



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-321483-24

<b>Development</b>	Retention of Timber frame building, shed, polytunnel, pond and compost bin for plant waste. Permission for vehicular entrance, 2 car parking spaces, alterations to ground levels and ancillary siteworks.
<b>Location</b>	Cahergarriff, Castletownbere, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	24/434
<b>Applicant(s)</b>	David Millard & Joanne Faulkner
<b>Type of Application</b>	Permission and permission for retention
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Peader & Helen Hanley
<b>Observer(s)</b>	None

**Date of Site Inspection**

12<sup>th</sup> June 2025

**Inspector**

Aisling Mac Namara

## **1.0 Site Location and Description**

- 1.1. The proposed development relates to a 0.938ha site located within the rural area of Cahergariff, Castletownbere in County Cork. The site is at the junction of two roads - the L8935 is to the northern boundary and L8936 is to the eastern boundary. The western and southern boundaries adjoin agricultural lands. There is a dwelling located on the northern side of the L8935 road and a dwelling located to the south. Levels vary across the site and fall roughly downhill from the L8935 towards the southern boundary. The site is in a semi natural state with natural boundaries. The site contains a timber potting shed, a tool shed, a polytunnel and a pond and there are rough gravel paths and gravel areas across parts of it. There is a pedestrian opening through the hedge of the eastern boundary.

## **2.0 Proposed Development**

- 2.1. Permission is sought to retain the following:
- a timber frame building with rainwater harvesting system for use as a potting shed / glass house (27sqm, max ground to ridge height 3m, to be relocated to lower lands)
  - tool / machinery shed (11.2sqm, max ground to ridge height 2.53m)
  - polytunnel to produce fruit and vegetables (58sqm, max ground to ridge height 3m)
  - freshwater pond
  - compost bin for plant waste

Permission is sought for:

- vehicular entrance to the L8935
- two car parking spaces
- alteration to ground levels and ancillary site works to complete works necessary to create a wild garden and general rewilding of lands

At further information stage, revised drawings were submitted showing the potting shed reduced in size to 15sqm.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated 22<sup>nd</sup> November 2024, the planning authority decided to grant permission for the proposed development subject to 17 conditions.

Condition 2 restricts the use of the potting shed so that it is not used for trade or human habitation.

Condition 3 states the following: “Notwithstanding the exempted development provisions of the Planning & Development Regulations 2001, as amended, no additional structures shall be erected within any dwelling curtilage save with the benefit of a further planning permission.”

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The report of the Executive Planner (27/09/2024) sets out a recommendation to request additional information. The report notes the site is located in a Greenbelt area, the polytunnel for horticulture and tool shed use is compatible with rural area, rewilding of lands, aquatic pond and compost bin is acceptable, vehicular entrance is satisfactory. Concerns regarding the timber building (27.5sqm) for potting shed – evidence that has been used possibly as living quarters, concern that scale is excessive and cannot be considered ancillary to the horticultural use of the site. Noted that current enforcement case re the unauthorised development on the site.
- Further Information was requested on 27<sup>th</sup> September 2024 raising concerns regarding the design and scale of the potting shed / glass house which is inappropriate with habitable potential, requested to reduce the scale of the building to 15sqm, reduce glazing and relocate it.
- Response to Further Information received 6<sup>th</sup> November 2024 showing revised drawings reducing the floor area of the potting shed / glass house to 15sqm with reduced glazing. Request six month period to relocate and carry out the alteration works to the shed.

- The report of the Executive Planner (20/11/2024) sets out a recommendation to grant permission.

### 3.2.2. Other Technical Reports

- Area Engineer – recommends permission with conditions for traffic safety and road drainage, entrance with sightlines of 90m in either direction is acceptable (reports of 28/11/2024 and 16/09/2024).

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

One third party observation was received from the occupants of the property to the north side of the site. Issues raised relate to concerns over new entrance and traffic safety, impact on scenic amenity and rural character, negative impact on value of house.

## 4.0 Planning History

The relevant planning history relating to the site is as follows:

- PA23/647 – David Millard and Joanne Faulkner - refused - permission to retain timber building for potting shed/ glass house, tool machinery shed, composting wc with rainwater harvesting, polytunnel, pond, compost bin, alteration to ground levels, permission to revise elevations to timber building, shed and composting wc and complete works for wild garden and wilding of lands – Reasons: (1) compromise the function and character of the Town Greenbelt, incongruous features, contrary to RP5-15 and GI14-9, undesirable precedent in high value landscape and GB greenbelt lands, (2) unauthorised vehicular entrance has been closed and proposed to cycle to site however notwithstanding, the development would give rise to roadside parking and be prejudicial to road safety by reason of traffic safety and interfere with freeflow of traffic on L8936.

