



An
Bord
Pleanála

Inspector's Report

ABP-321053-24

Development	Renovation and restoration of six existing stone buildings including construction of single storey, flat green roof extensions and associated site works
Location	Kilcatherine, Eyeries, Beara, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	241
Applicant(s)	Thorsten Krause & Birgit Seibt-Krause
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	John Collins Friends of the Irish Environment
Observer(s)	None
Date of Site Inspection	March 24 th , 2025

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1 The site, which has a stated area of 0.3652 hectares, is located within the townland of Kilcatherine, Eyeries, Co. Cork. The site currently contains a number of traditional stone buildings, which have a total stated floor area of 105m². It is noted that some of the buildings have modern additions like concrete ring beams and metal roof coverings. Others are in a ruinous state. The subject site is setback from the local road and is not unduly visible from the public realm.
- 1.2 The site is located within a scenic, coastal rural area, and a number of individual residential properties are noted in the surrounding hinterland.

2.0 Proposed Development

- 2.1 The proposed development originally comprised the renovation and restoration of six existing stone buildings including construction of single storey, flat green roof extensions and associated site works. The proposed development initially had a total stated floor area of 194m², however this was reduced to 165m² in the FI response. The additional floor area proposed is stated as being 88m².
- 2.2 The FI response removed Building 05 and 06 from the scope of intervention- they are to be retained as existing.
- 2.3 An AA Screening Report and Bat Survey were included in the FI submission.

3.0 Planning Authority Decision

3.1 Decision

Permission GRANTED, subject to 23 no. conditions

Further Information was requested by the planning authority in relation to (i) scale of proposed development (ii) right of way clarification (iii) AA Screening and (iv) Bat Survey.

Condition No. 2 places restrictions on exempted development while Conditions No. 8 and 9 relates to the protection of bats.

3.2 Planning Authority Reports

3.2.1 Planning Reports

- Case Planner- Reflects decision of planning authority; recommends grant of permission further to submission of FI response. Had initially recommended a refusal of permission but states was instructed to defer application for Further Information.

3.2.2 Other Technical Reports

Environment Section- No objections (29/08/2024)

Environment Section (Waste)- No objections, subject to conditions (08/02/2024)

Liaison Officer Report- No comment (22/02/2024)

Engineering Report- Recommends permission, subject to conditions (13/09/2024)

3.3 Prescribed Bodies

None

3.4 Third Party Observations

The planning authority received a number of observations which raised issues similar to those contained in the third-party appeals.

4.0 Planning History

No recent relevant history on this site.

5.0 Policy Context

5.1 National Planning Policy

Section 28 Ministerial Guidelines

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities

- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Appropriate Assessment Guidelines for Planning Authorities
- Climate Action Plan

Other policy documents of note:

- National Planning Framework
- Regional Spatial & Economic Strategy for the Southern Region
- EPA Wastewater Treatment Systems for Single Houses: 2009 Code of Practice
- EIA Guidance for Consent Authorities regarding Sub-Threshold Development

Local Planning Policy

Development Plan

The Cork County Development Plan 2022-2028 applies.

Located in a designated High Value Landscape- Policy Objectives GI 14-9 and GI 14-10 apply

Site located within Tourism and Rural Diversification Area- section 5.4.5 noted

Scenic Route (located to south of site)- Road between Eyeries, Kilcatherine and Ardgroom (Ref. S116), - Policy Objectives GI 14-12, GI 14-13, GI 14-14 and GI 14-15 apply

Objective RP 5-5: Tourism and Rural Diversification Area

Section 5.12 Renovation or Replacement of an Uninhabitable or Ruinous Dwellings

Section 5.12.2: In the interests of clarity, the provisions of Objective RP 5-2 (i.e. the 'Rural Generated Housing Need' requirement) and Objective RP 5-25 (i.e. the Occupancy Clause) will not apply to development that comes within the terms of RP 5-30 below.

Objective RP 5-30: Redevelopment or replacement of an Uninhabitable or Ruinous dwelling

Encourage proposals for the sensitive renovation, redevelopment, or replacement of existing uninhabitable or ruinous dwellings subject to normal proper planning and sustainable development considerations as well as the requirements of other objectives in this Plan and provided that it satisfies the following criteria:

- The original walls of the dwelling structure must be substantially intact.
- The structure must have previously been in use as a dwelling.
- The development is of an appropriate scale and design (including materials used), relative to the structure being replaced and the location and character of the site.
- Existing mature landscape features are retained and enhanced, as appropriate.
- No damage shall be caused to sites used by protected wildlife.
- Proposals must be acceptable in terms of public health and traffic safety.

Objectives HE 16-19: Vernacular Heritage

C) There will generally be a presumption in favour of the retention of vernacular buildings and encouragement of the retention and re-use of vernacular buildings subject to normal planning considerations, while ensuring that the re-use is compatible with environmental and heritage protection.

