



An
Bord
Pleanála

Inspector's Report ABP-320473-24

Development	Construction of a dwelling house and wastewater treatment plant and associated site works.
Location	Knockroe, Ballydehob, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	24/226
Applicant(s)	Tim Regan and Rachel O'Donovan
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	Third Party
Appellant(s)	Transport Infrastructure Ireland
Observer(s)	None
Date of Site Inspection	13 th February 2024
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. This is a greenfield site of 0.45 hectares is part of an 11.5 hectare farmholding located on the eastern periphery of Ballydehob village. It is in the middle of a field with no road frontage or direct access and is described as marginal farmland by the applicant. The site as outlined in red excludes a right of way to the site which extends from a shared entrance on the N71 through the family dwelling and associated farm yard and then traverses farms lands partly extending along a field boundary where it borders the northern boundary of a separate dwelling – the site of a seemingly disputed bus operation business.
- 1.2. The site is set back about 30m from the public road from where it is visible. The site rises gently from the road with ground level rising about 5m in an undulating terrain marked by rock outcropping and predominantly scrub vegetation. It is used for grazing as part of a beef suckler farm.

2.0 Proposed Development

- 2.1. It is proposed to construct a single storey dwelling with a set back about 80m from the roadside and is otherwise centred in the site. A wastewater treatment unit is proposed with a pumped discharge system and a soil polishing filter. The access road extends about 250m following contours and field boundaries north of the yard.
- 2.2. The house is in a 'H' plan and is stated to be designed having regard to the CCC Rural Design Guide and is sensitively sited within the site, with additional planting proposed. Regard was also had to the farming potential – reserving better lands for continued farming activities such as grazing and silage production.
- 2.3. Attachments:
 - A Supplementary Application Form -It is a first home for the applicant who has taken over the farm.
 - A planning report statement sets out site selection process.
 - An Agricultural consultant report.
 - A site characterisation form.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By Order dated 16th July 2024 the planning authority decided to grant permission subject to 15 conditions:

C1	Standard
C2	1 st occupancy for 7 years by family
C3	No splitting from landholding in blue
C4, C6, C7	Material/ finishes and landscaping
C5	€500 security for landscaping in C6
C8	Sightlines provided prior to construction
C9, C10	Surface water drainage
C11, C12	Wastewater treatment system
C13	Provide potable water
C14	Construction debris control
C15	S.48 contribution

3.2. Planning Authority Reports

3.2.1. Planning Reports

Area Planner (15/7/24):

- The report describes the existing pattern of development of 3 separate dwellings and shared entrance arrangement.
- It refers to a pre-application meeting and the basis for site selection which in this case has been informed by input from an agricultural consultant and the need to use marginal land rather than grazing/silage lands. Advice given at this stage on visual sensitivity and need for landscaping and avoidance of a new access off the N71.

- The report concludes case for a house is very strong given the purpose for living where the applicant farms the land as a next generation farmer.
- Notes the unauthorised bus/truck use in neighbouring site also refers to the lack of action by NRA or TII.
- The concludes that while the estimated 275m long access is not ideal, in the circumstances the selected site and house design at around 5m high is acceptable and notes the land cut and opportunity for landscaping subject to use of heavy standard trees. Third party support for the proposal is also noted
- The report cites the development plan at length regarding housing need and rural diversification, visual amenity, traffic safety and biodiversity AA is screened out. screened out

3.2.2. Other Technical Reports

Area engineer: 5/7/24

- Notes the lack of recommended sightlines of 215m to the east and that intensification of entrance may be an issue notwithstanding the proposed provisions of such sightlines. Referral to TII is recommend. Overall grant recommended subject to conditions relating to drainage, construction and provision/maintenance of sightlines

3.3. Observations

One letter of support from a local councillor.

3.4. Prescribed Bodies

TII (24/6/25): states the proposed frontage development at this location is at variance with official policy by reference to the DoECLG 2012 guidelines as the proposal by itself and the precedent it would set would adversely affect the operation and safety of the national road and create an adverse impact on the national road network.

4.0 Planning History

An Bord Pleanála 318068 refers to a refusal of permission following a first party appeal for a single house south of the site south of the N71 and overlooking Balydehob Bay. The reasons related to visual impact and insufficient information to conclude no significant effect on a European Site.

5.0 Policy and Legislative Context

5.1. Cork County Development Plan 2022-2028 (CDP)

5.1.1. **Settlement:** Ballydehob is one of 9 key villages in the West Cork Municipal District (Volume 5 of the CDP) where the need for a more compact form is identified.