- PA23/425 – David Millard – refused – permission to retain timber frame building for potting shed, tool machinery shed, composting wc, polytunnel, pond, compost bin, vehicular and pedestrian access to L8936, alterations to ground levels and site works, permission to complete works for wild garden and rewilding lands. Reasons: (1) compromise the function and character of the Town GB, incongruous features, contrary to RP5-15 and GI14-9, undesirable precedent in high value landscape and GB greenbelt lands, (2) new vehicular access via the L8936 is prejudicial to road safety having regard to inadequate sightlines to the north and where it is not demonstrated that sightlines can be provided without significant removal of roadside vegetation along the eastern boundary, the proposed development would endanger public safety by reason of traffic hazard.
- Enforcement SKB220047 – warning letters issued

## 5.0 Policy Context

### 5.1. Development Plan

Cork County Development Plan 2022-2028

#### Chapter 5 Rural

- RP 5-15: Active Uses of Greenbelt Lands

Facilitate active uses of the County Metropolitan and Town Greenbelts generally and to encourage proposals which would involve the development of parks, countryside walks or other recreational uses within the Greenbelt. Any built development associated with such uses should not compromise the specific function and character of the greenbelt in the particular 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.

#### Chapter 8 Economic Development

- EC: 8-15 Agriculture and Farm Diversification
  - a) Encourage the development of sustainable agriculture and related infrastructure including farm buildings.
  - b) Prioritising the development of sustainable rural housing to support working farmers and their employees (see Chapter 5 Rural);
  - c) Encouraging farm diversification through the development of other sustainable business initiatives appropriate to the rural area (see Chapter 5 Rural); and
  - d) Supporting appropriate proposals for sustainable tourism development. (See Chapter 5 Rural and Chapter 10 Tourism)

#### Chapter 14 Green Infrastructure and Recreation

- GI 14-9: Landscape
  - a) Protect the visual and scenic amenities of County Cork's built and natural environment.
  - b) Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.
  - c) Ensure that new development meets high standards of siting and design.
  - d) Protect skylines and ridgelines from development.
  - e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.
- GI 14-10: Draft Landscape Strategy

Ensure that the management of development throughout the County will have regard for the value of the landscape, its character, distinctiveness and sensitivity

as recognised in the Cork County Draft Landscape Strategy and its recommendations, in order to minimize the visual and environmental impact of development, particularly in areas designated as High Value Landscapes where higher development standards (layout, design, landscaping, materials used) will be required.

- GI 14-12: General Views and Prospects

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

- GI 14-13: Scenic Routes

Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in this Plan. The scenic routes identified in this Plan are shown on the scenic amenity maps in the CDP Map Browser and are listed in Volume 2 Heritage and Amenity Chapter 5 Scenic Routes of this Plan

## Chapter 15 Biodiversity and Environment

- BE 15-6: Biodiversity and New Development

Provide for the protection and enhancement of biodiversity in the development management process and when licensing or permitting other activities by:

- a) Providing ongoing support and guidance to developers on incorporating biodiversity considerations into new development through preplanning communications and the Council's guidance document 'Biodiversity and the Planning Process – guidance for developments on the management of biodiversity issues during the planning process' and any updated versions of this advice;
- b) Encouraging the retention and integration of existing trees, hedgerows and other features of high natural value within new developments;



- c) Requiring the incorporation of primarily native tree and other plant species, particularly pollinator friendly species in the landscaping of new developments;
- d) Fulfilling Appropriate Assessment and Environmental Impact Assessment obligations and carrying out Ecological Impact Assessment in relation to development and activities, as appropriate;
- e) Ensuring that an appropriate level of assessment is completed in relation to wetland habitats subject to proposals which would involve drainage or reclamation. This includes lakes and ponds, watercourses, springs and swamps, marshes, heath, peatlands, some woodlands as well as some coastal and marine habitats;
- f) Ensuring that the implementation of appropriate mitigation (including habitat enhancement, new planting or other habitat creation initiatives) is incorporated into new development, where the implementation of such development would result in unavoidable impacts on biodiversity - supporting the principle of biodiversity net gain.

