



An  
Bord  
Pleanála

## Inspector's Report

**321414-24**

<b>Development</b>	Renovation of ruinous cottage and construction of extension with associated site works.
<b>Location</b>	Croagh Schull, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	24518
<b>Applicant(s)</b>	Richard and Regina Parnell
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Richard and Regina Parnell
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13 <sup>th</sup> February 2025
<b>Inspector</b>	Suzanne Kehely

## **1.0 Site Location and Description**

- 1.1. The site as outlined in red has a stated area of approximately .3ha and is located at the end of a cul-sac boreen type road. It is in a moderately elevated coastal rural area less than 60m from the shoreline at Crew beach/Croagh Bay and about 4km south west of Schull. (c.3km 'as the crow flies', c.4-5km via local/unnamed roads and over 5km using the regional route R592.) The site has a ruinous cottage and walls, within and partly bounding the site, and is otherwise a greenfield site. The area is remote being c.4km off the nearest regional route R592. Vehicular access is via an unnamed road which is a cul-de-sac track and, as a road, is substandard in terms of alignment. It extends about 700metres off the end of a quay road. the approaching road has a mix of ruinous structures and modern houses. In the immediate cluster there are two dwellings on lower ground and three dwellings on higher ground. There is a ruinous stone cottage about 50m from the boundary with remaining walls and openings, but no roof other than the gable walls. There is walled laneway from the road to the immediate curtilage of the ruins. The site has mature vegetation which has grown among the ruins.

## **2.0 Proposed Development**

- 2.1. Permission is sought to renovate a ruined cottage with a footprint of c. 44 sq.m. and extend it to provide a habitable two bedroom dwelling of 66sq.m. A wastewater treatment plant is proposed on-site in addition to a water supply.
- 2.2. The application is accompanied by a planning statement which makes the following points in support of the application.
- The reasons for refusal in the previous decision have been addressed and the development is supported by the objective RP 5-30.
  - The dwelling house with extension is reduced in scale from a total of 134 sq.m. to 66sq.m. and it adheres to the Cork County Rural Design Guide 2003. It is modest in size and sits centrally in the site and amongst other dwellings. The design is human scaled and involves retaining the ruinous structure which is described as being substantially intact whereas the previous proposal involved demolition of

the ruin. Stone is proposed as compared to the use of render. The retention of trees and vegetation further addresses design and visual impact concerns.

- As it is renovation of a ruined building, housing need does not need to be established. This is stated by reference to a decision by the ABP wherein ruins were permitted to be renovated as dwellings without establishing a housing need.
- A substantially intact ruinous dwelling may it is submitted, be severely damaged. In this case the majority of the perimeter walls remain and are evidence of a clearly definable cottage.
- The wastewater treatment plant can be accommodated on site in line with required separation distances.
- An Appropriate Assessment Screening report has been submitted and concludes that the proposed renovation and extension alone or in combination does not have the potential to significantly affect any European site.
- The report is appended with Census data for the townland wherein there is a record of 5 dwellings in 1901 and the subject property was home to the Driscoll family who are understood to have inhabited the property until the 1950s.

2.3. A site characterisation report is submitted with supporting geo data maps. The soil is permeable with underlying sandstone overlain with sandy clay and a low T value. A packaged waste water treatment system is proposed which involves an in situ polishing filter and also frequent desludging is part of the operational recommendations.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Refusal of permission for one reason:

- The proposed development is located within the Town Greenbelt of Schull and a coastal scenic 'High Value Landscape' area as set out in the Cork County Development Plan 2022-2028. Policy objectives of the county development plan include objective RP5-30 'redevelopment or replacement of an uninhabitable or ruinous dwelling' that can allow for the sensitive

renovation and conservation of a derelict dwelling subject to normal proper planning and sustainable development considerations. The planning authority considers that the existing ruinous structure is not substantially intact and the proposed development would result in the complete rebuilding of the ruin together with an extension that would be tantamount to the erection of a new dwellinghouse within the Town Greenbelt and high value landscape area that would materially contravene policy objective RP5-30 of the Cork County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The applicants planning statement is addressed in detail and the position while acknowledging the reduction in scale is taken that the principle of a dwelling house is at issue given the location in a greenbelt area and ruinous condition of the former dwellinghouse which is not considered to be 'substantially intact'. Accordingly it is considered to amount to demolition and the new dwelling is considered to therefore materially contravene **RP 5-30** the development plan. The initial report of the executive planner is endorsed in a subsequent report by the senior executive planner.
- Detailed reference is made to planning history and the pressure for development in this greenbelt area.

