



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319630-24

#### Development

Retention partly constructed timber framed store, alteration to footprint and completion of store. Use of store for agricultural/ tool store. Construction of entrance to public road.

#### Location

Killloveenoge, Bantry, Co. Cork

#### Planning Authority

West Cork County Council

#### Planning Authority Reg. Ref.

2461

#### Applicant(s)

Michael Daly

#### Type of Application

Retention & Permission

#### Planning Authority Decision

Refuse x 2

#### Type of Appeal

First Party

#### Appellant(s)

Michael Daly

#### Observer(s)

None

#### Date of Site Inspection

31<sup>st</sup> December 2024

#### Inspector

Mary Crowley

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	5
3.1. Decision .....	5
3.2. Planning Authority Reports .....	6
3.3. Conditions .....	7
3.4. Prescribed Bodies .....	7
3.5. Third Party Observations .....	7
4.0 Planning History .....	7
5.0 Policy Context .....	9
5.1. Development Plan .....	9
5.2. Natural Heritage Designations .....	11
6.0 EIA Screening .....	11
7.0 The Appeal .....	11
7.1. Grounds of Appeal .....	11
7.2. Planning Authority Response .....	13
7.3. Observations .....	14
7.4. Further Responses .....	14
8.0 Assessment .....	14
8.3. Principle .....	15
8.4. Traffic Impact .....	15
8.5. Visual Amenity .....	16
8.6. Conditions .....	17

8.7. Other Issues.....	18
9.0 AA Screening.....	19
10.0 Recommendation .....	19
11.0 Reasons and Considerations.....	19
12.0 Form 1 EIA Pre-Screening .....	22

## **1.0 Site Location and Description**

- 1.1. The appeal site with a stated area of 0.57 ha is located to the southern side of Bantry Bay, on the Sheep's Head Peninsula, adjoins and lies to the immediate north of a minor county road, which is also designated as a scenic route as set out in the Cork County Development Plan and forms part of the Sheep's Head Cycle Route. The site is in a rural, coastal, scenic area and is also sited in an area of High Value Landscape, as set out in the current County Development Plan.
- 1.2. I refer to the photos available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

## **2.0 Proposed Development**

- 2.1. The development will consist of the following:
  - a) retention of portion of partly constructed timber framed store (35.2 sqm)
  - b) alteration to footprint of partly constructed timber framed store
  - c) completion of timber framed store to include natural stone finish to elevations
  - d) use of completed store for use as agricultural/tool store
  - e) construction of entrance to public road for general and agricultural use
  - f) alterations to roadside boundary to improve available sight distance and all associated siteworks
- 2.2. The application was accompanied by a cover letter that set out the following as summarised:
  - Having regard to ordnance survey maps the site was originally a residential property comprised of a reasonably decent size dwelling along with a smaller building adjacent to its western gable and set at an angle to it.
  - The dwellinghouse has long since disappeared but the small stone building was in fact occupied as a dwelling up to the late 1940s.
  - This small stone structure was inadvertently demolished by the applicant during the course of works to it.

- The previous means of access to the field was simply an open section in the roadside fence with small timber posts and wire, these were moved back into the field whenever access was required. This was considered far from an ideal situation and the reason a planning application for a new vehicular access is proposed.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Cork County Council issued notification of decision to refuse permission for two reasons relating to (1) traffic safety and (2) visual amenity as follows:

- 1) *The vehicular entrance to be closed adjoins a busy local primary road (L-4703-59) and dedicated Scenic Route that is poorly aligned, at a point where sightlines are restricted in both directions, especially towards the east where there is no sight visibility. The Planning Authority is not satisfied on the basis of the submissions made and details submitted that the traffic likely to be generated by the proposed development would not endanger public safety by reason of traffic hazard and given that the necessary sightlines run over land requiring the removal of longstanding indigenous hedgerow over which the applicant has no control and where there is no existing legal easement agreement in place. The proposed development would contravene materially policy objective TM 12-8 of the Cork County Development Plan 2022, would endanger public safety by reason of traffic hazard and would therefore be contrary to the proper planning and sustainable development of the area.*
- 2) *The subject site is located in a coastal setting within a designated 'High Value Landscape' and adjoining a Scenic Route (L-4703-59), as designated in the Cork County Development Plan 2022. Having regard to the exposed nature of the subject site and to the siting, scale and design of the existing development, in very close proximity to the public road, it is considered that the proposed development would be visually obtrusive in the landscape and would seriously injure the visual and scenic amenities and essential rural character of the area. Furthermore, the Planning Authority is not satisfied that the structure is associated with agriculture*