- BE 15-7: Control of Invasive Alien Species

Implement best practice to minimise the risk of spread of invasive alien species, on Council owned or managed land, and require the development and implementation of Invasive Alien Species Management Plans for new developments where required

## **5.2. Natural Heritage Designations**

There are no natural heritage designations within or in close proximity to the site. The closest designated area is the Pulleen Harbour Bog NHA located c 0.9km from the site. The Beara Peninsula SPA is located c 1.3km from the site.

## **6.0 EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Appendix 1 and 2 in this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood

of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **7.0 The Appeal**

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

The grounds of appeal are summarised as follows:

- The appellant lives to the north side of the L8935 road in a dwelling constructed on foot of 14/353.
- Request that application be refused.
- The entrance to this agricultural land is via a long established pedestrian access on L8936.
- Proposed new entrance and car park requires ground works including removal of rock and removal of vegetation.
- There has been significant amount of unauthorised development on the site and have concerns that if permission granted that this trend will continue.
- The log cabin is being relocated to the lower part which is of benefit. Unclear if buildings, car park and pathway can be properly absorbed into the environment.
- A copy is submitted of the submission submitted to the planning authority in relation to the application.

### **7.2. Applicant Response**

The applicant has responded to the grounds of appeal. The main issues raised are summarised as follows:

- The development is for domestic horticultural purposes only.
- The development will enhance the biodiversity of the area.

- The land will not be used for residential purposes. Stated that both applicants own their own homes and have no residential requirement.
- Applicants receive great enjoyment through growing vegetables and rewilding the land. Proposal will positively impact on the applicants health and wellbeing.
- The proposed entrance is situated on the opposite side of the road from the neighbouring property and located c 35m from their front entrance. The distance ensures sufficient separation between the two access points. Sightlines discussed with Area Engineer. There is satisfactory visibility of 90m in both directions exceeding the requirements for safe ingress and egress from road. Traffic generated is minimal – average of less than one return journey per day during peak season. The entrance will not pose a safety risk to road users or neighbouring properties. The entrance shown on 23/425 has been closed off, removing traffic hazard on L8936. The car park will accommodate no more than two car parking spaces. Will ensure no roadside parking. Pre existing pedestrian access is in place for many decades and will be retained.
- Proposal respects the visual and scenic amenities of the area. The proposed entrance and turning circle is small 80sqm, finished in gravel, designed to integrate with the surrounding environment. Very little ground works needed to complete the project as the sites natural topography is already suited. There is no impact on scenic views. Planting will integrate the development into the landscape. Relocation of the potting shed to lower ground will improve scenic amenities. Development is in keeping with the surrounding agricultural landscape and will not detract from the character of the area.
- The project includes rewilding and landscaping and replacing invasive species with native trees. Extensive planting has been undertaken and is proposed. This contributes to ecosystems. Some roadside vegetation will be removed for entrance. New planting will compensate for any loss.
- As the land has no water supply and none is being sought, the rainwater collection systems will be used for watering vegetables and rinsing hands. The pond will be additional source of non potable water. There will be no

drinking water on site. No surface water drainage or flooding issues. There is no foul sewage – no liquid waste will be generated on site. Any solid plant waste will be composted on site.

- The freestanding timber structure will be used as potting shed / glass house (uses recycled windows and doors as substitute for glasshouse) - committed to sustainable construction.
- The appellants concerns are not well founded. The development does not detract from the appellants enjoyment of their home.
- No impact on designated sites, SAC, SPA or NHA.
- Will not impact on archaeology.
- The works will not cause unreasonable disruption to neighbours or passers by.
- Applicants have volunteered on conservation projects and have smallholder experience.
- Applicants were unaware that the works carried out were not exempt and has made efforts to comply with the planning authority.

### **7.3. Planning Authority Response**

The planning authority has responded stating that it has no additional comments.

### **7.4. Observations**

None

### **7.5. Further Responses**

None

## **8.0 Assessment**

- 8.1. Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal, and inspected the site

and having regard to relevant policies and guidance, I consider that the main issues in the appeal are as follows:

- principle of development
- visual impact
- entrance and car parking area
- landscaping and invasive species

I note that the planners report refers to enforcement relating to the site and development. The appellants have raised concerns regarding the precedent of unauthorised development on the site. In this regard, I note that enforcement is a matter for the planning authority. Every application is to be considered based on its particular merits and having regard to the considerations of proper planning and sustainable development.