5.1.2. **Single housing:** The site is a Tourism and Rural Diversification area is described as: These parts of rural and coastal County Cork exhibit characteristics such as evidence of considerable pressure for rural housing, in particular higher demand for holiday and second home development. These rural areas are more distant from the major urban areas and the associated pressure from urban generated housing. These areas also have higher housing vacancy rates and evidence of a relatively stable population compared to weaker parts of the County. These areas have higher levels of environmental and landscape sensitivity and a weaker economic structure with significant opportunities for tourism and rural diversification. The following objective applies:

RP 5-5: Tourism and Rural Diversification Area: This rural area has experienced high housing construction rates and above average housing vacancy rates which has led to concerns that a higher demand for holiday and second homes is depriving genuine rural communities the opportunity to meet their own rural generated housing needs. Therefore, in order to make provision for the genuine rural generated housing needs of persons from the local community based on their social and / or economic links to a particular local rural area and to recognise the significant opportunities for tourism and rural diversification that exist in this rural area, it is an objective that applicants must demonstrate that their proposal complies with one of the following categories of housing need:

(a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.

(b) Persons taking over the ownership and running of a farm on a full-time basis, (or part – time basis where it can be demonstrated that it is the predominant occupation), who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.

(c-g) other categories of need such as those in farming or rural and employment, local community services or returning immigrants subject to criteria.

RP5-22 Design and landscaping of new dwelling houses

RP5-23 serving single houses

RP5-25 occupancy conditions

5.1.3. **Amenity:** The site is located in a High Value Landscape and along the Skibbereen and Ballydehob Scenic Route. (Scenic route S90 as identified in Volume 2 of the CDP). Objective 14-14 seeks to protect the landscape through sensitive siting and design and landscaping. Objectives GI 14 -9 GI14 -10, GI 14-11, GI 14 -13 and GI 14 -19 also apply to landscape protection.

5.1.4. **Traffic:**

TM12-1 seeks to protect strategic transport function of roads

TM 12-8 seeks to ensure road safety and protect investment in road network.

TM12-13 it is an objective to restrict access onto regional roads to protect the carrying capacity of the network and have regard to safety considerations particularly where alternative access on a lower category road is available.

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.

m) Avoid the creation of additional access points from new developments or the generation of increased traffic from existing accesses onto national roads to which speed limits of greater than 50kph apply.

n) Prevent the undermining of the strategic transport function of national roads and protect the capacity of interchanges from locally generated traffic.

5.1.5. **Farming**

EC: 8-15 Agriculture and Farm Diversification a) Encourage the development of sustainable agriculture and related infrastructure including farm buildings; b) Prioritising the development of sustainable rural housing to support working farmers and their employees (see Chapter 5 Rural);

5.1.6. **National Development Plan 2021-2030:** This sets out strategic investment priorities which is aligned to compact growth while enhancing connectivity for rural communities through sustainable public transport based infrastructure among other strategic sectoral and heritage based investments. In respect of national investment frameworks for transport, it acknowledges the need for efficiencies: “The Department of Transport’s forthcoming National Investment Framework for Transport in Ireland (NIFTI) will set out the prioritisation for future investment in the land transport network to support the delivery of the NPF. To make best use of the existing national networks, NIFTI prioritises the maintenance of the systems, followed by maximising the value of the network through optimising its use.”

5.2. **Transport Infrastructure Ireland ‘Spatial Planning and National Roads Guidelines for Planning authorities 2012’.** Section 2.5 sets out required development plan policy on access to national roads and states plans must implement policy whereby : “ The policy of the planning authority will be to avoid the creation of any additional access point from new development or the **generation of increased traffic from existing accesses** to national roads to which speed limits greater than 60 kmh apply. This provision **applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances** of the applicant.” Section 2.6 provides for exceptional circumstances such as being of national or regional importance and includes, implications for safety and that transport and settlement patterns mutually support

each other. Value for money considerations also apply. Chapter 3 refers to development management and applications on national roads.