Objective TO 10-2 Wild Atlantic Way and Irelands Ancient East

Objective BE 15-2 Protect sites, habitats and species

5.2 Natural Heritage Designation

The nearest designated site- Kenmare River SAC (Site Code 002158)- is located approximately 600m from the subject site.

5.3 EIA Screening

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

5.5 Appropriate Assessment Screening

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

The subject site is 600m from the Kenmare River SAC (Site Code 002158).

The proposed development comprises the renovation and restoration of six existing stone buildings including construction of single storey, flat green roof extensions and associated site works and all associated site works.

Nature conservation concerns were raised in the planning appeal namely impacts of the proposal on nearby designated sites. An AA Screening Report was submitted with the Further Information response to the planning authority. The planning authority were satisfied with the contents thereof.

Having considered the nature, scale and location of the project, I am satisfied that the above designated site 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 residential nature of the development
- Location-distance from nearest European site and lack of connections
- the hydrological distance of indirect pathways to these European Sites via roadside drainage ditches, tributary streams etc where any likely pollutant in surface waters would be sufficiently diluted and or dispersed
- Taking into account screening report by the PA

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.

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

6.0 The Appeal

6.1 Grounds of Appeal

Two third-party appeal submissions were received, which each raised similar issues and which may be broadly summarised as follows:

- Consent/right of way/legal matters
- Scale and design of proposal not in compliance with Objective RP 5-30; need for dwelling at this location and requirement to comply with rural housing policy
- Considers proposal not to be in compliance with Objectives GI 14-9 to GI 14-14 inclusive of operative CDP regarding impacts on landscape.
- Concerns regarding proposed wastewater proposals; proposal would constitute substandard development and pose a risk to public health/environment; concerns regarding site slope and soil depth; proximity to designated sites; NIS should have been undertaken- cites TO 10-2 and BE 15-2
- Road Safety concerns- substandard private access road; concerns regarding its suitability and capability to accommodate additional traffic; increase in traffic movements; insufficient sightlines; access for emergency vehicles and HGVs; retaining wall collapsing and not suitable for HGVs; suitability of right of way to withstand construction traffic and concerns regarding possible damage during construction works
- Impact on bats- noise, lighting and further loss of habitat; highly detrimental to this protected species

- Proposal does not comply with Objective RP 5-5: Tourist and Rural Diversification Area of CDP; remote location with no services and reliance on car does not comply with NPF and its compact growth objectives or with section 12.2.2 of CDP
- Concerns regarding coastal flooding/sea level rising making public roads inaccessible; road has already been flooded in two places; not in compliance with sustainable development
- Recommended reason for refusal set out

6.2 **Applicant Response**

A response was received on behalf of the applicant, which may be broadly summarised as follows:

- Proposal will inject new life into the properties and ensure its long-term survival and contribution to the architectural heritage of the locality
- With regards matters of traffic safety/safety, adequate sightlines from access road to public road; successfully used for a prior construction project without any traffic incidents; cross-section cited in appeal does not accurately represent on-site conditions as no hill obstructs visibility as suggested; area has low traffic volumes further minimising safety concerns; traffic mirror could be installed to enhance safety, if necessary. Proposal will result in minimal increase in traffic. Willing to implement traffic management measures during construction
- Access road has previously been used for agricultural purposes confirming its suitability for larger vehicles; contended that narrow gate referenced was installed by one of the appellants and could be a matter for planning enforcement.
- All construction vehicles will be parked on construction site or nearby
- Concerns regarding retaining wall stability- temporary support structures can be installed during construction if needed to ensure stability; could be dealt with by means of condition. Proposal not on public lands, applicant is willing to undertake any repair works or additional supports required.

- Recent bat survey confirmed that there are no nesting bats on site, particularly no endangered species
- Proposed restoration aligns with Development Plan guidelines in relation to landscape and will appear as a minimal intervention of existing structures. Buildings are 400-500m away from roadway and minimal/no alterations can be seen from that distance; location in hollow limits its visibility to brief moments; no additional screening required; historically respectful restoration; reduction in living space to meet planning authority requirements
- Issues of car dependency apply to all projects within vicinity
- Property is not at special flood risk, which negates the need for special measures. In terms of wastewater disposal, a report confirmed compliance with standards ensuring environmental protection; improvement on existing situation
- Building does not need to serve as a primary residence to qualify for restoration under existing regulations. Not intended as second home and applicant has plan to live there as primary home in Ireland
- No impacts on nearby protected sites
- Includes report from PMCG Consulting Engineers which addresses matters raised in appeal submissions relating to traffic, flooding and wastewater concerns- detailed within my assessment below.