## **8.2. Principle of development**

- 8.2.1. Under the Cork County Development Plan (CDP) 2022-2028, the site is located c 1.87m outside of the development boundary of Castletownbere on land zoned Greenbelt for Castletownbere Town. Objective RP5-15 of the CDP is to facilitate active uses in the town greenbelts and to encourage proposals that involve uses including recreational uses. Objective 5-19 is to prevent sprawl, maintain the greenbelt around towns and reserve the greenbelt for agriculture, open space or recreation uses and reserve biodiversity areas for compatible uses. Objective EC8-15 (a) encourages sustainable agriculture and related infrastructure including farm buildings.
- 8.2.2. This proposal is for permission to retain a timber building with rainwater harvesting for potting shed / glass house, tool / machinery shed, polytunnel to produce fruit and vegetables, freshwater pond for aquatic wildlife and compost bin for plant waste and for permission for a new vehicular entrance and carparking area and alterations to ground levels and ancillary ground works including planting of wild garden.
- 8.2.3. The applicants have stated that they own their own permanent homes (in Castletownbere and Dublin) and do not have a housing need at the site and that they use the site for their personal domestic use, growing vegetables, gardening and undertaking the 're-wilding' and re-forestation of the site. They state they have a

keen interest in nature conservation and biodiversity and that their time spent at the site brings recreational, health and wellbeing benefits.

8.2.4. The potting shed (to be relocated to below the tool shed and reduced in size from current 27sqm to 15sqm), tool shed (11sqm) and polytunnel (58sqm) are all small size and scale reflecting their domestic horticultural use. Water for gardening / planting and hand washing is supplied by rainwater harvesting tanks and the pond. There is to be no drinking water supply and there are no proposals for foul effluent collection and discharge. The timber shed has been constructed using second hand materials. The pond for aquatic habitat and water is small and naturally fed. Any plant waste is to be composted on site. The proposed entrance and on site car parking area is small and is to provide for the parking needs of the applicants when visiting the site. The applicants state that minimal ground works are required for the entrance and car parking. The site is to remain in a semi natural 're-wilded' state with clusters of new proposed planting around the site. All of these practices including the local production of food for domestic use, with minimal effects on the environment involve practices that protect natural resources and enhance biodiversity. Thus the proposed farming approach is a low impact, small scale sustainable form.

8.2.5. I am satisfied that the proposed use is for sustainable agricultural activities for domestic personal use and that this is in accordance with objective EC8-15(a) which encourages sustainable agriculture and RP5-19 which is to maintain greenbelts for agriculture and recreational use.

### 8.3. Visual impact

8.3.1. The CDP objectives RP5-15 for the greenbelt states that development should not compromise the character of the greenbelt and objective RP5-19 is to prevent sprawl and to ensure a distinction between built up areas and the open countryside. The site is located on lands designated a 'High Value Landscape' in the CDP. Objectives GI14-9 and GI14-10 are to protect the visual and scenic amenities of the area. The S118 scenic route relates to the protected view to the north along the R572 road from Castletownbere via Cahermore to Garnish Point of Bear Haven, Bear Island, Firkeel Bay, Dursey Sound and islands, the sea, Slieve Miskish Mountains and

surrounding hills. Objective GI14-13 is to protect views and prospects from scenic routes.

- 8.3.2. Having regard to the design and site layout of the works to be retained and proposed, including the proposal for the site to be 'rewilded' in semi natural state with the substantial retention of existing natural boundaries and proposed new planting within the site, the small scale and height of the buildings, the proposed resizing and relocation of the potting shed to lower lands, the proposed materials including timber on potting shed and tool shed and gravel parking area, and the minimal scale of works for the proposed entrance and car park, including ground works and treatment of the entrance with sod and stone bank and vegetation, I am satisfied that the development can be integrated into the surrounding area, would not compromise the open rural character of the greenbelt, and that the visual and scenic amenities of the area will not be significantly compromised. I am satisfied that the proposed development is in accordance with objectives RP5-15, RP5-19, GI4-9, GI14-10 and GI14-13 of the CDP.