*and considers that there is no reasoned justification for a storage shed outside of the curtilage of and removed from any habitable / domestic dwellinghouse. The proposed development would therefore contravene materially policy objectives BE15-8, BE 15-9, GI 14-9, GI 14-12, GI 14-13, and GI 14-14, of the Cork County Development Plan 2022 and would be contrary to the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

3.2.2. The **Case Planner** states that an Enforcement Notice (SKBE/23/6) has not been complied with and that the proposed scheme is simply a revision of an unacceptable and "unauthorised development". It is further stated that in terms of road safety the approach is flawed in seeking to provide a sightline over other person(s) land with no legal agreement in place and the complete removal of the longstanding indigenous hedgerow which objectives BE 15-8 and BE 15-9. It is also stated that it was made clear through the refusal of the last application (Ref 22/648) and the Enforcement Notice (SKBE/23/6) and the covering letter dated 7<sup>th</sup> March 2023 (Ref 22/648) that this "unauthorised development" would not be supported and that *nothing has changed*. The loss of the old building is considered irreversible and a significant loss given that many such old buildings have been removed in recent years from the historic landscape. The Case Planner recommended that permission be refused for 2 no reasons relating to (1) traffic safety and (2) visual amenity.

3.2.3. In a further report the **Senior Executive Planner** (SEP) set out the following:

- They are not satisfied that the structure to be retained and further amended is intended for agricultural purposes, and if permitted, would establish an undesirable precedent and encourage further ad hoc buildings and disorderly development within the rural area / High Value Landscape and adjoining a Scenic Route that are not related to agriculture or a dwelling, altering the appearance and character of this rural area / High Value Landscape adjoining a Scenic Route.
- In the event that this application was being further considered, further information would be required to address the concerns of the Area Engineer as the sightlines are not available and sight distances are inadequate, thereby currently giving rise

to a traffic hazard. To achieve the required sight distance, the written agreement of a third party would be required.

3.2.4. The SEP concurred with the recommendation of the Area Planner and recommended that permission be refused for the same two reasons. The notification of decision to refuse permission issued by Cork County Council reflects this recommendation.

3.2.5. Other Technical Reports

3.2.6. The **Environment Section** have no objection to grant of permission on environmental grounds subject to the conditions as set out in their report relating to use, fuel storage, water pollution, odour and dust, surface water and that no farm animals shall be accommodated in the proposed building.

3.2.7. The **Area Engineer** recommended that further information be sought whereby a revised Site Layout Plan showing revised sight distance triangle with a set-back from the edge of the carriageway of 3.0m (for agricultural related traffic) and a distance along the nearside carriageway edge of 90m is submitted together with written legal agreement for works outside the control of the applicant.

### 3.3. **Conditions**

3.3.1. As the Local Authority refused permission no bespoke conditions were attached. Conditions set out in the Environment Section report, as documented above are discussed in the assessment below.

### 3.4. **Prescribed Bodies**

3.4.1. None

### 3.5. **Third Party Observations**

3.5.1. None

## 4.0 **Planning History**

4.1. There is no evidence of any previous appeal on this site. The following planning history is noted from the appeal file:

- **Planning Ref. No. 22/648** - Refused on the 7<sup>th</sup> day of March 2023 related to permission for the following - Permission for retention and permission completion of restoration of a ruined dwelling for use as a commercial dry store at Killoveenoge, Bantry, Co. Cork
- **Planning Ref. No. 22/605** - Deemed Invalid on the 10<sup>th</sup> day of October 2022 related to permission for the following Permission to complete restoration of derelict stone building as natural stone walled, natural slated roof to be used as a dry storage building at Killoveenoge, Bantry, Co. Cork

4.1.1. It is noted from the Local Authority Case Planners report that there is extensive planning enforcement pertaining to this site that may be summarised as follows:

4.1.2. **Enforcement Ref No SKB21009** - There is a “live” enforcement case pertaining to the existing development on site. The unauthorised development was as follows:

*Alleged unauthorised demolition of an old longstanding stone building and the erection of a timber framed structure, the importation of material, alteration of ground levels, the material change of use of land and the formation of a vehicular access at lands immediately adjacent to the L-4703-59 road at Killaveenoge, Bantry.*

4.1.3. A “warning letter” was issued to the applicant on the 11<sup>th</sup> March 2021 together with further letters dated 28<sup>th</sup> April 2021 and 13<sup>th</sup> May 2022 advising the developer to demolish the unauthorised building on site or an Enforcement Notice will be served.