6.3 Planning Authority Response

A response was received on behalf of the planning authority which may be summarised as follows:

- Concerns raised regarding setting of precedent allowing for refurbishment of long abandoned ruinous structures in sensitive coastal locations and interpretation of policy relating to ruinous dwellings in this particular area
- Recent ABP decision (ABP-314384-22) noted where it was not accepted that the building was previously used as a dwelling and stipulation under section 5.12.1 of CDP was not considered appropriate

6.4 Observations

None

6.5 Further Responses

None

7.0 Assessment

7.1 The proposed development comprises an application for the renovation of six stone buildings for use as a dwelling, together with all associated site works. The proposal seeks to reintroduce a residential use onto the site. As noted above, the proposal was amended on foot of a Further Information request by the planning authority which resulted, in part, with the reduction in floor area of the proposal together with Buildings 05 and 06 being removed from the scope of works and being retained as existing.

7.2 Having examined the application details and all other documentation on file, including the reports of the planning authority, all appeal documentation received and further responses; together with having inspected the site, I consider that the main issues in this appeal are as follows:

- Principle of proposed development/policy context
- Traffic Matters
- Visual Impacts
- Ecology Matters
- Other Matters

7.3 I highlight to the Board that one of the substantive matters raised in the appeal submissions relates to the matter of consent and right of way from the development site to the public road. I am of the opinion that this is more of a legal matter than a planning matter and I would question if this is the correct forum to solve the dispute. It is clearly a contentious issue between parties. I refer the Board to section 5.13 of the Development Management Guidelines 2007, which acknowledge that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the

Courts. In addition, I also note section 34(13) of the Planning Act, which states that a person shall not be entitled solely by reason of a permission to carry out any development.

7.4 The question which arises, and which is of most relevance to this planning appeal, in my mind, is whether the applicants have demonstrated sufficient legal interest to make the application. Section 5.13 of the aforementioned Guidelines continues by stating that if, however, the terms of the application itself, or a submission made by a third party, or information which may otherwise reach the authority, raise doubts as to the sufficiency of the legal interest, further information may have to be sought under Article 33 of the Regulations. I note that the planning authority requested Further Information in relation to this matter, requesting the applicant to demonstrate that there is a right of way over adjacent properties in order to access the site. An 'Affidavit in Relation to Established Easement', together with Easement Maps were submitted as part of the FI response to the planning authority, which state that there is a complete right of way from the road to the lands. The Guidelines continue by stating that only where it is clear from the response that the applicant does not have sufficient legal interest should permission be refused on that basis. If notwithstanding the further information, some doubt still remains, the planning authority may decide to grant permission. However such a grant of permission is subject to the provisions of section 34(13) of the Act, referred to above. As noted above, the planning authority ultimately granted permission for the said development. They state in the Planner's Report, that they accept the response to their FI request in this regard and considered that it may be a civil issue and may be an issue for the courts.

7.5 I have examined all of the information before me in relation to this matter and notwithstanding the concerns raised by the third parties, and using the language of the Guidelines, it is not clear from the information that the applicant does not have sufficient legal interest. I am therefore of the opinion that the applicant, based on the information before me, has demonstrated sufficient legal interest to make this application. It is a matter for the courts to deal with further legal matters, if necessary, and I am noting both section 5.13 of the Development Management Guidelines and section 34(13) of the Act in coming to this conclusion. If the Board is disposed towards a grant of permission, I recommend that a note be attached to any

such grant noting that a person is not entitled solely by reason of a permission to carry out any development.

Principle of proposed development/policy context

- 7.4 This was one of the matters of concern raised in the third-party submissions received, namely that the proposal is not in compliance with County Development Plan in relation to rural housing policy, that the scale and design of the proposal is not in compliance with Objective RP 5-30 of the CDP and they question the need for dwelling at this location given its sensitivities. While the planning authority granted permission for the proposed development, the Executive Planner in response to the appeal raised concerns regarding the setting of precedent allowing for refurbishment of long abandoned ruinous structures in sensitive coastal locations and interpretation of policy relating to ruinous dwellings in this particular area. The first party in response to the appeal state that this will be their primary residence in Ireland where they hope to rear and educate their children.
- 7.5 I highlight that the proposed development is located within a rural area, outside of any existing settlement within a designated Tourism and Rural Diversification Area. I consider this to be a sensitive area- it is designated as a High Value Landscape Area within the operative County Development Plan with the landscape character defined as 'Rugged Ridge Peninsulas' with 'Very High' landscape value. The local road to the south is designated as a Scenic Route- Road between Eyeries, Kilcatherine and Ardgroom (Ref. S116). Development in the general vicinity is limited to single properties and associated farm buildings. I would consider this area to have relatively limited capacity to accommodate individual houses in significant numbers (section 5.9.3 of CDP). The residential use on site has lapsed for a considerable period and the structures on site are uninhabitable with some in a ruinous state. Modern additions like concrete ring beam and corrugated roofs are visible on some.
- 7.5 I note the appeal submission which is of the opinion that the applicant should comply with the rural housing policy for a dwelling at this location. I refer the Board to section 5.12.2 of the operative Plan states that 'In the interests of clarity, the provisions of Objective RP 5-2 (i.e. the 'Rural Generated Housing Need' requirement) and Objective RP 5-25 (i.e. Occupancy Clause) will not apply to development that comes within the terms of RP 5-30 below'. Objective RP 5-30

relates to the redevelopment or replacement of an uninhabitable or ruinous dwellings and it is under this objective that the applicants are applying for permission. I therefore do not concur with the opinion of the appellants in this regard and I consider that the property interests of the applicants are not relevant in this instance. I consider Objective RP 5-30 to be the relevant objective under which to assess this appeal given the particulars of this case.