#### **8.4. Entrance and car parking area**

- 8.4.1. The site does not have a vehicular entrance. Under PA23/425 permission was refused for a vehicular entrance on the L8936 road at the southeastern corner of the site due to inadequate sightlines and traffic hazard. An entrance previously constructed at this point has now been closed.
- 8.4.2. Under this application, permission is now sought for a new vehicular entrance to the L8935 road which is to serve two parking spaces. The entrance is to be located at an existing gap in the roadside hedge. The site layout plan drawing shows existing and proposed roadside vegetation in green located behind sightlines of 90m either direction from 2.4m point back at entrance. The applicants state that they are likely to make one return journey per day during spring and summer with journeys much reduced in autumn and winter. An existing pedestrian entrance on the eastern boundary which is stated to be in place for many years is to be retained.
- 8.4.3. The Area Engineer was satisfied with the proposed entrance and sightlines and recommended grant of permission. The planning authority granted permission for the new entrance subject to condition 7 which required sight distance of 90m in both directions from a 2.4m setback point, condition 4 for splaying of the entrance at 1m

height and condition 5 for the side walls and piers to be of natural stone or sod and stone construction.

- 8.4.4. The L8935 is a narrow road serving agricultural lands and a number of one off houses. On day of site visit I observed little traffic on the road. Along this section of the road it is of relatively straight alignment. Along the roadside boundary the bank and vegetation is setback from the road edge. The TII Geometric Design of Junctions DN-GEO-03060, May 2023 sets out visibility standards for the construction of new entrances. The TII standards require 'y' distance to the near edge of the road of 90m for a design speed of 60km/hour. The standards require an 'x' distance of 2.4m on national roads which can be relaxed to 2m on lightly trafficked regional and local roads. I am satisfied that this is a lightly trafficked road and that the relaxation to 2m is acceptable.
- 8.4.5. I am satisfied that acceptable sightlines can be achieved and that the proposed entrance can be accommodated without traffic hazard issues.
- 8.4.6. I am satisfied that any removal of roadside vegetation for sightlines would be minimal and that roadside hedging is substantially retained and new proposed roadside planting would mitigate for any loss.
- 8.4.7. Ground works would be required to provide the entrance and parking area including levelling of land. As per site visit and the details submitted, I am satisfied that the works are not extensive and can be accommodated without significantly impacting on the land. The drawings do not provide details of existing and proposed levels including any excavation or fill. Final details should be submitted prior to development.

## **8.5. Landscaping and invasive species**

- 8.5.1. Objective BE15-6 is to protect and enhance biodiversity by measures including encouraging the retention and integration of existing trees, hedgerows and other features within new developments and requiring the incorporation of primarily native trees and other plant species particularly pollinator friendly species in the landscaping of new developments.
- 8.5.2. The site layout plan shows landscaping proposals. The existing ditches, trees and grassland are to be retained along boundaries. New planting is proposed around the



site including tree planting and climbing plants. The plan is vague and some of the proposed planting includes non native species. Should permission be granted it is recommended that a condition be attached requiring the submission of a plan for the landscaping and proposed ground works requiring all species to be native.

- 8.5.3. The applicant's submissions refer to invasive species rhododendron on the site. An Invasive Species Management Plan is required. This matter can be addressed by condition.

## **9.0 Appropriate Assessment (AA) Screening**

- 9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act as amended. A screening assessment for Appropriate Assessment is attached to this report as Appendix 2.

- 9.2. 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 Beara Peninsula SPA, Kenmare River SAC or any other European Site in view of the conservation objectives of those sites and Appropriate Assessment is therefore not required. This determination is based on:

- the small scale and domestic agricultural nature of the development,
- the lack of impact mechanisms that could significantly affect a European site,
- distance from and weak indirect connections to the European sites,
- no significant ex-situ impacts on birds.

## **10.0 Water Framework Directive (WFD) Screening**

- 10.1. The site is located within the Dunmanus-Bantry-Kenmare WFD catchment and the Fanahy\_SC\_010 WFD sub catchment. The nearest river is the Creevoge Stream\_010 which is c 62m from the site. The site overlays the Beara Sneem ground water body. Beara Sneem ground water body is a WFD protected area for abstraction of drinking water.

10.2. Under the 3<sup>rd</sup> cycle 2022-2027, the Beara Sneem ground water body has a good overall status and is not at risk and the Creevoge Stream\_010 has a good status and is not at risk.

10.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and / or groundwater water bodies either qualitatively or quantitatively.