4.1.4. On the 19<sup>th</sup> October 2022 some 18 months after the warning letter' dated 11<sup>th</sup> March 2021 was issued a retrospective planning application (Planning Ref No 22/648) was submitted for the retention of the unauthorised building and permission for completion of restoration of a ruined dwelling for use as a commercial dry store. No details of the nature of the commercial activity were submitted.

4.1.5. As documented above Planning Ref No 22/648 was refused planning permission on the 7<sup>th</sup> March 2023 for the two reasons relating to (1) the incongruous siting of the building right next to the Scenic Route and the L-4703-59 local primary road and (2) the inadequate emerging visibility and the none existent 90 metre sightlines that are necessary in the interest of road safety.



- 4.1.6. **Enforcement Ref No SKBE/23/6** - No appeal to An Bord Pleanála was made following the refusal of the above application and the unauthorised building was not removed. Therefore, an Enforcement Notice (SKBE/23/6) dated 4<sup>th</sup> July 2023 was issued which required the following steps within a period of six months.
- Completely demolish the unauthorised single storey dry storage building
  - Permanently close the unauthorised access
  - Remove the area of hardstanding following the demolition of the unauthorised single storey dry storage building and regrade and re-seed the lands to grass.
- 4.1.7. A further letter dated 18<sup>th</sup> December 2023 was issued advising that the Enforcement Notice must be complied with but in its absence the matter would be referred to Legal Services.
- 4.1.8. A further site visit on the 17<sup>th</sup> January 2024 confirmed that the Enforcement Notice was not complied with, save for the payment in the amount of €538.50 on the 3<sup>rd</sup> January 2024.
- 4.1.9. The matter was therefore referred to Legal Services on the 15<sup>th</sup> February 2024 and legal proceedings against the developer due to the failure to comply with the Enforcement Notice (SKBE/23/6) dated 4<sup>th</sup> July 2023 and it is stated that a Court date is now awaited. No further information in this regard has been provided with the appeal file.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The operative plan for the area is the Cork County Development Plan 2022 -2028. The site lies within a Tourism and Rural Diversification Area. The local primary road (L-4703-59) is a designated Scenic Route. The lands lie within the High Value Landscape. The lands are not susceptible to known serious flood risk. In Flood Risk A or Flood Risk B.
- 5.1.2. Relevant planning policies are as follows:

- BE 15-2 Protect all-Natural Heritage sites including Special Area of Conservation, Special Protection Area, Natural Heritage Areas, Statutory Nature reserves, Refuges for Fauna and Ramsar.
- BE 15-8 Make tree preserve tree preservation orders, preserve and enhance the general level of tree cover protect mature trees groups of mature trees and mature hedgerows that are not formally protected.
- BE 16-6 Biodiversity in all new development including native trees and Habitat enhancement.
- EC8 8- 15 Encourage the development of sustainable agriculture and related infrastructure including farm buildings.
- GI 14-9 Landscape
  - a) Protect the visual and scenic amenities of County Cork's built and natural environment.
  - b) Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.
  - c) Ensure that new development meets high standards of siting and design.
  - d) Protect skylines and ridgelines from development.
  - e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.
- GI 14-12 General views and prospects of sea views, rives and lakes, unspoilt mountains, upland or coastal landscape, historical and cultural significance and views of natural beauty to be preserved.
- GI 14-13: Scenic Routes. Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects.
- GI 14-14 Development on Scenic Routes. Demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features including mitigation measures to prevent significant alterations

to the appearance or character of the area and encourage appropriate landscaping and screen planting.

- TM 12-8 Ensure all new vehicular access are designed to appropriate standards of visibility to ensure the safety of other road users. Improve the safety and standards of public roads. promote Road safety measures including traffic calming road signage and parking.
- TM 12- 13 This policy contains many objectives among them to protect the carrying capacity of the network and have regards to safety considerations

*k) Limit access to regional roads where appropriate so as to protect the carrying capacity of the network and have regard to safety considerations, particularly where access to a lower category road is available.*

- WM 11-3 Preserve from protected groundwater and surface water quality throughout the county.

## **5.2. Natural Heritage Designations**

- 5.2.1. The appeal site is not located in or immediately adjacent to a European Site. The nearest site lies c 3km to the southwest: Sheep's Head SAC (Site Code 000102).