7.6 Objective RP 5-30 seeks to:

‘Encourage proposals for the sensitive renovation, redevelopment, or replacement of existing uninhabitable or ruinous dwellings subject to normal proper planning and sustainable development considerations as well as the requirements of other objectives in this Plan and provided that it satisfies the following criteria:

- *The original walls of the dwelling structure must be substantially intact.*

The original walls of the dwelling structure are substantially intact with regards to some of the structures on site. Modern additions like concrete ring beam and corrugated roofs are visible on some. I am satisfied in this regard.

- *The structure must have previously been in use as a dwelling.*

It has been demonstrated in the documentation that at least one of the structures (biggest structure) was previously in use as a dwelling and the planning authority have accepted this. An Architectural Heritage Impact Assessment and Photographic Record were submitted with the application documentation. I am satisfied in this regard.

- *The development is of an appropriate scale and design (including materials used), relative to the structure being replaced and the location and character of the site.*

I am of the opinion that the development is of an appropriate scale and design (including materials used), relative to the structure being replaced and the location and character of the site. A sensitive design solution has been put forward, including

a reduction in floor area as a response to the FI request of the planning authority. Good quality materials are proposed that would integrate well with the existing structures. The planning authority states that the additional floor area is not considered excessive and provides a relatively modest but comfortable living space. They further consider that the design is innovative and well thought out. I would concur with this assertion. The location and features of the site are such that the proposal would not be unduly visible from the public realm. I am generally satisfied in this regard.

- *Existing mature landscape features are retained and enhanced, as appropriate.*

In terms of existing mature landscape features being retained and enhanced, as appropriate, I highlight to the Board that I have some concerns in this regard. The existing Road 01 (as referenced in the submitted drawings which runs from the local road to the entrance gate of the property) is currently a grassed track that is completely unsuitable, in my opinion, to accommodate traffic associated with the proposed development without some form of upgrade. Details are vague with regards the exact proposals for this track. The nature of the track at the current time is such it blends in with the natural environment, reads as part of the wider landscape and is almost invisible within the natural landscape. It is likely that historically it was not used for vehicular traffic. The upgrade of this grassed access track to modern standards, together with works required within the site boundary to provide for access, parking and turning areas, would urbanise this scenic, rural environment and would not enhance the existing mature landscape of this location. In this regard, I also note Objective HE 16-19 which seeks to protect, maintain and enhance the established character, forms, features and setting of vernacular building. While attempts have been made to minimise such impacts with the design proposal put forward, I consider that necessary works to this grassed track and provision of parking /turning areas within the site would nonetheless, in my opinion, detract from the setting of this vernacular building and would impact on the character of this scenic, coastal location. The proposal is therefore considered not to be in compliance with Objective HE 16-19 of the operative County Development Plan. Having regard to all of the above, I therefore consider that the proposal is not in

compliance with this element of Objective RP 5-30

- *No damage shall be caused to sites used by protected wildlife.*

Based on the information before me, I am satisfied that no damage shall be caused to sites used by protected wildlife- a Bat Survey has been submitted to demonstrate this with appropriate mitigation measures out forward. An AA Screening Report has also been submitted which demonstrates that the proposal will not have significant effects on any designated sites. I am generally satisfied in this regard. I have dealt with both these matters further below and I refer the Board to same.

- *Proposals must be acceptable in terms of public health and traffic safety’.*

In terms of the proposal being acceptable in terms of public health and traffic safety, I consider the proposal to be acceptable in terms of public health. In terms of traffic safety, I have concerns in this regard given the rural road network in the vicinity of the site- the proposal is serviced via a road network that is severely substandard in terms of alignment and surface. I consider the proposed development would not be acceptable in terms of traffic safety and I have dealt with this matter further below. I refer the Board to same.

7.7 Having regard to all of the above, I am of the opinion that the proposal is not in compliance with Objective RP 5-30 of the operative County Development Plan as (i) the proposal is not acceptable in terms of traffic safety and (ii) the existing mature landscape features would not be retained and enhanced. The proposal is therefore considered to be inconsistent with the proper planning and sustainable development of the area.

