoid or reduce the harmful effects of the project on European sites.

Overall Conclusion

Screening Determination

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I have concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European sites, namely Barley Cove to Ballyrisode SAC and Sheep's Head to Toe Head SPA or any other European site, in view of the sites' conservation objectives, and Appropriate Assessment (and submission of a Natura Impact Statement) is not therefore not required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European site
- Distance from and weak indirect connections to the European sites.