5.3. National Planning Framework (revised, April 2025)

- 5.3.1. National Strategic outcome 2 Enhanced Regional Accessibility: For inter-urban this means Maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements;
- 5.3.2. Housing: National Policy Objective 28 (previously 19) aims to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:
- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
 - In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements
- 5.3.3. National Policy Objective 43 (previously 33) Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location

5.4. Southern Regional Assembly – Regional Spatial and Economic Strategy 2020-2032

- 5.4.1. Objective RPO 151: The strategic transport function of national roads will be maintained and protected in accordance with national policy.
- 5.4.2. **Natural Heritage Designations**

The following site is c.350m to the southwest:

- Roaringwater Bay SAC

The CDP states: The Rathruane and Bawnaknocknane Rivers merge and flow through Ballydehob into the Bay and are currently of 'good' river quality status, according to the South Western River Basin District (SWRBD) plan. At present wastewater in Ballydehob discharges into Roaringwater Bay which according to the SWRBD Plan is part of a protected area - 'Designated Shellfish Area' and is a Natura 2000 site (SAC). According to the SWRBD Plan, the overall status of these 'Transitional and Coastal Waters' is 'moderate'. The existing wastewater treatment facilities in Ballydehob will need to be improved and upgraded which will contribute to the improvement of water quality to good status by 2021

6.0 Water Framework Directive

- 6.1. The European Union Water Framework Directive (WFD) aims to improve water quality and applies to all water bodies. The Directive runs in six-year cycles and is currently in its third cycle 2022 to 2027. Member States are required to achieve 'good' status in all waters and must ensure that status does not deteriorate. The Directive has been given effect by the Surface Water and Groundwater Regulations.
- 6.2. The proposed development comprises a single three bedroom dwelling with a proprietary wastewater treatment plant and all associated works on a greenfield site of .45hectares as part of a farm holding of 11.5 hectares. No water quality concerns have been raised. There are no watercourses within or in close proximity to the site. The nearest as mapped is over 200m away and forms part of Bawnaknocknane river catchment as part of the larger Bandon-Ilen catchment which discharges to the Roaringwater Bay. The hydrological connection is only possible though groundwater and indirect impact on the Roaringwater Bay coastal waterbody in terms of undermining the achievement of its Good Status. The chemical composition flagged in the wider catchment indicates possible issue with the capacity of the treatment plant for the village which appears to have been under compliance investigation on the EPA website. The proposal is not proposing to connect to this and with the measures and scape proposed, is not likely to impact negatively on water quality.
- 6.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the WFD which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both

good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. (See Appendix 4 of this report)).

7.0 EIA Screening

7.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics of the proposed development which is a single dwelling with a proposed water treatment system and polish filter and also noting the location on marginal framing land and removed from any sensitive locations or features and having regard to the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not therefore required.

8.0 The Appeal

8.1. Grounds of Appeal

8.1.1. TII has appealed the decision to grant permission on the basis of intensification of traffic at an access on a National secondary route as a consequence of the proposed dwelling. The following points are made:

- National and regional policy: At NPF level it is policy to maintain the capacity and safety of the national road networks. The Spatial Planning and National Roads Guidelines seek to restrict increased traffic from existing accesses onto national roads and this applies to all categories of development.
- Proposal does not give effect to maintenance and protection of national road network nor does it seek to safeguard the road user safety of all road users.
- The proposal will inevitably lead to intensification of the access on to the N71 a national secondary road. E.g. occupation, activities and other services utilities visitors

- Cumulative impact with long standing unauthorised development which involves buses using the same access.
- Disagrees with the application of the CDP having particular regard to the Area Engineer stating a need to refer to TII and the absence of exceptional reasons as required by the DoECLG guidelines.
- In the context of increasing fatal collisions – a 21% increase from 2022 to 2023 - it is incumbent to restrict intensification to address road safety and apply great caution in doing so.
- A proposal should address the unauthorised use
- Alternative access on to the local road network should have been considered.
- The proposal by itself and the precedent it would set would endanger public safety by reason of traffic hazard due to the additional traffic turning movements generated on the N71 at point where there is double white centre lines and restricted crossing.
- No exceptional case has been made to depart from official policy.
- Permission at variance with official policy and will be contrary to policy to safeguard strategic function of the national road network and public investment in same.

8.2. First party

8.3. Agents for the applicants have responded to the grounds of appeal. It is noted that the principle of dwelling is not at issue but rather the perceived traffic impacts arising. In regard to such impacts, the following comments are made in refutation:

- Issues raised have already been addressed in drawings and details submitted.
- The landholding and interest of the applicant is clarified and supported with folio detail. The alleged unauthorised activities are not in lands within the applicant's control nor that of his family. This issue should therefore be outside the scope of relevant considerations.
- The proposal is not for a new access and so retains the integrity of the N71.
- The proposed upgrading of sightlines will bring the entrance up to standard as set out in the NRA Design Manual for Roads and Bridges - a benefit to all users.