7.8 I note one of the appeal submissions received raises concerns regarding that the remote location of the site with no services, a reliance on car and that the proposal does not comply with NPF and its compact growth objectives or with section 12.2.2 of the operative County Development Plan. Section 12.2.2 of the Plan relates to transport policy of the County and sets out a number of criteria which it seeks to achieve. While I acknowledge the concerns raised, I highlight to the Board that this

proposal involves the re-use and refurbish of a derelict structure and involves bringing back into the housing stock of the county. It is not a new build and involves a sustainable approach to re-use. I do not have issue in this regard, such that I would recommend a refusal of permission in relation to this matter.

- 7.9 To conclude this point, I highlight to the Board that there is strong policy support within the operative County Development Plan to protect and retain vernacular buildings and recognise the contribution they make to the character of the landscape in which they are situated. Furthermore, Objective RP 5- 31 seeks to encourage the sensitive refurbishment and conversion of suitable disused or derelict traditional farm buildings, built using traditional methods and materials... while ensuring that the re-use is compatible with environmental and heritage protection. In addition, I note National Policy Objective 17 of the National Planning Framework which seeks to enhance, integrate and protect the special physical, social, economic and cultural value of built heritage assets through appropriate and sensitive use now and for future generations. I acknowledge that a sensitive design proposal has been put forward in this regard and attempts have been made to minimise the impacts of the proposal on the landscape in which it is situated. However, I am of the opinion that the notwithstanding this, given the sensitivities of the site in this 'High Value' coastal, rural location, that the proposal is not in compliance with Development Plan policy in this regard, particularly Objective 5-30 and Objective HE 16-19, in that the proposal would lead to the urbanisation of this location, would impact on the rural, vernacular setting and character of the area, would not maintain or enhance the existing landscape features and would not be acceptable in terms of traffic safety. I am therefore recommending a refusal of permission in this regard.

Traffic Matters

- 7.10 Third parties raised concerns in their appeal submissions in relation to road safety matters, namely concerns regarding the substandard private access road; its suitability and capability to accommodate additional traffic; increase in traffic movements; insufficient sightlines and access for emergency vehicles and HGVs. Concerns are also raised in relation to suitability of right of way to withstand construction traffic and concerns regarding possible damage during construction works. In response, the applicants state that adequate sightlines are available from

the access road to the public road, that the cross-section cited in appeal does not accurately represent on-site conditions as no hill obstructs visibility as suggested; that the area has low traffic volumes and that the proposal will result in minimal increase in traffic movements. The access road has previously been used for agricultural purposes confirming its suitability for larger vehicles and the first party contend that the narrow gate referenced was installed by one of the appellants and could be a matter for planning enforcement. In terms of construction impacts, the first party state that the roadway was successfully used for a prior construction project without any traffic incidents and they are willing to implement traffic management measures during construction works. All construction vehicles will be parked on the construction site or nearby. In terms of concerns raised by third parties regarding retaining wall stability, they state that temporary support structures can be installed during construction, if needed to ensure stability. This retaining wall is not on public lands and the applicant states that they are willing to undertake any repair works or additional supports required. The planning authority have not raised concerns in relation to traffic/access matters.

- 7.11 I have visited the site and its environs and examined all documentation before me. The local main roadway is lightly trafficked, although I do acknowledge that during the summer months, volumes may be considerably higher. The access from the public roadway is utilised by two other dwellings- I did not observe any traffic on it during my visit. The nature and scale of the development is such that I do not consider traffic movements would be excessive, once construction works are completed. However, notwithstanding this, I have serious concerns in relation to this matter. The local (main) road is substandard in width and alignment, with difficulty for two cars to pass. The access road from the main road is a gravel surface with an incline from the main road. It is significantly substandard and has, in parts, grass growing along its centre and it is not possible for two cars to pass. Moving further on, Road 01 (as referenced in drawings) is merely a grassed track that is unlikely to have regularly accommodated vehicular traffic previously. In my opinion, the rural nature of the local road network, in particular the grassed track and access from main road with its inadequacies is totally unsuitable to accommodate additional traffic associated with the proposed development. Sightlines onto the main road are considered to be inadequate given the locational context, notwithstanding the

response of the first party to this matter (as contained in PCG Consulting Engineers report). A map indicating sightlines has been submitted with the appeal documentation. I note that the Engineering Division of the planning authority did not raise concerns in this regard. Nonetheless, I have concerns in this regard. Concerns raised by third parties regarding access by emergency vehicles are noted. In response to the appeal, the applicants note that a Dennis Sabre Fire Tender is circa 2.43m wide and the available width at the gate is 3.0m, which is adequate to afford access to a fire tender. A map showing Fire Appliance Access from the local road has been submitted with the appeal documentation. Again, the planning authority have not raised concerns in this regard. While I highlight that there are two other residential properties utilising the right of way that may require access by emergency vehicles, I consider that given the existing access it would prove challenging for emergency vehicles to access the property without difficulty. I am not satisfied in this regard.

