



An
Bord
Pleanála

Inspector's Report ABP318068-23

Development	Construction of dwelling, installation of waste water treatment system, and all associated site works.
Location	Knockroe, Ballydehob, Co. Cork.
Planning Authority	Cork County Council (West).
Planning Authority Reg. Ref.	23/00364.
Applicant(s)	Ronan & Rachel Cotter.
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant(s)	Ronan & Rachel Cotter.
Observer(s)	None on file.
Date of Site Inspection	28 th & 29 th November 2023.
Inspector	Des Johnson.

1.0 Site Location and Description

- 1.1. The site is located approximately 800m to the south east of the centre of Ballydehob Co. Cork (as the crow flies). It is adjacent to the north eastern shores of Ballydehob Bay, and adjoins to the south of the old disused Skibbereen Tramway line.
- 1.2. The site for the proposed house is a grassed area on two levels. It is surrounded by rocky outcrops interspersed with gorse and brambles. Adjacent to the north of the site and the old tramway line, and on higher ground, there is a large dwelling with viewing balcony at first floor level overlooking the Bay. This dwelling is prominent in public views from the quay and boat slip approximately 400m to the west on the opposite side of Ballydehob Bay.
- 1.3. Proposed access to the appeal site is via the disused tramway line. This is grassed over and sodden in places.

2.0 Proposed Development

- 2.1. The proposal is for the construction of a dwelling, installation of waste water treatment system, and all associated site works.
- 2.2. The proposed dwelling is substantially single storey but includes a bedroom/study/home office, en-suite and storage at first floor level served by a dormer window. There are three double bedrooms (one en-suite), bathroom, kitchen, dining room and living room at ground floor level.
- 2.3. The gross floor area is stated to be 284sqm and the site area is 0.40ha. The site is gifted by the applicant's father.
- 2.4. Proposed finishes include black slates to roof, and painted plaster, stone and zinc cladding to external walls.
- 2.5. Site Characterisation indicates that the depth from ground surface to bedrock is 1.4m and the depth from ground surface to water table is 1.35m. There is a surface percolation value of 30.83. A secondary treatment system and soil polishing filter are proposed.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following summarised reason:

Location in a scenic coastal area which is designated as “high landscape value” in the current Plan to which there is an objective to protect the visual and scenic amenities of the natural environment. The proposal is for a large dwelling in a distinctive coastal setting, highly visible from the surrounding area, and would contribute to a further erosion of the rural and scenic landscape character of the area and set an undesirable precedent for other such development. Contravention of Policy Objectives RP 5-22, GI 14-9 and GI 14-12 of the Plan and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The site is highly sensitive and visually prominent, located close to the shoreline and within a “High Value Landscape”. There are serious reservations about the suitability of the site for development. Pre-planning discussions advised consideration of an alternative site. The site is within the tourism and rural diversification area, outside the village development boundary, where restrictions and eligibility in relation to one-off housing development applies. Based on the information submitted, the Planning Authority is satisfied that the applicant complies with the rural housing need criteria and merits an exception to the restrictive settlement policy. The proposal for a large dwelling will have a significant impact on the scenic qualities of the area. The proposal would involve significant rock removal along a section of distinctive coastal landscape. The proposed development is located approximately 40m from the SAC, and impact cannot be ruled out.

3.2.2. Other Technical Reports

An Taisce – alternative housing options should be assessed. Notwithstanding family circumstances, the coastal location is unsuitable for additional scattered housing and individual WWTS.

TII – no observations to make.

Area Engineers report – recommends permission subject to conditions.

4.0 Planning History

Register reference: 22/685 – application for construction of dwellinghouse with attached domestic garage, installation of WWTS and all associated site works at this location. Applicants Ronan & Rachel Cotter. Site area 0.40ha. WITHDRAWN.

Register reference 08/1394 – Permission granted for a dwellinghouse on an adjacent site. Permission dated September 2009. Applicant Marie Cotter. House constructed.

5.0 Policy and Context

5.1. Development Plan

The Cork County Development Plan 2022-2028 came into effect on 6th June 2022.

The site is in a designated High Value Landscape Area.

The site is in a rural area designated as a Tourism and Rural Diversification area.

RP 5-5: relates to Tourism and Rural Diversification area. It is an objective that applicants for housing must demonstrate housing need to live in such areas.

Categories for housing need are specified and include returning emigrants.

RP 5-22: relates to Design and Landscaping of New Dwellings and Replacement Dwellings in Rural Areas. The Plan encourages new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.

RP 5-23: relates to Servicing of Single Houses (and ancillary development) in Rural Areas. This includes requirements for waste water treatment systems and disposal of surface water.

RP 5-25: relates to Occupancy Conditions where housing need in rural areas is facilitated.