10.4. The reason for this conclusion is as follows:

- the small scale low intensive nature of the development which is for domestic horticulture and includes no requirement for supply of drinking water, no requirement for effluent disposal, on site collection and disposal of clean rainwater.
- the distance to the nearest surface water bodies,
- the low risk status of the closest water bodies.

10.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Recommendation

I recommend that permission be granted, subject to conditions.

## 12.0 Reasons and Considerations

Having regard to the policies and objectives of the Cork County Development Plan 2022-2028, the rural context and location of the site within a Greenbelt area, the use

of the site for domestic horticulture purposes and the design, scale and layout of the proposed development, I consider that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area and is an acceptable form of development at this location and would be acceptable in terms of traffic safety and public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1.	<p>The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars lodged with the application on 6th November 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The following details and drawings shall be submitted to and agreed in writing with the planning authority within four months of the date of this permission:</p> <ul style="list-style-type: none"> <li>(a) A plan for the management of invasive alien species (rhododendron) on the site, prepared by suitably qualified person. The plan shall identify invasive species present on the site and set out recommendations for the control and monitoring of the species.</li> <li>(b) Details of ground works and finished ground levels,</li> <li>(c) A comprehensive scheme of landscaping which shall include a plan to scale of not less than 1:500 showing: <ul style="list-style-type: none"> <li>(i) existing trees, hedgerows, shrubs, rock outcroppings, specifying which are proposed for retention as features of the site landscaping,</li> </ul> </li> </ul>

	<p>(ii) the species, variety, number, size and locations of all proposed trees and shrubs which shall be native species,</p> <p>(iii) any hard landscaping works and surfacing materials,</p> <p>(d) A timescale for the phased implementation and completion of the overall development.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interests of orderly development, protection of biodiversity and visual amenity.</p>
3.	<p>Full visibility shall be made available for 90m on either side of the entrance from a point 2m back in from the edge of the road carriageway over a height of 1 m above road level.</p> <p>Reason: In the interest of traffic safety.</p>
4.	<p>The proposed development shall be used solely for the purpose indicated in the application, i.e. domestic horticulture, and shall not be used for the carrying out of any trade or business or for human habitation.</p> <p>Reason: In the interests of orderly development and clarity.</p>
5.	<p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, hard landscaped areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>Reason: In the interest of traffic safety and to prevent flooding or pollution.</p>

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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Aisling Mac Namara  
Planning Inspector

7<sup>th</sup> August 2025

## Appendix 1: EIA Pre-Screening

<b>Case Reference</b>	321483
<b>Proposed Development Summary</b>	Retention of timber frame building shed, shed, polytunnel, pond and compost bin for plant waste. Permission for vehicular entrance, 2 car parking spaces, alterations to ground levels and ancillary siteworks.
<b>Development Address</b>	Cahergarriff, Castletownbere, Co. Cork
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	

<b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	10. Infrastructure projects (g) dams and other installations not included in Part 1 of this schedule which are designed to hold water or store it on a long-term basis, where the new or extended area of water impounded would be 30 hectares or more

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

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

## Appendix 2: EIA Preliminary Examination

<b>Case Reference</b>	
<b>Proposed Development Summary</b>	321483
<b>Development Address</b>	Cahergarrieff, Castletownbere, Co.Cork
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</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).	- proposed domestic horticulture (agriculture) use is compatible with other uses in the area, - small size and intensity of development, - no significant use of natural resources or production of waste, - no significant risk of pollution or nuisance, - no significant risk of accidents /disasters to human health.
<b>Location of development</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).	- rural site, - local ecology only on site, - no built heritage, - no designated sites at the site, - no rivers or streams on the site, - a 'high value landscape' - alien / invasive species on site
<b>Types and characteristics of potential impacts</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).	Having regard to the following: - nature and scale of the development, - lack of significant environmental sensitivities on the site, - absence of significant in combination effects, - proposed landscaping - condition for management plan for invasive species, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.  X	EIA is not required.
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.	
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Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

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

(only where Schedule 7A information or EIAR required)

### Appendix 3: AA Screening Determination Template Test for likely significant effects

#### Screening for Appropriate Assessment Test for likely significant effects

##### Step 1: Description of the project and local site characteristics

Brief description of project	Retention of timber frame building shed, shed, polytunnel, pond and compost bin for plant waste. Permission for vehicular entrance, 2 car parking spaces, alterations to ground levels and ancillary siteworks.
Brief description of development site characteristics and potential impact mechanisms	Small scale domestic horticulture development on 0.94ha site. Site is in a largely undeveloped natural state with scrub, natural vegetation and rock outcrops. A small naturally fed pond has been installed. No rivers or streams at or in the vicinity of the site. No drinking water supply or foul effluent disposal proposed. Surface water is to be collected and disposed on site. Rhododendrum on the site. Existing vegetation to be retained. Landscaping proposed and small amount of groundworks.
Screening report	No
Natura Impact Statement	No
Relevant submissions	None
Planning authority	Planning authority AA screening report of Executive Planner states that potential significant impacts on the Beara Peninsula SPA have been ruled out.