- 7.12 In terms of construction impacts, I consider that any such impacts would be short-lived in nature. The applicant has stated that they are willing to implement construction management measures- this matter could be adequately dealt with by means of condition if the Board were disposed towards a grant of permission. The suitability of right of way to withstand construction traffic has been raised by third parties, with the first party responding by stating that it has been used previously by agricultural machinery. I would also have concerns in relation to this matter.
- 7.13 In terms of concerns raised regarding the stability of the retaining wall, these are considered reasonable having viewed this area. I consider that additional supports may be required, which the applicants have agreed to providing, which could again have impacts on the visual amenities/vernacular setting of the subject site.
- 7.14 Based on all of the information before me, I consider that the proposal would lead to the creation of a traffic hazard or obstruction of road users and I am not satisfied in this regard.

Visual Impacts

- 7.15 In terms of impacts on visual amenity, I note that this was a matter of concern raised by third parties. Matters raised include that the site is located in High Value Landscape which is vulnerable to such development and they consider that the

proposal would not be in compliance with Objective GI 14-9 to GI 14-14 inclusive regarding impacts on landscape. The applicants refute these concerns stating that the proposed restoration aligns with Development Plan guidelines in relation to landscape and will appear as a minimal intervention of existing structures. Buildings are 400-500m away from roadway and minimal/no alterations can be seen from that distance; its location in a hollow limits its visibility to brief moments with no additional screening required. The first party continue by stating that the proposal represents a historically respectful restoration. A number of CGIs have been submitted in support of the application.

- 7.16 The local road to the south is designated as a Scenic Route- Road between Eyeries, Kilcatherine and Ardgroom (Ref. S116). The site is located within a High Value Landscape with an Overall Landscape Value of 'Very High'. This is a coastal and mountainous landscape. Policy Objectives GI 14-12, GI 14-13, GI 14-14 and GI 14-15 apply to Scenic Routes. Objective GI 14-12 seeks to preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy. Furthermore, I note Objective GI 14-13 which seeks to 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 identified in this Plan. I am of the opinion that the most pertinent views are seaward- towards Coulagh Bay. The subject site is setback from the local road- not on the seaward side of the roadway. I consider that the design approach has been well considered with a quality design solution put forward. The existing buildings are not particularly visible as one travels along the local road, given their setback and landscape features. The increase in height of the existing structures, over and above that currently existing, will make them more prominent on the landscape than is currently the case. I consider however that this increase in height would not be so great as to warrant a refusal of permission in itself. Notwithstanding this, I have expressed concerns above in relation to the impacts of the overall proposal on the urbanisation of this scenic, sensitive, coastal location and the impacts that the proposal would have on the rural, vernacular heritage of the area by

virtue of works required to provide a suitable access/parking for the proposed development and I refer the Board to same.

- 7.17 I note the Area Planner for the planning authority raised concerns in relation to the setting of precedent allowing for refurbishment of long abandoned ruinous structures in sensitive coastal locations and interpretation of policy relating to ruinous dwellings in this particular area. They also make reference to a ABP decision (ABP-314384-22) where it was not accepted that the building was previously refused as a dwelling and stipulation under section 5.12.1 of CDP was not considered appropriate. I note the concerns of the Area Planner but consider that objectives of the operative County Development are clearly set out and any proposal for development must be assessed in accordance with these objectives. In terms of setting of precedent, while each application is assessed on its own merits, I would also have some concerns in this regard. In terms of the referenced case, ABP-314384-22, I note that permission was refused partly on the basis that the Board was not satisfied that the existing structure on site was previously used as a dwelling and referenced the absence of appropriate documentation of the building's heritage value. This is not the case in this current appeal- all parties appear to accept the previous residential use of the larger structure and documentary evidence has been submitted to validate this claim. An Architectural Heritage Impact Assessment and Photographic Record were submitted with the application documentation. Therefore, I consider that the aforementioned case is not relevant to this appeal.

Ecology Matters

- 7.18 In terms of third-party concerns raised in relation to impacts on bats, I note that a Bat Survey was submitted as part of the Further Information response to the planning authority. I also refer the Board to section 4.3 of the submitted AA Screening Report in this regard. The submitted Bat Survey states that the proposed development has the potential to result in the loss of Soprano Pipistrelle roosting habitat, however these impacts can be fully mitigated with measures proposed in the report. Overall, it is concluded that the proposed development will not have a significant impact on bats provided the mitigation measures outlined in the report are adhered to. The matter of impacts on bats was raised in the FI request by the planning authority and they were satisfied with the response received. An emergence and activity survey was undertaken in June 2024 and the survey extended over a full night and included