- Intensification allegation does not take account of limited and low impact nature of the proposal. Traffic generated by the applicant at the access already exists.
- There is no alternative access via the local road network as there are intervening lands outside of lands in ownership.
- It does introduce a new safety risk or compromise the strategic capacity of the national road network.
- It is a responsible and reasonable use of existing infrastructure having regard to upgrading works. It supports the NSO 2 of the NPF
- The traffic would not threaten the roads capacity as managing the farm will need regular visits.
- Given the upgrade in sightlines the CDP transport management objectives are adhered to while the legacy of farming activities is passed to the next generation consistent with EC8-14.
- Contravention of TM12-13 and road safety concerns are unfounded given the upgraded sightlines - an upgrade which aligns with investment efficiencies in the road networks.
- A refusal of permission is accepted by the Area engineer to potential result in intensification of the entrance due to greater use by the applicant due to twice daily visits to the farm and also the entrance would remain unimproved. This would intensify during calving times for example.
- The use of the access is sensible and reasonable approach balancing development needs with the road safety considerations
- The existing and only access to the landholding and its use to serve a house and farm
- There is a reasonably large landholding to which the house will be attached
- The CDP policy to recognise demonstrable need and proposal is sufficiently justification in this particular case

8.4. Planning Authority Response

- In its response submitted on 29th August 2024 the planning authority reiterates its support for the proposed development by reference to its detailed consideration of the site selection, landholding and access arrangements.

- It refutes the grounds of appeal. It is submitted that the somewhat generalised nature of the appeal which relates to the principle of intensification of traffic on a national route does not have sufficient regard to the circumstances of the applicant's landholding and interest.
- It is submitted that the proposed use the existing access is reasonable in that there is no alternative access due to lack of road frontage on any local road as apparent in the land registry details,
- The proposed dwelling is needed to house a farmer of the subject lands and who now owns the land and has no alternative other than moving the parents out of the house if he is to live on the land and continue to farm it.
- The entrance will be improved and will benefit traffic safety for all road users.
- The comments on the unauthorised activities are not relevant to this case as the applicant is not the owner of the said lands/activities.

9.0 Assessment

9.1. Scope of Issues

- 9.1.1. I have read the grounds of appeal and have reviewed the file contents having due regard to the issues arising, the provisions of the current Cork County Development Plan and relevant statutory guidance. The dispute centres on the principle of intensification of a vehicular access on a national secondary route. I note that the proposed dwelling is for a farming family member and the need is rural generated and in compliance with the criteria of RP5-4 and that that there is no dispute on the principle of housing need. Accordingly, the assessment is focused on the matter under dispute. The proposal has also been assessed in terms of requirements for AA screening and the Water framework Directive.

9.2. The principle of development

- 9.2.1. The TII guidelines as cited clearly restrict new accesses or development that would cause intensification of an existing access onto national roads such as the N71 and there is a reasonable basis therefore for the TII to oppose development in principle.

9.2.2. I note the considerations in the guidelines which refer to exceptional circumstance and use this to appraise the proposed development.

9.3. The relevance of proposed development in supporting the aims and objectives of the National Spatial Strategy and Regional Planning Guidelines

9.3.1. The proposal for a single house has a localised impact, and while dispersed housing is problematic it is in this case for the purpose of maintaining a suckler farming use which requires daily active management. NPO 33 seeks to support the agri-food industry. It is however small in scale and is not by itself what could be described as significant in supporting agriculture at a strategic scale in terms the context of regional or national policy. Arguably it fragments a farmholding but I note the site selection protects the better farming lands.

9.4. The requirements of other planning guidelines issued under section 28 of the Act

9.4.1. This provision has particular emphasis on the Retail Planning Guidelines (2005), which include a general presumption against large retail centres being located adjacent or close to existing, new or planned national roads, including motorways; The proposal is not of this scale or nature

9.5. The nature of proposed development and the volume of traffic to be generated by it

9.5.1. The proposed dwelling is for an existing resident in the existing dwelling on the farm holding and who has taken over ownership of the farmland as of 2020. It is explained that as the applicant works on the farm, if he was to live elsewhere additional traffic would be generated. In the short term the planning authority accepts that the consequences of the applicant as a farmer living off the land would generate more traffic. I do however accept the TII point that there is likely to be an inevitable increase in traffic over the longer term by virtue of a new household and visitors. On balance I consider the nature of traffic will be negligible having regard to the circumstances.