#### 3.2.2. Other Technical Reports

- The area engineer has no objection.
- Ecologist: No objection and accepts AA screening report conclusions

### 3.3. Prescribed Bodies

No reports

### 3.4. Third Party Observations

None

## 4.0 Planning History

### 4.1.1. The site:

PA ref. 22/784 refers to a refusal of permission for demolition of a ruinous dwelling and construction of replacement dwellinghouse, installation of a wastewater treatment system and all associated site works.

There were three reasons for refusal and the details are attached in the file. In summary they based on:

- 1) Injury of Visual Amenity in a High Value Landscape having regard to ruinous condition of property to and nature of redevelopment and scale of proposal in context of RP 5-30 and HE 16-19.
- 2) considered to constitute construction of new dwelling in a Greenbelt area the need for which is unsubstantiated in context of RP 5-4
- 3) Cannot conclude no adverse impact on integrity of an SAC

### 4.1.2. Other site in vicinity:

ABP ref 312670 refers to a refusal of permission for single dwelling in the same townland in lands c. 400m northeast of the site. In this case the substantive reason for refusal was on grounds of visual amenity and landscape character due to design. Housing need was not a basis for refusal as recommended by the inspector. The standards road network was raised but in view of the substantive issue was not included as reason for refusal.

### 4.1.3. Other appealed cases referred to by appellant

ABP ref 308335 refers to a refusal of permission for the renovation and extension of 163 sq/m/ to a 14sq.m. dwelling in Bantry, for the stated reason:

The proposed development is located within a coastal highly scenic 'High Value Landscape Area' as designated as a 'Tourism and Rural Diversification Area' in the Cork County Development Plan 2014. The policy objectives (RCI

2-1 and RCI 4-3) of the Planning Authority, as set out in the Plan, seeks to prevent inappropriate new dwelling houses unless there is an acknowledged local rural generated housing need. Given the very limited integration of the new build elements with the existing derelict structures, it is considered that the proposed three-bedroom dwelling house with a studio unit should not be classified as the refurbishment of a derelict dwelling but should be assessed as a new dwelling house being erected within a 'High Value Landscape Area'. In this context and given that there is no substantiated local housing need demonstrated for this specific site, the proposed development does not constitute an exception to the restriction on new dwellings within the 'Tourism and Rural Diversification Area' but the development of a new dwelling house that has the potential to be used as holiday or second home accommodation. The proposed development would, therefore, contravene materially established objectives of the County Development Plan and would be contrary to National Policy Objective 19 of the National Planning Framework 2018 and to the 'Sustainable Rural Housing Guidelines for Planning Authorities' as published by the Department of the Environment, Heritage and Local Government in April 2005. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

In deciding to not accept the inspector's recommendation to grant the Board considered the design to not be sensitive and was essentially an entirely new house without reflecting character style and scale in a sympathetic and proportionate manner.

## **5.0 Policy Context**

- 5.1. **Sustainable Rural Housing Development Guidelines 2005** : These remain in place and have informed the current CDP . These Guidelines require planning authorities to differentiate between rural housing demand arising from rural housing need and housing demand arising from proximity to cities and towns. Additionally, development plans should distinguish rural areas under strong urban influence, stronger rural areas, structurally weak rural areas and areas with clustered

settlement patterns. The guidelines state that development management policy should be tailored to manage housing demand appropriately within these areas.

## 5.2. Cork County Development Plan 2022-2028

### 5.2.1. Rural Housing

CDP objective RP 5-2: Rural Generated Housing: Sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community. Encourage the provision of a mix of house types in towns and villages to provide an alternative to individual rural housing in the countryside.

### 5.2.2. Rural Housing in Green Belt:

There are two categories of green belt one relating the city and one relating to towns. The site is located under 4km from Schull, a Key Town and in Town Greenbelt 1 area for the purposes of Rural Housing Policy Area types (figure 1).

Section 5.4.4 explains the role of town green belts in rural areas under strong urban influence - they define visual setting around the main towns and have been established to prevent sprawl and control linear roadside development.