##### Step 2. Identification of relevant European sites within zone of influence using the Source-pathway-receptor model

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Beara Peninsula SPA	Conservation interest for Chough and Fulmar	c 1.3km	Possible indirect. Use of habitat by mobile species	yes
Kenmare River SAC	Marine habitat	c 6.7km	Possible indirect	yes

<sup>1</sup> Summary description / cross reference to NPWS website is acceptable at this stage in the report

<sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

<sup>3</sup>if no connections: N

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

- Identify potential direct or indirect impacts (if any) arising from the project alone that could have an effect on the European Site(s) taking into account the size and scale of the proposed development and all relevant stages of the project (See Appendix 9 in Advice note 1A).
- Are there any design or standard practice measures proposed that would reduce the risk of impacts to surface water, wastewater etc. that would be implemented regardless of proximity to a European Site?

(c) Identify possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects)

#### AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Beara Peninsula SPA 004155</p> <p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]</p>	<p>No direct impacts</p> <p>Indirect:</p> <p>Spread of rhododendron invasive species</p> <p>New landscaping / planting</p> <p>Localised, temporary, low magnitude impacts from noise, dust and construction related emissions.</p>	<p>Having regard to</p> <ul style="list-style-type: none"> <li>- the domestic agriculture nature and small scale of development proposed,</li> <li>- lack of direct connections or pathways,</li> <li>- the distance to receiving features,</li> <li>- low likelihood of significant disturbance to birds that may occasionally use the existing vegetation on the site,</li> <li>- the low risk to SPA related to any minor construction related emissions,</li> </ul> <p>it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality or QI species of the SPA.</p> <p>Regarding potential impacts caused by potential spread of rhododendron, it is noted that the <i>NPWS Rhododendron: A guide to management on nature conservation sites, Irish Wildlife Manua No.33 2008</i> states that seeds may be dispersed by wind up to c 1km and the majority of seeds dropped closer to parent plant within 100m. The Beara Peninsula SPA is outside of this range. Therefore there is low risk of spread to the SPA.</p> <p>Conservation objectives would not be undermined.</p>
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
	Impacts	Effects
<p>Kenmare River SAC 002158</p> <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>No direct impacts</p> <p>Indirect:</p> <p>Spread of rhododendron invasive species</p> <p>New landscaping / planting</p> <p>Localised, temporary, low magnitude impacts from noise, dust and construction related emissions.</p>	<p>Having regard to</p> <ul style="list-style-type: none"> <li>- the domestic agriculture nature and small scale of development proposed,</li> <li>- lack of direct connections or pathways,</li> <li>- the distance to receiving features,</li> <li>- the low risk to SAC related to any minor construction related emissions,</li> </ul> <p>it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality or QI species of the SAC.</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> <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>Regarding potential impacts caused by potential spread of rhododendron, it is noted that the <i>NPWS Rhododendron: A guide to management on nature conservation sites, Irish Wildlife Manual No.33 2008</i> states that seeds may be dispersed by wind up to c 1km and the majority of seeds dropped closer to parent plant within 100m. The Kenmare River SAC is outside of this range. Therefore there is low risk of spread to the SAC.</p> <p>Conservation objectives would not be undermined.</p>
	Likelihood of significant effects from proposed development (alone): <b>No</b>
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>
<p><b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b></p> <p>I conclude that the proposed development (alone) would not result in likely significant effects on Beara Peninsula SPA or Kenmare River SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.</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 Beara Peninsula SPA, Kenmare River SAC or any other European Site in view of the conservation objectives of those sites and Appropriate Assessment is therefore not required.

This determination is based on:

- the small scale and domestic agricultural nature of the development
- the lack of impact mechanisms that could significantly affect a European site,
- distance from and weak indirect connections to the European sites,
- no significant ex-situ impacts on birds.