9.6. Any implications for the safety, capacity and efficient operation of national roads

- 9.6.1. The policy is very clear that intensification of vehicular movement by a new dwelling regardless of circumstances, on an existing access onto a national road is contrary to policy. The TII point out that the existing road alignment where there is a double centre line, where passing of moving vehicles is accordingly restricted, constitutes a less than ideal situation in terms of traffic safety. This is supported by reference to the general increase in fatalities on roads due to collision, although the PA points out that there have no such reported incidents in the vicinity of the subject access. In this case, as there are restricted sightlines in an eastward direction on egressing the existing access, intensification constitutes a traffic hazard. In this case, notwithstanding the absence of collisions, the applicant is proposing to improve safety by removing the impediment to the sightline and to retain this in perpetuity. As the access is presently used by multiple households, this is accepted by the planning authority as a positive development in terms of traffic safety.
- 9.6.2. The TII however considers that the way to address is by curtailing alleged unauthorised activities associated with one of the households and its use of the access. The planning authority do not share this view and has addressed the TII comments by reference to land ownership and other legislative provisions which are not related to the proposed development.
- 9.6.3. While I accept the restrictive approach in principle, I consider there are significant safety merits that can be reasonably provided within the scope of permission and that would enhance traffic safety and in a manner, capacity and efficiency of the N71 in the vicinity of the proposed site access.

9.7. Any plans for future upgrades of national roads and other transport infrastructure/services

- 9.7.1. I have examined the national development plan and NPF and there are no upgrades planned for the immediate environs of the site.

9.8. The suitability of the location compared to alternative locations

- 9.8.1. TII makes the case that the applicant should explore other options of accessing the landholding from the local road network in the understanding that the landholding has access to such. This evidently is not the case as demonstrated by the applicant in the land registry details. The planning authority who has been involved in pre-application discussions which included vehicular access options is quite satisfied that this is the case. There is no evidence, submitted on file, to the contrary. During my inspection no other access was apparent. Use of the existing access is accordingly the only option.
- 9.8.2. I would however point out that there are two farm gates from the N71 into the lands intervening between the road and the proposed site and these are in close proximity to the proposed dwelling which may be 'convenient' to visitors. In the event of permission, I would recommend a condition to address this. This perhaps should have been addressed as part of the overall traffic management and rationalisation of access arrangements.

9.9. The pattern of existing development in the area

- 9.9.1. I accept that there is nothing exceptional in terms of the pattern of development in this rural area that would warrant justifying a new entrance or intensification of same by itself. However the configuration of the access and sightline provision and opportunity to improve its safety is a relevant consideration.

9.10. Satisfactory details of the proposed demand management measures

- 9.10.1. As discussed already I consider the nature of the proposal relating to an existing resident farmer will have negligible impact on traffic levels.

9.11. Acceptable funding and delivery proposals for any road improvements required

- 9.11.1. In this case the applicant is proposing improved sightlines on private lands to DMRB standards which is a form of road improvement beneficial to road users that is welcomed by the planning authority. The status of sightlines not being fully in

accordance presently with DMRB standards implies that the improvements are, in a manner, required.

9.12. The precedent that could be created for cumulative development in the area and the potential implications for the national road network

9.12.1. I consider the circumstances of this case, and which provide for what U I would describe as significant improvement does not constitute a precedent that would undermine the N71 as part national road network.

9.13. Other considerations

9.13.1. Provision is also made in the TII guidelines for lightly traffic road, for example, if:

- Traffic volumes are low and are forecast to remain below 3,000 AADT (as verified by the NRA) for the next 20 years and
- There is no suitable alternative non-national public road access available
- The development otherwise accords with the development plan
- Safety issues and considerations can be adequately addressed in accordance with the NRA's Design Manual for Roads and Bridges.

9.13.2. While I do not have AADT data, it is a peripheral secondary route in West Cork and during my site inspection midweek in February it was extremely quiet, but in view of the tourism policies in the area, I accept it is likely to be considerably busier in summer months. The Board may seek further data in this regard but having regard to be negligible traffic generation I do consider this warranted. In terms of the other criteria, I am satisfied for reason already stated, that the proposal is acceptable. While I note the EC8-15 objective to support working farmers, I do not consider this overrides the safety consideration of TM12-13 which has its basis in national policy.