- **CDP objective RP 5-4. Rural housing:** As the site is located in a Rural Area Under Strong Urban Influence and Town Greenbelts. Applicant must satisfy criteria that it is genuine rural generated housing need such as farm related or established residency.
- **CDP 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.

Note: section 5.12.2 states **'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.**

Section 5.5.4 sets out governing principles of greenbelt policy such as maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built-up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area.

- **RP 5-19: Greenbelts around Settlements**

(a) Retain the identity of towns, to prevent sprawl, and to ensure a distinction in character between built up areas and the open countryside by maintaining a Greenbelt around all individual towns.

(b) Reserve generally for use as agriculture, open space or recreation uses those lands that lie in the immediate surroundings of towns. Where Natura 2000 sites, Natural Heritage Areas, proposed Natural Heritage Areas and other areas of biodiversity value occur within Greenbelts, these shall be reserved for uses compatible with their nature conservation designation and biodiversity value.

(c) Prevent linear roadside frontage development on the roads leading out of towns and villages

- **RP 5-20: Greenbelts around Main Towns GB 1-1** Discourage strongly new individual housing from being located within the greenbelts around the Main



Towns. This restriction is relaxed in principle for individuals who can demonstrate a genuine rural generated housing need based on their social and/or economic links to a particular rural area in accordance with RP 5-4, or in the circumstances referred to in objectives RP 5-16 and RP 5-17, which also apply to Greenbelts around the Main Towns.

- RP 5-21: Greenbelts around Main Towns GB 1-2 In some parts of the greenbelts around the towns it will be possible to accommodate limited numbers of individual houses in an appropriate rural setting providing; • The character of the area as a whole will remain predominantly rural and open • Proposals will not cause linear roadside frontage development (ribbon development); and, • The development is consistent with the proper planning and sustainable development of the area

#### 5.2.3. Employment Locations, Villages and Countryside of Metropolitan Cork

- CDP Objective RP 5-14 Sustainability of Exceptions to Greenbelt Policies - Recognise that by reason of the number of people currently living within Greenbelt areas, the granting of regular exceptions to overall policy is likely to give rise over the years to incremental erosion of much of the Greenbelt.

#### 5.2.4. Landscape

The site is located in a High Value Landscape area as delineated on the CDP maps. Section 14.8.5 in Vol 1 defines High sensitivity landscapes as vulnerable landscapes with the ability to accommodate limited development pressure. In this rank landscape quality is at a high level, landscape elements are highly sensitive to certain types of change. If pressure for development exceeds the landscape's limitations the character of the landscape may change

- **CDP Objective GI14-9 landscape**
  - a) protect visual and scenic amenities of County Cork's built and natural environment

- b) landscape issues would be an important factor in all land-use proposals ensuring proactive view of development is undertaken while protecting the environment and heritage generally in line with the principles of sustainability
- c) ensure that new development meets high standards of siting and design
- d) protect skylines and ridgelines from development
- e) **discourage proposals necessitating the removal of extensive amounts of trees hedgerows and historical walls or other distinctive nature treatments.**

#### 5.2.5. Built and Archaeological Heritage

- **CDP Objective HE 16-19** seeks to **protect, maintain and enhance the established character, forms, features and setting of vernacular buildings**, farmyards and settlements and the contribution they make to our architectural, archaeological, historical, social and cultural heritage and to local character and sense of place.

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.

5.2.6. Volumes 5 sets out the strategy for Schull as the smallest of the key towns in the West Cork area. In the order of 80 houses are estimated to be needed to align with demand. The settlement strategy is mindful of the national guidance for compact growth. The need for upgraded services is identified if multi-unit housing development are progressed. A possibility of serviced sites for self-build is put forward and these would be subject to being viable for connection to the public network when upgraded.

### 5.3. Natural Heritage Designations

5.3.1. The site is not located within any designated site. The closest Natura 2000 site is Roaringwater Bay and Islands SAC (Site Code: 000101) which is located approximately c.50m to the south of the appeal site.

## **6.0 EIA Screening**

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. Refer to Forms 1 and 2 in Appendix 2.