the use of three static bat detectors. Weather conditions are stated to have been suitable for the surveys and it was completed within the main bat activity season. It is noted that access to three of the buildings was not possible as the doors were locked, otherwise the site was fully accessible. Activity surveys results are set out in section 3.2.2 of the Bat Survey. Results revealed that bats are present on the site and that there is a minor satellite roost of Common Pipistrelle present. The most frequently detected species was Common Pipistrelle and the overall number of bat passes recorded was considered at the lower end. Mitigation measures are outlined including for the provision of artificial roosts, no development at Building No.s 3 and 4 and minimisation of light spill. It is indicated that a derogation licence from the NPWS will be sought. It is acknowledged in the Bat Survey report that the proposed development will result in increased noise and human activity on the proposed development site and that the proposed works may disturb/displace bats that are roosting on the proposed development site. No Lesser Horseshoe Bats were recorded. There are records for Lesser Horseshoe Bat within 5km of the site (as stated in AA Screening Report). The habitat of site is considered to be unsuitable for this species. The most important foraging habitat for this species are mixed and broad-leaved woodlands and this habitat does not occur on this site. If permission is granted for the proposed development, this matter could be adequately dealt with by means of condition and derogation licence obtained from the NPWS. Condition No. 9 of the grant of permission which issued from the planning dealt with this matter and I recommend that if the Board is disposed towards a grant of permission, that a similarly worded condition be attached to any such grant so as to ensure the protection of bats on site. I consider the proposal to be in compliance with Objective BE 15-2 of the operative County Development Plan in relation to protection of sites, habitats and species. I am generally satisfied in this regard.

Other Matters

- 7.19 One of the matters raised in the third-party appeals relates to concerns regarding proposed wastewater proposals; that the proposal would constitute a substandard form of development and pose a risk to public health/environment. A response was received from the first party which refutes these claims. The planning authority have not raised concerns in this regard and have attached a number of conditions to their grant of permission, which address this matter. A Site Characterisation Form and

Wastewater Treatment Tricel Novo Report were submitted with the application documentation. There is poor drainage on-site and therefore a tertiary treatment system and infiltration/treatment area is proposed with discharge to groundwater. The proposal also includes the sinking of a new bored well in line with EPA guidance- it is stated that there are no other wells evident within 100m. The bedrock type is stated as Dinantian Mudstones and Sandstones (DMSC) with Locally Important aquifer. Beara Sneem is the Groundwater Body with Extreme Vulnerability noted. As stated above, the planning authority did not raise concerns with regards this element of the proposal. Having regard to the small-scale nature of the proposal, together with the wastewater solutions put forward, I am satisfied that, based on all of the information before me, that subject to conditions the proposal would not be prejudicial to public health. The matter could be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission.

7.20 Concerns regarding coastal flooding/sea level rising making public roads inaccessible and state that the road has already previously flooded in two places. The first party refute claims that the site is at risk of flooding. The planning authority state that the site is not at risk of flooding and have not raised concerns in this regard. I have examined the OPW website www.floodinfo.ie in this regard. I note that there are no past flood events noted in this area and it is not identified as being at risk of flooding. The site and access roadway is setback a considerable distance from the coast. There is only a small stream/open drain towards the north of the site. I am satisfied in this regard and have no information before me to believe the proposal would contribute to flooding elsewhere.

7.21 Issues of enforcement are a matter for the planning authority, outside the remit of this appeal.

Conclusion

7.22 Having regard to the above, I am not satisfied with the proposal before me and do not consider it to be in accordance with the proper planning and sustainable development of the area.

8.0 Recommendation

I recommend that the decision of the planning authority be OVETURNED and that permission be REFUSED, for the following reasons.

9.0 Reasons and Considerations

1. The proposal incorporating an uninhabitable, derelict dwelling is located a coastal 'High Value Landscape' area, to the north of Scenic Route S116, as set out in the Cork County Development Plan 2022-2028. Having regard to the provisions in the operative County Development Plan for the protection of vernacular heritage in such areas, it is considered that works to facilitate the proposed development including those to the access track and the creation of a parking area would alter an intrinsic feature of interest, urbanise the area and therefore have a negative impact on the heritage of the site, its local character and sense of place. The proposal would therefore contravene Objective HE 16-19 which seeks 'to protect, maintain and enhance the established character, forms, features and setting of vernacular buildings' and would therefore be inconsistent with the proper planning and sustainable development of the area.
2. Having regard to its remote location and the substandard road network serving the site, it is considered that the proposed development would, by itself and the precedent it would set for the generation of traffic reliant on a constrained road network at this location, be prejudicial to public safety by reason of traffic hazard. The proposed development, accordingly, is not considered to comply with the criteria set out in Objective RP5-30 of the Cork County Development Plan 2022-2028 in respect of redevelopment or replacement of an uninhabitable or ruinous dwellings that can allow for the sensitive renovation and conservation of a derelict dwelling subject to normal proper planning and sustainable development considerations. The proposed development would therefore materially contravene policy Objective RP5-30 of the Cork County Development Plan 2022-2028 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.