## **6.0 EIA Screening**

- 6.1.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of my report.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- 7.1.1. The first party appeal against the decision of Cork County Council to refuse permission has been prepared and submitted by John J O'Sullivan & Associates, Planning &

Architectural Consultants and Consultant Engineers & Surveyors on behalf of the applicant and may be summarised as follows:

- The applicant acknowledges that this matter has been ongoing for a number of years and that the previous application did not deal with the matter of sight distance and that it would be a futile exercise lodging an appeal with the Board.
- In February 2024 the applicants neighbour indicated his willingness to enter into an agreement in regard to setback of his roadside fence in order to enhance sight distance in the area. Confirmed having had a further conversation with the neighbour and this situation has not changed. Organising a full agreement with an adjoining landowner prior to any planning permission being granted is in some respects putting the cart before the horse. It is accepted that if any difficulties arose subsequent to planning permission being granted and the necessary permission was not forthcoming from the adjoining landowner, the permission would be of no benefit whatsoever to the applicant and it would eventually lapse and the development would not proceed.
- Recommended that the construction of the new set back roadside fence be comprised of sod and stone ditch with native species such as fuchsia and escallonia planted thereon.
- The applicant is satisfied that they can provide the necessary sight distance of 90 linear metres from a setback distance of 3 m and that this will allay any doubts on the part of the Executive Engineer.
- The new structure will be very much like the old one with the original stonework and a suggested corrugated iron roof to further enhance the authenticity of the structure.
- Propose to reconstruct the small building which was located close to the western gable of the original house. This would be used to store tools and such and would also be used to house some sheep in bad weather.
- The local landscape which has been disrupted will be restored
- The new entrance and much improved sight distance will bring about a significant improvement in traffic safety in the area and will allow the applicant a safe means of access to his field. In the past the only means of access was via a gap in the

roadside ditch near the old building - most unsatisfactory from a traffic safety point of view. The applicant does need vehicular access to his field to manage it and attend to the welfare of his flock

- 7.1.2. The applicants herd number is D1140877 and we also attach some receipts from the slaughterhouse who recently disposed of his sheep. The applicant's farming activity is quite modest and would not give rise to any environmental impact. We believe it would be inappropriate to apply the standards and regulations of a significant farming operation to this particular site.

## **7.2. Planning Authority Response**

- 7.2.1. The appeal submissions raise no new comments that have not already been considered and addressed in both the planning and engineering reports in respect of this application.
- 7.2.2. Stated that this is actually the second planning application that has been refused (Ref 24/00061 and 22/00648) and that in addressing the matter have taken place over a period of in excess of three years seeking to frustrate the Planning Authority in seeking demolition of the unauthorised structure. The matter is now currently with Legal Services given that the full requirements of the Enforcement Notice have not been undertaken.
- 7.2.3. Additional Comments are summarised as follows:
- Reference in the first party submissions has been made to sheep but sheep have not been witnessed on the subject site despite at least 10, site visits and many photographs taken.
  - The only thing of note ever seen other than the unauthorised building was a number of fishing pots and a trailer on the 15<sup>th</sup> April 2021 and 26<sup>th</sup> February 2021
  - It is observed that the developer/agent in the submission continue to make reference to:

*"restore this old stone building"*

This is incorrect as there is no building to actually restore.

- The historic building before its whole scale demolition previously stood on this land for around 200 years before the unnecessary intervention by the developer.
- The Planning Authority would respectfully request that this first party appeal is dismissed based on the obvious threat to road safety and the principles of proper sustainable planning for the area and reaffirm its decision to refuse permission for the stated reasons already given.

### **7.3. Observations**

7.3.1. None

### **7.4. Further Responses**

7.4.1. None

## **8.0 Assessment**

8.1. I note the lengthy planning history pertaining to this site, the enforcement notices issued by Cork County Council and that a Court date re same is now awaited. However, the case before the Board relates to the retention and alteration of a partly constructed timber framed store and the construction of entrance to public road that was refused for two reasons relating to traffic safety and visual amenity and is considered accordingly below.

8.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Traffic Impact
- Visual Amenity
- Conditions
- Other Issues

### 8.3. Principle

- 8.3.1. Permission is sought for the retention and completion of an agriculture / tool store (35.2 sqm) and a new access off the public road. Having regard to the location of the proposed scheme in the rural countryside where agricultural use is a prevailing land use it is not considered unreasonable that such a development would be located. Accordingly, the principle of such a scheme is considered acceptable. However, given the nature of the refusal by the Local Authority this development is subject to further consideration and analysis having regard to the relevant policies set out in the Development Plan.