## **7.0 The Appeal**

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

7.1.1. The applicant has appealed the decision to refuse permission primarily on the basis that the proposal complies with rather than contravenes, objective RP5-30 as it constitutes renovation of a ruinous dwelling in a manner in keeping with the character of the area. The following points are made in support of this:

- The remaining walls are substantially intact contrary to the PA opinion. It is an ambiguous term and ultimately the proposal is designed to retain and reinforce the ruinous structure as explained in the appended engineer's report. The design and construction methodology are set out and refer to careful removal of vegetation and the use of a wraparound extension with a buttress effect.
- As the proposal involves the renovation of a dwellinghouse, establishing 'housing need' is not required based on CDP.
- The precedent of allowing similar renovations is supported by the line of argument in an inspector's report in relation to a ruin in Bantry, wherein it was the view that housing need did not need to be established. This was notwithstanding the Board's refusal on basis of scale. The scale in the subject case is completely different.
- In other cases (31036 and 315403) in Galway the Board accepted that ruinous structures were structurally sound and capable of being developed.
- In terms of other issues raised by the planning authority in its consideration of the initial application:

- It is clarified that the stone wall will be set back to provide a widened driveway,
- The driveway will not form part of the public road/right of way
- The right of way is the private road as highlighted in yellow in the drawings and this will be obtained in the event of permission.
- There are no objections by the area engineer in respect of services or access.
- The proximity to the single storey dwelling is not a concern as it is owned by the applicant's parent and in any event the orientation of windows would not result in undue overlooking.
- There is no issue with impact on vernacular heritage as compared to the previous application PA ref 22/784 as these matters have addressed by redesign/reduced development and with no demolition.

## 7.2. Planning Authority Response

In a detailed response the following points refute the grounds of appeal and support the decision to refuse permission.

- Development as a dwelling is not acceptable in principle on the basis that
  - The structure is not substantially intact. The structural report is not considered to adequately address this matter; accordingly, the remaining wall remnants are at risk of being removed entirely by virtue of condition, vegetation and nature of works. Reference is made to the experience of a collapsed cottage at Sherkin (ref 06/1087).
  - The methodology for retention of walls, trees and vegetation and integrating construction works lack sufficient detail.
  - The proposal is tantamount to a new dwelling in the green belt. It is comparable to the case in Bantry where refusal of permission on appeal by ABP (308335) for a 163sq.m. extension to a 14sq.m. structure and what is described as its obliteration
- Other points made in relation to precedent and development pressure:

- The small-scale development indicates an inevitable pressure for extending and reverting to the previously scaled proposal that was refused on stronger grounds.
- The stone walled laneway between the road and the design is not wide enough to accommodate cars.
- Not every ruinous structure is capable of being utilised and extended and the Board is requested to have due regard to this point.
- In respect of the comments about family connections such as parents living in the adjacent house, it is observed that there was no evidence of occupancy during site visits, that the dwelling has sail equipment in the garden and it is further noted that the applicant had previously stated an intention to set up a coastal tourism business.

## **8.0 Assessment**

### **8.1. Scope of Issues**

8.1.1. Having reviewed the file and inspected the site I consider the substantive issues relate to:

- Built heritage
- Rural housing in a remote greenbelt area

### **8.2. Built Heritage**

8.2.1. The position taken by the planning authority is that the principle of a dwelling house is at issue given the location in a greenbelt area and ruinous condition of the former dwellinghouse which is not considered to be 'substantially intact' and therefore permission is considered to constitute a material contravention of the development plan objective RP5-30.

8.2.2. As the proposal relates to the redevelopment of a ruinous dwelling, I consider the criteria in the first instance is that set out in objective RP 5-30 which seeks to encourage sensitive development subject to specific criteria as well as being moderated by normal proper planning and development considerations. There are

six specific key aims and the achievement of these are assessed accordingly below and then assessed in the context of proper planning and sustainable development.

1. The original walls of the dwelling structure must be substantially intact:

The proposal is stated to not rely on demolition of the ruinous structure. This is different from the previous refused proposal which involved demolition and construction of a much larger house. The applicant has submitted an engineer's report claiming that the walls are substantially intact for the purposes of being retained as part of a new dwelling. The wraparound extension design will act as a buttress-like support. A number of methods are proposed to ensure the retention of the walls and avoidance of damp. While I accept that further details remain outstanding subject to detailed site investigation and I note the reservations of the planning authority, I consider that for a single storey structure which retains a principal gable wall and openings that a clearly legible framework provides for reinstatement of a complete structure. Subject to meeting conditions adhering to the method statement in this regard, I consider the proposal to meet with this criterion.