9.14. Conclusion

9.14.1. In conclusion, having regard to the nature of the development which will primarily significantly improve sightlines of an existing access onto a national secondary route and thereby improve traffic safety and also having regard to the circumstances of the applicant and landholding which has no alternative access option onto a lower

category road and that the dwelling will give rise to negligible traffic increases, if any, I do not consider the proposed use of an the existing access to constitute a contravention, materially or otherwise of the development plan. I refer in particular to objective TM12-13 which aims to restrict access onto national roads so as to protect the carrying capacity of the network and have regard to safety considerations particularly where alternative access on a lower category road is available. Nor would permission in this instance contribute to the undermining of the strategic transport function but would rather, have the potential to improve safety and efficiencies. Accordingly having regard to the development plan provisions in the context of the TII guidelines, I consider the proposal in overall terms to have merit and to be acceptable.

9.15. Conditions

In the event of a grant pf permission, I generally concur with the PA conditions subject to a rationalisation of overlapping conditions and some minor wording having regard to the OPR Practice Note PN03. I consider more detailed landscaping conditions are appropriate having regard to the visual sensitivity of the site and topography, the specimens in the submitted which include prunus varieties and also in terms of the access route which lacks such detail. As stated, I consider a restriction on the farm accesses along the N71 for domestic use should also be addressed in the conditions.

10.0 AA Screening

- 10.1. I have considered the proposed dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 10.2. The subject site is not located in or adjacent to any European site. The nearest sites are Clonakilty Bay SAC site code 000091 and Clonakilty Bay SPA site code 004081 at distance of 1km from the site.
- 10.3. The proposal is for a single house proposed to be serviced with connections to public water supply and foul sewer. As development requires a connection agreement with Uisce Eireann, the issue of pollution is regulated under license and

screening for indirect impacts via the treatment plant is I consider outside the scope of this application.

10.4. Accordingly, 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:

- The small scale of and nature of development in a sub-urban and serviced location.
- Its remoteness and from any European site and lack of connections to same.
- The considerations of the planning authority in its ecological impact assessment.

10.5. 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.

10.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 Recommendation

I recommend that decision of the planning authority be upheld and that permission be granted for the proposed development based on the following reasons and considerations and subject to the conditions hereunder.

Reasons and Considerations

Having regard to the nature of the proposed development to include significant improvement to an existing access onto a national secondary route at a point where sightlines are restricted in a easterly direction on egress and in such circumstances whereby the proposed farm related dwelling being for an owner and occupant actively working on the farm, it is considered that subject to the conditions attached, traffic generated by the proposed development at this existing access would not to constitute a traffic hazard and would be acceptable in terms of traffic safety and would not contravene the Cork County Development Plan 2022-2028. The proposed

development would therefore be in accordance with the proper planning and sustainable development of the area.

Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

- 2 (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

- 3 The proposed dwelling shall not be sold or disposed of separately from the landholding identified in blue on the plans lodged with the planning application but excluding the longstanding dwelling house and associated curtilage denoted as 'family dwellings' unless otherwise agreed in writing with the planning authority.

Reason: In the interest of sustainable rural development.

- 4 (a) Sightlines of 215m in both directions at a point 3m from the edge of the road as agreed on site with the planning authority which shall be provided in the centre of the vehicular access as indicated in drawing number SPL 03 lodged with the application on 28th May 2050. Details of the exact location of the 3m setback shall be submitted for agreement in writing to the planning authority.

(b) Site access arrangements as provided for in (a) shall be completed before any other development commences and the provision and maintenance of the 215m sightlines shall be maintained in perpetuity such that no vegetation or structure shall exceed 1m in height within the sight distance triangle and shall otherwise, comply with the requirements of the planning authority for such works.

Reason: In the interests of traffic safety.

- 5 The existing field entrance(s) onto the N71 immediately south of the proposed dwellings and within lands outlined in blue in the submitted drawings shall not be used as any form of access to the proposed dwelling site either during its construction or on completion. Details of measures to prevent such use shall be submitted for written agreement of the planning authority prior to commencement of any development.

Reason in the interest of traffic safety.

- 6 Details of the materials, colours and textures of all external finishes to the proposed dwelling together with details of finished floor level shall be in accordance with submitted plan unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

- 7 The site including the proposed access as highlighted in yellow in the submitted plans, shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) retention of field boundary hedges except to the extent that its removal is necessary to provide for the entrance to the site.

(b)a plan to scale of not less than 1:500 showing –

(i) Existing trees, hedgerows, rock outcroppings, stone walls if any, specifying which are proposed for retention as features of the site landscaping

(ii) The measures to be put in place for the protection of these landscape features during the construction period

(iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.