Lorraine Dockery
Senior Planning Inspector

29th April 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321053-24			
Proposed Development Summary	Renovation and restoration of six existing stone buildings including construction of single storey, flat green roof extensions and associated site works			
Development Address	Kilcatherine, Eyeries, Beara, Co. Cork			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	x	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes			EIA Mandatory EIAR required	
No	x		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No	x	N/A		No EIAR or Preliminary Examination required
Yes				Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	x	Preliminary Examination required
Yes		Screening Determination required

Inspector: Lorraine Dockery Date: 29th April 2025

Appendix 2- Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321053-24
Proposed Development Summary	Renovation and restoration of six existing stone buildings including construction of single storey, flat green roof extensions and associated site works
Development Address	Kilcatherine, Eyeries, Beara, 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>	
Characteristics of proposed development (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>Proposed development comprises the renovation and restoration of six existing stone buildings including construction of single storey, flat green roof extensions and associated site works on site area of 0.36 ha.</p> <p>The development has a modest footprint and comes forward as a stand-alone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular	<p>This is the renovation and refurbishment of existing, derelict structures within a rural area. The development is removed from sensitive natural habitats, centres of population and designated sites</p>

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).	of identified significance in the County Development Plan. It is considered that the proposed development would not be likely to have a significant effect, individually or in- combination with other plans and projects, on a European Site.	
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).	Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, its location, likely limited magnitude and spatial extend of effects, and absence of in combination effects, there is no potential for significant effects on the environment factors listed in section 171A of the Act	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA EIA is not required.	Yes
There is no real likelihood of significant effects on the environment.		
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.		
There is a real likelihood of significant effects on the environment.		

Inspector: Lorraine Dockery

Date: 29th April 2025

Appendix 3- Screening for Appropriate Assessment

Screening for Appropriate Assessment

Test for likely significant effects

Step 1: Description of the project and local site characteristics

ABP-321053-24

Brief description of project	Normal planning appeal Renovation and refurbishment of existing stone buildings and associated works See section 2.0 of Inspector's Report
Brief description of development site characteristics and potential impact mechanisms	Proposed development site is located in a rural, coastal area. It currently contains 6 no. stone buildings. There are a number of single dwellings in the vicinity. There is a small watercourse/drain on site, not identified on EPA hydrology mapping. The nearest designated site- Kenmare River SAC (Site Code 002158) is located approximately 600m from the subject site.
Screening report	Yes Cork County Council screened out the need for AA
Natura Impact Statement	No
Relevant submissions	None

Note:

Concerns raised in appeal submissions regarding impacts on designated sites and bat species

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 from proposed	Ecological connections ²	Consider further in screening ³ Y/N
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		development (km)		
Kenmare River SAC (Site Code: 002158)	<p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>European dry heaths [4030]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Calaminarian grasslands of the Violetalia calaminariae [6130]</p> <p>Submerged or partially submerged sea caves [8330]</p> <p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p>	c.560m SW and c.800m downstream via unnamed watercourse	Potential link from stream to SAC	

	<p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Phocoena phocoena (Harbour Porpoise) [1351]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p> <p><u>ConservationObjectives.rdl</u></p>			
Cleanderry Wood SAC (Site Code: 001043)	<p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p> <p><u>ConservationObjectives.rdl</u></p>	1.8km north	No	No
<p>Glanmore Bog SAC (Site Code: 001879)</p> <p><u>ConservationObjectives.rdl</u></p>	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (*if active bog) [7130]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p>	c.5.1km distant	No	No

	Trichomanes speciosum (Killarney Fern) [1421] ConservationObjectives.rdl			
Beara Peninsula SPA (Site Code: 004155)	Fulmar (Fulmarus glacialis) [A009] Chough (Pyrrhocorax pyrrhocorax) [A346] CO004155.pdf	c.6.8km distant	No	No

Further Commentary/Discussion

Due to the lack of meaningful connections and the presence of a significant buffer area between the development site and the Kenmare River, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Kenmare River SAC (Site Code: 002158) Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]	Direct: None Indirect: The stream on site potentially links the development site to this SAC. Localized, temporary, low magnitude impacts from construction related emissions to surface water during construction	The contained nature of the site with defined boundaries, small scale nature of stream with no direct ecological connections or pathways and distance from received features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the SCI listed.

<p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>European dry heaths [4030]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Submerged or partially submerged sea caves [8330]</p> <p><i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014]</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p> <p><i>Phocoena phocoena</i> (Harbour Porpoise) [1351]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p> <p><u>ConservationObjectives.rdl</u></p>		<p>The stream on site is very small and not used by otters. Lesser Horseshow Bats were not recorded using the site and the site is not considered to provide suitable habitat for this species. The development site is not within the SAC and outside of the Core Sustenance Zones of roosts for which this SAC has been designed. The site is fragmented from any habitat in the wider peninsula that would be used by this species.</p> <p>Conservation Objectives would not be undermined</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on Kenmare River SAC (Site Code: 002158). 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].</p> <p>No mitigation measures are required to come to these conclusions.</p>		

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Kenmare River SAC (Site Code: 002158) or any other European Site in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The relatively minor scale of development and lack of impact mechanism that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites
- Screening determination of the planning authority

Inspector: Lorraine Dockery

Date: 29th April 2025