2. The structure must have previously been in use as a dwelling:

The applicant has submitted census data and evidence of local knowledge on former inhabitants of the former dwelling. This dates the probable occupancy up to the 1950s which is a considerable time lapse but nevertheless complies with this occupancy requirement. While it is speculation, it is probable that the newer dwellings were in effect a replacement of this former occupancy – they would not appear to have co-existed.

3. 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.

The planning authority acknowledges the reduced scale as compared to the previous refused proposal, but is not convinced that the structure will be retained. It is also considered likely that permission for a two bed cottage will pave the way for an extension and reinstatement of what was refused. I note from the drawings the proposal is modest in scale and the original structure is to be re-instated by completing the walls and adding a roof thereby reinstating the

principal form and that the extension wraps around in a subordinate manner. This will provide a modest 66sqm two-bedroom dwelling. The site is mature and well screened and has the capacity to visually assimilate this modest structure. Accordingly, I consider these criteria to be met. Any further extension would be assessed on its merits. To regulate any further development, a restriction on exemption would further safeguard the amenities of the area.

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

The proposal seeks to retain the boundary features and remove self-seeded vegetation among the ruins, although more detail would I consider be helpful. The walled breen track from the publicly accessible right of way to the dwelling curtilage is a noteworthy historical landscape feature of the site, and its retention is I consider an important element particularly in regard to the wider context and landscape and heritage objectives in the development plan. I refer to

- **Objective HE 16-19** seeks to protect, maintain and enhance the established character, forms, features and setting of vernacular building.
- **Objective GI14-9** which seeks to discourage proposals necessitating the removal of extensive amounts of trees hedgerows and historical walls or other distinctive features, and

It is clarified that it is proposed to rebuild one side of the original stone walling this so as to widen the access to create vehicular access and a driveway which I consider is contrary to these objectives not only by its realignment but also by the suburbanised character it would create. The levels in the site make it difficult to address alternatives by condition. As it is a cul-de-sac and the entrance sightlines are not particularly at issue, I see little reason why the boundaries and entrance walls could not be substantially retained but further details are necessary to ascertain this. I further note the applicants at time of application are related to the occupants of the neighbouring dwelling where there is extensive parking and this could also be explored so as to retain the distinctive historic footprint of boundaries and passages. Based on the submitted details, I do not consider that this criterion has not been met. Furthermore the loss of such features would serve to be contrary to the vernacular heritage and landscape objectives in the CDP.

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

Subject to best practice in terms of retaining the hedgerow and boundaries and installation of a wastewater treatment plant which is demonstrated to the potentially compliant, I consider criteria in this regard can be met.

6. Proposals must be acceptable in terms of public health and traffic safety.

In this case the proposal is serviced via a road network that is substandard in terms of alignment and surface. The horizontal alignment does not allow for safe passing of even standard vehicles. It is accessed via a right of way which suggests it is a private road over which the council potentially presently has no charge. It services multiple properties and farmlands. As the proposal is for a new residential use, the development and occupancy of such will generate an intensification of traffic on a road network that is significantly restricted in its capacity. I note that the proprietary waste treatment system required for the site is due to a low T value and that regular desludging is required. This higher frequency of servicing would be in addition to the normal family household requirements for this intended family residence. In such circumstances I do not consider the proposed development would be acceptable in terms of traffic safety.

**8.3. Rural housing in a remote greenbelt area**

- 8.3.1. The CDP clearly supports the re-use of ruins as part of sustainable and conversation led revitalisation of the rural areas and to this end has incorporated a clause relaxing the need to justify the nature of residential use. Accordingly, where ordinarily a rural housing need is required to be substantiated in this green belt zone, this has not been sought. The PA has however applied a stringent approach to the particulars of the structural integrity criteria. It has applied as I understand it, a degree of proportionality to the benefits arising in this case and I note the PA refers to the issue of precedence for other ruinous structures in the area. This I consider is reasonable in view of the remoteness and small extent of the ruinous structure on site and also the provisions for wider considerations in RP5-30
- 8.3.2. While there is much dispute about the ruinous condition, it is somewhat academic as compliance with RP5-30 is predicated on being in accordance with 'normal proper planning and sustainable development' considerations as well as the requirements of