GI 14-9: relates to Landscape. The Plan seeks to protect the visual and scenic amenities of County Cork's built and natural environment.

GI 14-12: relates to an objective to preserve the character of all important views and prospects, particularly sea views and coastal landscapes.

BE 15-2: relates to the Protection of sites, habitats and species.

5.2. Natural Heritage Designations

Roaringwater Bay and Islands SAC is adjacent to the site

Dunbeacon Shingle SAC is approximately 9.5km to the NW

Sheeps Head to Toe Head SPA is approximately 9.6km to the SSE

Lough Hyne Nature Reserve & Environs SAC is approximately 10.2km to the SE.

5.3. EIA Screening

- 5.4. Having regard to the nature and scale of the proposed development, and the likely emissions therefrom during construction and occupation, it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

These may be summarised as follows:

1. This is a highly sheltered site, surrounded by rock outcrops and higher grounds to the east, north and west. The proposed house would not be visible from Ballydehob. All other sites on the applicants/appellants lands are on much higher land.
2. No excavation of rock would be required. The site is served by an existing vehicular access.
3. Visual impacts have been carefully considered. The proposal is a single storey slipped-plan home which minimises impacts on scenic views. The ridge height is less than 6m and this is lower than the existing floor height of the home to the

north. The dwelling could be reduced in length by 5.5m by removing the master bedroom if required (revised house plan submitted).

4. The applicants/appellants family would be the 5th generation to live on this land. The family moved from Canada in December 2022 with the intention of living here full-time. The applicants/appellants daughters are enrolled in a local school. Taking care of elderly parents was a consideration in moving back. The applicant/appellant carries out maintenance on the family farm and wishes to carry on his father's building and construction business, as his father is retiring.

6.2. Planning Authority Response

Area Engineer – no comment regarding the appeal.

Area Planner – no further comments.

6.3. Observations

None on file.

7.0 Assessment

- 7.1. The proposal is for a single storey and part dormer type dwelling. The proposed floor area is stated to be 284sqm and the site area is 0.40ha. The layout is in the form of two parallel blocks connected by a sizeable hallway. The ridge height of the southerly block is approximately 5.5m and the ridge height of the northerly block is approximately 5.7m. The proposal would have a 28m long profile when seen from the south. Finishes to the southerly block include slate to roof and plaster to external walls, and for the northerly block include slate to roof, traditional stonework to external walls and zinc cladding to dormer window. It is proposed to service the site with a secondary treatment system and raised soil polishing filter. Access is proposed on to the line of the old tramway.
- 7.2. I submit that the key planning issues to be addressed in this case fall under the following headings:
 - Housing need
 - Landscape designation and visual impact

- Wastewater treatment and disposal
- Access

7.3. Housing need

The site is in an area designated as a Tourism and Rural Diversification Area. It is outside the village development area for Ballydehob included in the Cork County Development Plan 2022-2028. In such areas restrictions and eligibility criteria apply in relation to one-off housing. The appellant states that he is a returning emigrant from Canada (in 2022) and wishes to build on family lands. The site is owned by the appellant's father. The appellant's daughters are enrolled in a local school. The appellant carries out maintenance on the family farm and states that he wishes to carry on his father's building and construction business, as his father is retiring.

The Planning Authority is satisfied that the applicant complies with the rural housing need criteria and merits an exception to the restrictive settlement policy set out in the County Development Plan. Based on the information on the file, I concur with the Planning Authority's conclusion that there is a housing need in this case and that the housing need criteria is satisfied..

7.4. Landscape designation and visual impact.

The site is in an area designated as a High Value Landscape Area. I consider that this is a highly attractive rugged, rural coastline bounding Ballydehob Bay, and that the Development Plan designation reflects its scenic value. Other than the existing dwelling adjacent to the north of the appeal site, the coastline to the south is relatively free from development, although the profile of a few houses can be seen on or close to the skyline. The site is also in a rural area designated in the Plan as a Tourism and Rural Diversification Area.

The ridge level of the proposed northern block is marginally higher than the FFL Lower of the existing adjacent dwelling to the north. The most prominent public view of the site is from the Ballydehob Quay to the north west at a distance of approximately 400m, and I submit that the proposed dwelling will be clearly visible from this vantage point. Heavy planting is proposed on the site to screen the proposed house to the south west and north east, including Rowan, Ash, Willow and Silver Birch.

The Planning Authority contends that the proposal would involve a significant amount of rock removal along a section of distinctive coastal landscape. It states that the development as presented is wholly unsuited to this particular area, and involves significant cutting into the lands in order to provide a plateau for development. The appellant states that the proposed house can be accommodated on the site without the need for rock breaking. The Planning Authority's Area Engineer reported that no significant engineering issues had been identified. Following site inspection, without a detailed survey of soil depth to bedrock (showing that no rock breaking would be necessary) I am not satisfied that the development can be undertaken without the need for rock breaking and other significant ground works, which would be likely to have a significant detrimental visual impact on this scenic landscape. Given the sensitivity of this site, I consider that this information should have been provided.