### 8.4. Traffic Impact

- 8.4.1. Cork County Council in their first reason for refusal set out the following:

*The vehicular entrance to be closed adjoins a busy local primary road (L-4703-59) and dedicated Scenic Route that is poorly aligned, at a point where sightlines are restricted in both directions, especially towards the east where there is no sight visibility. The Planning Authority is not satisfied on the basis of the submissions made and details submitted that the traffic likely to be generated by the proposed development would not endanger public safety by reason of traffic hazard and given that the necessary sightlines run over land requiring the removal of longstanding indigenous hedgerow over which the applicant has no control and where there is no existing legal easement agreement in place. The proposed development would contravene materially policy objective TM 12-8 of the Cork County Development Plan 2022, would endanger public safety by reason of traffic hazard and would therefore be contrary to the proper planning and sustainable development of the area.*

- 8.4.2. I refer to the report of the Case Planner and the Area Engineer. As observed on day of site inspection the existing access to the site is substandard and would endanger public safety by reason of traffic hazard. While I understand the necessity to construct a new entrance, it remains that the extensive restrictions in terms in sight lines and the necessity to remove extensive indigenous hedgerow to achieve adequate sightlines is a symptom on the unsuitability of the new location. Further, as the necessary hedge removal to achieve sightlines run over lands out with the control of the applicant and

without a suitable legal easement to remove same is unacceptable. While I note the applicant's position that it is preferable to get planning permission first and then seek legal agreement and that in the absence of legal agreement, the permission would be of no benefit and would lapse I consider this approach to be fundamentally unacceptable. However, given the serious substandard nature of the proposal and the necessity to remove extensive hedgerow to facilitate same which of itself is unacceptable the necessity for a legal agreement while imperative is not the single reason for the unsuitability of the scheme.

8.4.3. The reason for refusal also refers to Policy Objective TM 12-8 of the Cork County Development Plan. This policy requires that *all new vehicular access are designed to appropriate standards of visibility to ensure the safety of other road users. Improve the safety and standards of public roads. promote Road safety measures including traffic calming road signage and parking.* I agree with the Planning Authority that based on the information presented with the scheme together with my site inspection that to permit the proposed entrance would materially contravene this policy.

8.4.4. I agree with the Planning Authority that a serious threat to road safety arises in the proposed scheme. Refusal is recommended.

## 8.5. Visual Amenity

8.5.1. Cork County Council in their second reason for refusal set out the following:

*The subject site is located in a coastal setting within a designated 'High Value Landscape' and adjoining a Scenic Route (L-4703-59), as designated in the Cork County Development Plan 2022. Having regard to the exposed nature of the subject site and to the siting, scale and design of the existing development, in very close proximity to the public road, it is considered that the proposed development would be visually obtrusive in the landscape and would seriously injure the visual and scenic amenities and essential rural character of the area. Furthermore, the Planning Authority is not satisfied that the structure is associated with agriculture and considers that there is no reasoned justification for a storage shed outside of the curtilage of and removed from any habitable / domestic dwellinghouse. The proposed development would therefore contravene materially policy objectives BE15-8, BE 15-9, GI 14-9, GI 14-12, GI*



*14-13, and GI 14-14, of the Cork County Development Plan 2022 and would be contrary to the proper planning and sustainable development of the area.*

8.5.2. As set out above the appeal site is in a scenic coastal area within a designated “High Value Landscape” and adjoining a designated “Scenic Route”. There are a number of policies referenced in this reason for refusal that are set out in full in Section 5.1 above and summarised as follows:

- BE 15-8 - Protect mature hedgerows that are not formally protected.
- BE 16-6 – Protect biodiversity in all new development
- GI 14-9 - Protect the visual and scenic amenities of County Cork's built and natural environment
- GI 14-12 – Protect general views and prospects of sea views and views of natural beauty to be preserved.
- GI 14-13 - Protect scenic routes
- GI 14-14 - Protect development on Scenic Routes

8.5.3. The loss of the “old longstanding stone building” in the first instance and without acceptable justification is most regrettable. The commencement of the construction of a timber framed structure without regard to the rigours of the planning process at this sensitive location and proximate to the public road is also of significant concern. While I note the efforts and comments put forward in the appeal to qualify the proposed structure to be retained, I remain concerned with the location and nature of the intervention at this location. Overall, I agree with the Planning Authority that there is simply no justification for this new unauthorised structure. Refusal is recommended.