other objectives in this Plan.’ In respect of the latter, I have already flagged conflicts with heritage objectives. It is also reasonable and relevant to consider the development plan settlement strategy through protecting against erosion of the green belt and the inefficiencies in the provision of services in such a remote location. I refer to planning principles and considerations for greenbelts in sections 5.5.4 and 5.5.9-12. Objective 5-14 seeks to prevent urban sprawl, direct development into serviced urban areas and regulate exceptional cases that collectively serve to urbanise rural areas and undermine the protection of the green belt. These are reasonable considerations in the context of the statutory guidance and policy such as in the National Planning Framework, (objective 19 and as cited in section 5.5.2 of the CDP) and allowing for planned and orderly urban expansion. This is further advanced in the Sustainable Residential Development and Compact Settlement Guidelines. While I accept the limited footprint of new development, a new dwelling use in this remote area would generate a demand for uneconomic provision of services and moreover generate traffic in an area where roads, over considerable lengths, are seriously substandard by current standards.

8.3.3. I also note that the road network approaching the site is marked by a number of derelict properties that are larger in scale and more prominently sited – photographs are appended to the PA response which illustrate this and were noted on my site inspection. At a strategic level the planning authority is concerned about the precedence of developing many minor ruins as dwellings and this I consider to be reasonable in view of the settlement strategy and provisions of objective RP 5-14 in respect of incremental erosion of the greenbelt and having regard to sustainability of exceptions. I also consider the proposed development by itself and the precedence it would set for similar development would generate a demand for the uneconomic provision of services. This I consider is a key issue and relates to the principle of a dwelling house in a very remote and scenic green belt area lacking public services.

8.3.4. In conclusion, while there was previously an inhabited structure, the proposal is for a new dwelling use in the area, the circumstances having completely altered since its use ceased as a dwelling over 70 years ago. On its merits as a new dwelling at this location I conclude that the generation of traffic and the precedent it would set would be prejudicial to public safety by reason of traffic hazard. Furthermore, I consider the

development would serve to urbanise the countryside in a greenbelt area of high landscape value and I am not satisfied that the proposed works serve to adequately protect historic features which is contrary to objectives GI14-9 or HE16-19.

Accordingly in view of the foregoing I do not consider the proposal to meet fully with the criteria of objective RP 5-30 and would I consider materially contravene the development plan in this regard and, in overall terms, be contrary to the proper planning and sustainable development of the area. I consider that permission should be refused on this basis.

#### **8.4. Other matters**

- 8.4.1. While I note that there is no issue or objections raised by the planning authority in its appraisal of the proposed wastewater treatment system, I consider the site characteristics, as set out in the submitted site characterisation form, are of a nature that indicate an inherent drainage difficulty in an area where there is potentially risk of contamination of domestic wells. I say this by reference to the EPA National Inspection Plan for Domestic Waste Water Treatment Systems 2022 – 2026. In its mapping of distribution of risk zones, the subject area generally has a higher a concentration of zone 2 lands where there is risk of contamination of domestic wells. There are two dwellings down gradient in the immediate environs. The Sustainable Rural Housing Guidelines state that the key to protecting water quality in the event of providing new dwellings in un-sewered rural areas, is to ensure that new development is guided toward sites where acceptable wastewater treatment and disposal facilities can be provided and avoiding sites where it is inherently difficult to provide and maintain, (section 4.5.) I note however that the gradients indicate a groundwater flow that is likely to be away from the nearby dwellings south west. There is however the possibility of a drinking well for livestock in the adjacent fields. I note the subject site is described as being for grazing. The proposed development has the potential to pose a risk to public health due to the inherent soil characteristics and unsuitable nature for the treatment of septic tank effluent, notwithstanding the use of a proprietary wastewater treatment system. I have already flagged the desludging requirements and accessibility issues. In the context of proper planning and sustainable development, I consider this further supports a disposition to refuse permission.

- 8.4.2. The other issue relates to the access to adjacent farmlands having regard to the pattern of houses, entrances and surrounding field networks and the proposal to potentially block off an access route.
- 8.4.3. These matters could potentially be addressed by further information but in view of the substantive reason for refusal I do not consider this to be warranted.