7.5. Wastewater treatment and disposal

The Site Characterisation Form submitted with the application describes the underlying aquifer as poor, but extremely vulnerable. A trial hole of 1.4m showed mottling at 1.0m below ground level, and rock at a depth of 1.4m. There was 50mm water recorded in the trial hole. A secondary treatment system and a raised soil polishing filter are proposed. The polishing filter would have 300mm of imported topsoil over a 550mm minimum gravel layer. The existing ground level is stated to be 3.55 and the proposed level of the polishing filter would be 4.60. It would be sited 62.5m from the foreshore. The Planner's report notes that the site is not subject to flooding.

The Planning Authority's Area Engineering Report notes that a Site Suitability Assessment has been carried out and a pumped treatment plant with a raised polishing filter is proposed. The report recommends permission subject to conditions, one of which relates to wastewater treatment as follows:

The proposed septic tank and percolation area shall be designed, constructed, laid out and maintained to conform with the provisions of the Code of Practice, Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. = 10) EPA 2021.

Based on the information on the file, I find no reason to conclude that the site is not suited to the treatment of wastewater as proposed, subject to the condition recommended by the Area Engineer.

7.6. Access

The submitted Site Layout Plan shows the appeal site bordering the old tramway line to the north. The submitted Site Location Map shows the old tramway line crossing three different ownerships before it meets the public road to the north west of the appeal site. The three land owners have given consent to the making of the application. The length of the old tramway line to the public road scales at approximately 360m. The grounds of appeal state that the site is served by an existing vehicular access way which avoids the need for rock breaking and any works in the existing landscape in connection with the formation of a new entrance road. I submit that the line is narrow, grassed over and sodden in places and, in its present condition, is not suited as the access to the proposed dwelling. No detailed proposals are submitted regarding the upgrading of this access road. Having regard to the sensitivity of the landscape and, in the absence of detailed proposals for the upgrading of the access route from the proposed site boundary to the public road, I am not satisfied that such access route can be provided without a significant detrimental impact on the visual amenities of the landscape.

7.7. Appropriate Assessment Screening

The Planner's report states that the proximity to the Roaringwater Bay and Islands SAC of 40m and that some impacts from the proposed development may be apparent. It states that sufficient information has not been provided to carry out screening and the ruling out of significant impacts. The report states that the potential for the proposed development to cause changes to erosion or deposition patterns along the coastline within the SAC, or whether discharges could give rise to increased eutrophication or other pollution risk within the SAC cannot be ruled out. Notwithstanding these contentions, the Planning Authority's reason for refusal does not refer to the absence of information needed to facilitate a screening for appropriate assessment, and the grounds of appeal do not refer to the contentions contained in the Planner's report.

The proposed development is not directly connected with or necessary for the management of the Roaringwater Bay and Islands SAC. The qualifying interests for the SAC are large shallow inlets and bays, reefs, vegetated sea cliffs, European dry heaths, submerged or partially submerged sea caves, harbour porpoise, Otter, and grey seal. The Planner's report states that there is no certainty that the proposed project would not result in increased levels of disturbance to the habitat of the Otter. It is a conservation objective of the SAC to restore the favourable conservation condition of the Otter. On balance, having regard to the circumstances outlined above, I consider that a screening for Appropriate Assessment should be carried out, and that insufficient information was submitted to facilitate this.

8.0 Recommendation

8.1. I recommend that planning permission be refused.

9.0 Reasons and Considerations

1. The site is located in a scenic coastal area which is designated as 'High Value Landscape' in the Cork County Development Plan 2022-2028 and for which it is an objective to protect the visual and scenic amenities of the natural environment. The Board considers that this designation and the associated objective are reasonable and should be supported. Based on the information submitted, the Board is not satisfied that the proposed development could be carried out without a seriously detrimental impact on the visual and scenic amenities of the area and the erosion of the scenic coastal landscape character of the area. As such, the proposed development would contravene materially an objective of the County Development Plan and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the nature of the proposed development, the proximity of the site to the Roaringwater Bay and Islands SAC and to the qualifying interests and conservation objectives for that designated European site, the Board considers that there is insufficient information to conclude that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the SAC.

Note:

The second reason for refusal could be considered as a new issue as this reason was not included in the Planning Authority's decision. It was addressed in the Planner's report. Should the Board consider that Reason 2 should be included, I recommend that it be put to the appellant and response invited before issuing the final decision.

Des Johnson
Planning Inspector

4th December 2023

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.