## **8.6. Conditions**

8.6.1. As the Local Authority refused permission no bespoke conditions were attached. The CCC Environment Section have no stated objection to a grant of permission on environmental grounds subject to the following conditions being attached:

- 1) The proposed building shall be used for the storage of tools related to agricultural activity only. No servicing of machinery shall take place on site

In the interest of clarity and orderly development

- 2) No over ground tanks containing fuels shall be stored on site.

To prevent water pollution.

- 3) No material from the site or the proposed development shall be carried onto the public road by wheels of vehicles exiting the site.

To safeguard the amenities of the area and prevent water pollution.

- 4) All site operations shall be carried out in such a manner as to ensure that no odour or dust nuisance occurs off site. No burning of waste material shall take place on site.

To safeguard the amenities of the area.

- 5) All uncontaminated surface water runoff from roofs etc., shall be discharged to proposed soak pits.

To prevent water pollution

- 6) No waste oil shall be stored on site.

To safeguard the amenities of the area and to prevent water pollution

- 7) No farm animals shall be accommodated in the proposed building.

To prevent pollution and to safeguard the amenities of the area

8.6.2. These are standard conditions one would expect to be attached in relation to the development as proposed. In the event that the Board decides to grant planning permission it is recommended that these conditions, or similar are attached.

8.6.3. I further note the concerns raised by the Local Authority regarding the proposed use of the store. Should the Board be minded to grant permission this matter can be dealt with by way of a suitably worded condition restricting the use of the store to that ancillary to a residential dwelling i.e. no commercial or agricultural use.

## 8.7. Other Issues

8.7.1. **Development Contributions** – I refer to the Cork County Council Development Contribution Scheme. There is no evidence to indicate that the development is not exempt from the requirement to pay a development contribution. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000

## 9.0 AA Screening

- 9.1.1. I have considered the scheme in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located to the north of Sheep's Head SAC. The proposed development comprises the retention of partly constructed timber framed store, alteration to footprint and completion of store, use of store for agricultural/ tool store and construction of entrance to public road. No nature conservation concerns were raised in the planning appeal.
- 9.1.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- Nature of works e.g. small scale and nature of the development
  - Location-distance from nearest European site and lack of connections
  - Taking into account screening determination by LPA as set out in the Case Planners report
- 9.1.3. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.1.4. Likely significant effects are excluded and therefore Appropriate Assessment (Stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Recommendation

- 10.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **REFUSED** for the following reason.

## 11.0 Reasons and Considerations

- 1) The vehicular entrance to be closed adjoins a busy local primary road (L-4703-59) and dedicated Scenic Route that is poorly aligned, at a point where sightlines are restricted in both directions, especially towards the east where there is no sight

visibility. The Planning Authority is not satisfied on the basis of the submissions made and details submitted that the traffic likely to be generated by the proposed development would not endanger public safety by reason of traffic hazard and given that the necessary sightlines run over land requiring the removal of longstanding indigenous hedgerow over which the applicant has no control and where there is no existing legal easement agreement in place. The proposed development would contravene materially policy objective TM 12-8 of the Cork County Development Plan 2022, would endanger public safety by reason of traffic hazard and would therefore be contrary to the proper planning and sustainable development of the area.

- 2) The subject site is located in a coastal setting within a designated 'High Value Landscape' and adjoining a Scenic Route (L-4703-59), as designated in the Cork County Development Plan 2022. Having regard to the exposed nature of the subject site and to the siting, scale and design of the existing development, in very close proximity to the public road, it is considered that the proposed development would be visually obtrusive in the landscape and would seriously injure the visual and scenic amenities and essential rural character of the area. Furthermore, the Planning Authority is not satisfied that the structure is associated with agriculture and considers that there is no reasoned justification for a storage shed outside of the curtilage of and removed from any habitable / domestic dwellinghouse. The proposed development would therefore contravene materially policy objectives BE15-8, BE 15-9, GI 14-9, GI 14-12, GI 14-13, and GI 14-14, of the Cork County Development Plan 2022 and would be contrary 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.

---

**Mary Crowley**

**Senior Planning Inspector**

**26<sup>th</sup> February 2024**

## 12.0 Form 1 EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP- 319630-24		
<b>Proposed Development Summary</b>	Retention partly constructed timber framed store, alteration to footprint and completion of store. Use of store for agricultural/ tool store. Construction of entrance to public road.		
<b>Development Address</b>	Killloveenoge, Bantry, Co. Cork		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			Proceed to Q3.
<b>No</b>	<b>X</b>		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>			Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_