## **9.0 AA Screening**

9.1. I have considered the proposal to renovate ruins and construct a dwelling in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located within a rural location c.50m to the north of Roaringwater Bay (site code 000101). The proposed works are minor in nature and involve a wastewater treatment plant and ancillary works. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Scale and nature of the development
- The absence of any surface water body on site and absence of direct hydrological connections from the nearest European site.
- The buffer of improved grassland between the site and foreshore
- The very limited extent and duration of construction works
- The dissipation factor of the receiving coastal waters
- Design of the wastewater treatment plant

I therefore 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.

## **10.0 Recommendation**

10.1. I recommend a decision to refuse permission based on the following reasons and considerations.

## 11.0 Reasons and Considerations

1. The proposed new dwelling house incorporating ruins of a former dwelling is located within the Town Greenbelt of Schull and a coastal scenic 'High Value Landscape' area as set out in the Cork County Development Plan 2022-2028. Having regard to the provisions in the Development Plan for ruinous structures in such areas, it is considered that the removal of historical walling and alteration to a walled track/boreen within the site for the creation of a driveway would remove an intrinsic feature of interest and urbanise the area and therefore have a negative impact on the heritage of the site, its local character and sense of place and would contravene Objective HE 16-19 which seeks 'to protect, maintain and enhance the established character, forms, features and setting of vernacular building'. Furthermore, having regard to its remote location and road network serving the site, it is considered that the proposed dwelling use notwithstanding its former use some 70 years ago, would by itself and the precedence it would set for the generation of traffic reliant on a constrained road network at this location would 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 in respect of redevelopment or replacement of an uninhabitable or ruinous dwelling 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.

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Suzanne Kehely  
Senior Planning Inspector

24<sup>th</sup> February 2025

# Appendix 1 - Form 1

## EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP- 321414		
<b>Proposed Development Summary</b>	Renovation and extension to ruin to provide a dwelling house and wastewater treatment plant		
<b>Development Address</b>	Schull, Co.Cork		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	x
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>		State the Class here.	Proceed to Q3.
<b>No</b>	x		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	x		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	Tick/or leave blank	Class (10)(b) of Schedule 5 Part 2 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	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	x	Screening determination remains as above (Q1 to Q4)
Yes		

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

## Appendix 2 - Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP- 321414
<b>Proposed Development Summary</b>	Renovation and extension to ruin to provide a dwelling house and wastewater treatment plant
<b>Development Address</b>	
<p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p><b>(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).</b></p>	<p>The proposal is for the construction of a dwelling house and all associated site works in a rural area. While it is for renovation of a ruinous structure and extension the degree of intervention of works notwithstanding the retention of original walls and the dereliction and last occupancy dating over 70 years, it is in effect a new dwelling. It is in a remote coastal area of clustered housing and the 66sq.m. total floor area is modest and not an exceptional type of development in this rural area. The development involves treatment and disposal of effluent to ground. Subject to compliance with the relevant standards this will not result in pollution. The issue of a localised pollution risk is addressed under sustainable planning considerations. The proposed development will not result in the production of significant waste, emissions, or pollutants.</p> <p>This is a very small development in this rural context. There is no real likelihood of significant cumulative effects with other permitted developments.</p>



<b>Location of development</b>  <b>(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).</b>	There are no significant ecological sensitivities on the site.  The Roaring Bay SAC includes the coastal waters south of the site at a distance of c 60m. This is addressed though the AA. The cultural and landscape heritage as reflected in the surviving structure and stonewalling in and bounding the site while of interest are not individually recorded for preservation and are of a nature and scale that can be addressed within normal planning and development considerations as providing in the related CDP policies and objectives.	
<b>Types and characteristics of potential impacts</b>  <b>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</b>	While there are visual and historic sensitives in the area, I do not consider them to be of a magnitude to warrant an EIA given that such matters can be addressed under normal planning considerations.	
Conclusion		
<b>Likelihood of Significant Effects</b>	Conclusion in respect of EIA	x
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>	
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:**

**Date:**

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 2 - Appropriate Assessment

### Stage 1

#### Screening for Appropriate Assessment Screening Determination

##### Step 1: Description of the project

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

The proposed development involves restoration works to a ruinous structure and very modest extension in addition to site works associated with wastewater and water supply and site entrance.