(iv) Details of screen planting which shall not include cupressocyparis leylandii

(v) Details of roadside planting , if any and maintenance having regard to condition 4 of this permission.

(vi) access road works and surfacing materials,

(c) Specifications for mounding, levelling, cultivation and other operations associated with the development and ancillary services.

(d) A timescale for implementation with the provision that at least all landscaping works along the southern boundary shall be completed, within the first planting season following commencement of development.

Reason: In the interest of biodiversity and visual amenity along a designated scenic route.

- 8 No development shall take place until details of earthworks have been submitted to, and agreed in writing with, the planning authority. These details shall include the following:

(a) Soil and subsoil cross-sections.

(b) Plans and sections showing the proposed grading and mounding of land areas, including the levels and contours to be formed.

(c) The relationship of the proposed mounding to the existing vegetation and surrounding landform.

No earthworks shall take place within the crown of any trees to be retained.

Development, including landscaping required by condition number 7 of this order, shall be carried out in accordance with the approved earthworks plan.

Reason: In the interest of visual amenity.

- 9 The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Prior to the commencement of development, the developer shall submit

details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

- 10 (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 29/10/2024 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

- 11 Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including, traffic management, hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

- 12 Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of landscape works as required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The security to be lodged shall be as follows -

(b) a cash sum of €500 (five hundred euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or

(c) such other security as may be accepted in writing by the planning authority.

Reason: To ensure the satisfactory completion of the development.

- 13 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

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.

Suzanne Kehely

Senior Planning Inspector

10th June 2025

Appendix 1 - Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference		ABP- 320473	
Proposed Development Summary		one house, wastewater treatment plant, access	
Development Address		Knockroe, Ballydehob, 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	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	x	Classes (10)(b) and(dd) of Schedule 5 Part 2 Agriculture, Silviculture and Aquaculture, Class 1 of Schedule 5 Part 2	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	x		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	x	Construction of more than 500 dwelling units; Urban development which would involve an area greater than 2 ha in the case of a business district, 10. ha in the case of other parts of a built-up area and 20 ha elsewhere. -The development of 1 dwelling on a site of .45 hectares is below this by a significant magnitude. Construction of 2000m private road.-The development of 300m private access is significantly below this.. Projects for the restructuring of rural land holdings, undertaken as part of a wider development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where	Preliminary examination required (Form 2)

		the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares. The scale of the access and site is significantly within these parameters.	
5. Has Schedule 7A information been submitted?			
No	x	Screening determination remains as above (Q1 to Q4)	
Yes			

Inspector: _____

Date: 10th June 2025

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 320473
Proposed Development Summary	one house, wastewater treatment plant, access
Development Address	Knockroe, Ballydehob, Co. Cork
<p>The Board carried 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> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposal is for the construction of one dwelling house in a rural area as part of a farm holding on which there is a total of 2 houses. While the land is 'marginal' and has characteristics where a normal septic tank could not fully function, a propriety wastewater treatment system with polishing filter is proposed in a very low density of such housing. In terms of environmental impact it is not an exceptional type of development in this area. The development site will provide water supply . Subject to compliance with the relevant standards this will not result in pollution. Disposal of storm water to soak pit will not result in significant pollution. The proposed development will not result in the production of significant waste, emissions, or pollutants.</p> <p>In terms of rural restructuring the provision of the access follows field boundaries and openings are minimal. The siting of the house involves some cutting into the site and removal of scrub but with overall minimal loss of active farmland and all within a .45ha site which will be landscaped with indigenous species.</p> <p>This is a relatively small development in this rural context. There is no real likelihood of</p>

	significant cumulative effects with other permitted developments.	
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The area is rural farmland with few dispersed houses in the immediate area. The site is marginal greenfield as compared to better lands in the holding and is used for grazing. There are no significant sensitivities in the immediate environs.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The use of marginal lands and routing of the access along fields boundaries and following the contours of the land in marginal land, the overall development will have the least intrusive impact on the landscape and farmlands. While also having regard to landscape issues raised by the planning authority and localised impacts, I do not consider the impacts to be of a magnitude to warrant an EIA given that such matters can be addressed under normal planning considerations	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	
There is no real likelihood of significant effects on the environment.	EIA is not required.	x

Inspector:

Date: 10th June 2025

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	Construction of dwelling and approx. 250 long access road, site works , tree planting,			
Brief description of development site characteristics and potential impact mechanisms	The site is less than half a hectare and part of a c. 11.5 hectare beef suckler farm. It is 315m from the nearest European site across land and with the N71 intervening. Works involve site clearance of scrub in lands identified as marginal by an agricultural consultant. The proposed development would be unlikely to give rise to significant source impacts, given the weak and indirect ecological connections and distance to the nearest or any SAC/SPA			
Screening report	No			
Natura Impact Statement	No			
Relevant submissions	<u>Applicant</u> Planning report, site characterisation report also submitted with the application describing site. The site characterisation form describes the hydrogeological conditions which are more pertinent to the WFD. Ultimately water quality is protected by meeting with the requirements of the EPA design manual/Code of Practice for the proposed wastewater treatment system. <u>Planning Authority primary report:</u> Screened out need for AA and noting the absence of a watercourse or obvious pathways.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance(km) from proposed development	Ecological connections ²	Consider further in screening ³ Y/N
Roaringwater Bay and Islands SAC (000101)	Large shallow inlets and bays [1160] Reefs [1170] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]	Approx. 315m across land	None There are no watercourses on site providing a hydrological pathway to these water quality dependent	N

	Submerged or partially submerged sea caves [8330] Phocoena phocoena (Harbour Porpoise) [1351] Lutra lutra (Otter) [1355] Halichoerus grypus (Grey Seal) [1364]		habitats and species.	
¹ Summary description / cross reference to NPWS website is acceptable at this stage in the report ² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species ³ if no connections: N				
Step 3. Likely effects of the project (if any, alone <u>or</u> in combination) on European Sites N/A				
Step 4 Conclusion				
I conclude that the proposed development alone would not result in likely significant effects on Roaringbay and Islands SAC Site code 000101. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.				

Appendix 4

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	ABP- 320473	Townland, address	Knockroe, Ballydehob, Co. Cork
Description of project	one house, wastewater treatment plant, access road		
Brief site description, relevant to WFD Screening	The site is a Greenfield site of .45 ha within a holding of 11.5ha with one other dwelling. The field is used for grazing in a rural area with a scattering of dwelling – the nearest is 80m. It is in elevated sloping terrain featuring a mix of fertile grass valleys among scrub and rock outcropping. Soil is shallow well drained mineral with bedrock of ORS sandstone, conglomerate and siltstone. It is in a poor aquifer region and there are no watercourses on site or within 50m. No public water supply within 1km. see characterisation for more details.		
Proposed surface water details	Soakpit.		
Proposed water supply source & available capacity	Domestic Well proposed.		

Proposed wastewater treatment system & available capacity, other issues			In order to meet CoP minimum depths for soil, a EN12566-3 WWTS with pumped discharge to raised soil polishing filter is proposed. Distribution gravel will be placed on existing topsoil and mounding over will ensure 900mm between base of distribution gravel and water table is achieved. (Ref Table 6.3 of EPA CoP)			
Others Matters			The applicant is required to comply with EPA CoP and regulatory standards listed in section 5 of site characterisation form. The wastewater treatment plant serving Ballydehob discharges to Roaingwater Bay and is identified as needing upgrading the CDP – the subject proposal is not proposing to connect to this.			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature
A tributary to the Bawnaknocknane River flows north of the site and through Ballydehob into the Bay .	430m and 270m	Part of the Bandon-Ilen catchment (20) District Code IESW.	good	Not at risk	No pressures in this catchment	None due to terrain and intervening road.

A tributary (knockroe 010) to the bay flows south east of the site.			Sub-catchment Bawnaknocknane SC 010				
Coastal waterbody Roaringwater Bay			Part of 20 Bandon-Ilen catchment, Code IE_SW_140_000 0	Ecological status a or potential is 'good' Chemical s.w. status is 'failing to chieve good' due to unspecified isomers and tributulin.	Not at risk	Ballydehob WWTP latest compliance investigation Feb 25.	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or

							'uncertain' proceed to Stage 2.
1.	Dust dispersion during earthworks	Bandon-Ilen catchment (20) District Code IESW. Sub-catchment Bawnaknocknane SC 010	Potential for hydrological pathway / indirect impact	Surface water pollution minimal if any	None	No	Screened out – .
OPERATIONAL PHASE							
3.	Failure of WWTS	Roaringwaterboy Code IE_SW_140_000	Potential for hydrological pathway through groundwater and indirect impact	Due design and to distance and scale together there is no potential	None	No	Screened out [Refer determination within Section 5.5 above].
DECOMMISSIONING PHASE							
5.	N/A						