The site is not located within any designated site. The closest Natura 2000 site is Roaringwater Bay and Islands SAC (Site Code: 000101) which is located approximately c.50m to the south of the appeal site. No others are within 5km or within the likely zone of influence.

##### Reports/observations on project

- The applicant submitted an Appropriate Assessment Screening Report and described the relationship between the site and the SAC.
- A site characterization report accompanies the application sandstone underlying soil condition with low T value. Not suitable for regular septic tank but can accommodate a packaged wastewater treatment system and in situ polishing filter installation and subject to regular desludging can operate in accordance with EPA guidance.
- The ecology officer of CCC raised no concerns and concurred with the conclusions of the applicant's screening report.
- Area Engineer: no concerns
- No submissions by prescribed bodies.

**Step 2: Potential impact mechanisms from the project [consider direct, indirect, temporary/permanent impacts that could occur during construction, operation and, if relevant, decommissioning]**

The project is not directly connected with or necessary for the future conservation management of any European Site. There is waterbody within or bounding the site so there is no direct hydrological connection however there is potential for indirect impacts from habitat deterioration, water pollution and disturbances to species but this is extremely limited .

Section 4.2 of the AA screening report identifies potential impacts and significance of these. Such relate to construction activities and silt deposition and water quality, habitat loss and/or alteration, habitat or species fragmentation, and disturbance and /or displacement of species. I also note the council's ecology report.

On the basis of the documentation, I consider potential impact mechanisms can be categorised as follows:

- Mechanism 1: Release of pollutants at construction stage and contamination of surface water (by dust, accidental spill of fuels, oils, chemicals, machinery) effecting water quality and marine natural environment and habitat degradation
- Mechanism 2: contamination of groundwater through accidentals spills of fuels oils chemicals.
- Mechanism 3: Release of pollutants at operational stage due to failure of wastewater treatment plant
- Mechanism 4: Disturbance due to construction noise.

**Step 3: European Sites at risk**

The screening for AA was prepared by Karen Banks MCIEEM consultant ecologist on behalf of the applicant and concluded that significant effects could be ruled out in view of the conservation objectives of European sites

In determining the potential for significant effects of the proposed development, a catchment of 5km was considered for European Sites, having regard to the nature scope, scale and location of work and connectivity. I am satisfied that the zone of

influence as described is reasonable. Accordingly, the following European Sites as part of the Natura 2000 network is identified:

- Roaringwater Bay and Islands SAC (Site Code: 000101)

**Table 1 European Sites at risk from impacts of the proposed project**

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk- those in the vicinity of the site as mapped by NPWS are bold
Mechanism 1 and Surface water pollution at construction stage	Potential construction works and overground run-off – pathway due to proximity and site draining towards Roaringwater Bay	Roaringwater Bay and Islands SAC (Site Code: 000101)	<u>Habitats</u> - Large shallow inlets and bays( <b>Shallow sand/mud community complex</b> ) [1160]  - <b>Reefs</b> [1170]  - Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]  - European dry heaths [4030] Submerged or partially submerged sea caves [8330]  <u>Species</u>

			<b>- Phocoena phocoena (Harbour Porpoise) [1351]</b>  <b>- Lutra lutra (Otter) [1355]</b> <b>- Halichoerus grypus (Grey Seal) [1364]</b>
Mechanism 2: contamination of groundwater through accidental spills of fuels oils chemicals at construction stage	Potential construction works and seeping to groundwater – pathway due to proximity and site draining towards Roaringwater Bay	Roaringwater Bay and Islands SAC (Site Code: 000101)	As above
Mechanism 3 Release of pollutants at operational stage due to failure of wastewater treatment plant	proximity and site draining towards Roaringwater Bay	Roaringwater Bay and Islands SAC (Site Code: 000101)	As above
Mechanism 4: Disturbance due to construction noise.	Construction noise - disturb species in nearby waters	Roaringwater Bay and Islands SAC (Site Code: 000101)	Species above
<b>Overall Conclusion- Screening Determination</b>  The proposal works are minor in nature and involve a wastewater treatment plant and ancillary works. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment as there is			

no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Scale and nature of the development
- The absence of any surface water body on site and absence of direct hydrological connections from the nearest European site
- The buffer of improved grassland between the site and foreshore
- The very limited extent and duration of construction works
- The dissipation factor of the receiving coastal waters
- Design of the wastewater treatment plant

I therefore 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.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.