



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323303-25

### Development

Demolition of dwelling and construction of two storey dwelling, wastewater treatment site and associated site works. A Natura Impact Statement (NIS) was submitted with Further information

### Location

Bocarnagh, Glengarriff, Co. Cork

### Planning Authority

West Cork County Council

### Planning Authority Reg. Ref.

24700

### Applicant(s)

Ronan Girard, Jane Feehan.

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant(s)

D&G Covey and Connie Corcoran.

### Observer(s)

Wolfgang Kallenberg

Dennis O'Sullivan

Roger and Helena Neill.

**Date of Site Inspection**

21<sup>st</sup> October 2025

**Inspector**

Jennifer McQuaid

## Contents

1.0 Site Location and Description .....	5
2.0 Proposed Development .....	5
3.0 Planning Authority Decision .....	5
3.1. Decision .....	5
3.2. Planning Authority Reports .....	5
3.3. Prescribed Bodies .....	7
3.4. Third Party Observations .....	7
4.0 Planning History .....	8
5.0 Policy Context .....	8
5.1. Development Plan .....	8
5.2. Natural Heritage Designations .....	10
5.3. EIA Screening .....	10
6.0 The Appeal .....	11
6.1. Grounds of Appeal .....	11
6.2. Applicant Response .....	12
6.3. Planning Authority Response .....	13
6.4. Observations .....	13
6.5. Further Responses .....	14
7.0 Assessment .....	14
8.0 AA Screening .....	20
9.0 Water Framework Directive .....	22
10.0 Recommendation .....	23
11.0 Reasons and Considerations .....	23

12.0 Conditions .....	24
Appendix A: Form 1 - EIA Pre-Screening .....	29
Appendix A: Form 2 - EIA Preliminary Examination.....	31
Appendix B – Appropriate Assessment Screening. ....	33
Appendix B – Appropriate Assessment Determination .....	39
Appendix C: Water Framework Directive Screening.....	48

## **1.0 Site Location and Description**

- 1.1. The subject site (0.3195ha) is located within the townland of Bocarnagh, Glengarriff, Co. Cork. The site is accessed off a private road off a narrow local road off the L4926 Furkeal road. There are a number of rural one-off houses dotted along this local road. There is an existing habitable dwelling on site (120sqm), which is located at the end of the cul de sac which serves approximately 6 no. dwellings. The subject site overlooks the Glengarriff bay and views towards Garinish Island. The site slopes down towards the bay with direct access to the bay.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of:
- Demolition of existing single storey dwelling
  - Construct a new two storey dwelling
  - Installation of new wastewater treatment system
  - All associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant subject to 26 conditions.

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

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

- The existing dwelling is reported as habitable, it is noted the proposed replacement dwelling is a contemporary design, it is well screened and located on the footprint of the existing dwelling house. It is noted the proposal will be visible from the harbour, but it is well screened from the local scenic routes etc. The planner is overall satisfied with the overall design approach.

- In relation to the proposed use as Airbnb, this is not a planning consideration in this case and there are no restrictions on use in the area.
- Concerns were raised by the ecologist, an NIS is required, as it cannot be excluded that the proposed development will have a significant impact on the Glengarriff Harbour and Woodland SAC (site code: 000090).
- Clarification on septic tank and surface water drainage required.

#### Further Information Report

- A NIS was submitted as part of the further information request and not complete, clarification sought.

#### Clarification of Further Information Report

- Updated NIS submitted, the proposal will not have an adverse effect on the integrity of the European Site concerned, namely the Glengarriff Harbour and Woodland Special Area of Conservation (site code:000090). Mitigation measures are proposed.

#### 3.2.2. Other Technical Reports

- Area Engineer: No objection subject to conditions.
- Environmental Officer: No objection subject to conditions.
- Ecology: Revised design requiring surface water disposed of via a soakaway on site. Concerns raised in relation to the AA screening report; an NIS is required. Further information received and the NIS is not complete in regard to project description or clarification of the exact location of septic tank and presence of surface water drainage. Updated NIS submitted with mitigation measures proposed. No objection subject to conditions attached.

#### 3.2.3. Conditions

- Condition 23: In the event that bats, a protected species, are encountered roosting during course of works on site, namely the demolition phase, works shall be immediately suspended and the applicants are required to contact the National Parks and Wildlife Service to determine whether a Section 23 (5)(d) Wildlife Act Derogation License is required to allow the works to proceed. Where a license is required, works may only proceed following the obtainment

of such a license from NPWS and in accordance with any conditions imposed by the license.

Reason: In the interests of ensuring the protection of bats.

- Condition 25: Given the known presence of Harbour Seal breeding and moulting sites proximal to the development site, demolition works shall not be undertaken between the months of June and August.

A compliance monitoring report shall be submitted to the Planning Authority at the end of the demolition period.

Reason: In the interest of a protected species.

### **3.3. Prescribed Bodies**

- None

### **3.4. Third Party Observations**

A number of third-party observations were received. The issues raised were:

- Design & Visual impact
- Impact on wildlife
- Traffic
- Water supply
- Proposed use as an Air BnB
- Noise

A number of observations received following further information response. The following concerns were raised:

- NIS inadequate and insufficient surveys carried out.
- Design is out of character for the rural traditional low-profile dwellings.
- Property used for short-term letting.
- Increase in occupancy will inevitably increase negative impacts of privacy for neighbours.

- Drawings lack details
- Traffic issues.
- Construction Noise
- Potential runoff during demolition and construction and removal of septic tank.
- Cumulative impact
- Public participation.

## 4.0 Planning History

No planning history.

### Site to the north:

**PA Reference: 14154:** Permission granted for an extension, alterations to elevations and construction of a raised timber deck area.

### Site to the south:

**PA reference 17205:** permission granted for dwelling and all associated site works.

## 5.0 Policy Context

### 5.1. Development Plan

#### Cork County Development Plan 2022-2028 (CDP)

#### Objective RP 5-29 Replacement Rural Dwelling

In circumstances involving the replacement of an existing habitable dwelling, the Planning Authority will consider proposals for the replacement or refurbishment of such a house, having regard to the requirements of other relevant policies and objectives in this plan and subject to normal planning considerations. The definition of what constitutes a house will be as described in planning legislation.

#### Policy 16-19 Vernacular Heritage

- (a) 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.

- (b) Cork County Council encourages best conservation practice in the renovation and maintenance of vernacular buildings including thatched structures through the use of specialist conservation professionals and craft persons. Development proposals shall be accompanied by appropriate documentation compiled by experienced conservation consultant.
- (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 objectives.

**RP 5-22 Design and Landscaping of New Dwelling Houses and Replacement Dwellings in Rural Areas.**

- (a) Encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
- (b) Promote sustainable approaches to dwelling design by encouraging proposals to be energy efficient in their design, layout and siting, finishes, heating, cooling and energy systems, having regard to the need to reduce reliance on fossil fuels and reduce carbon emissions.
- (c) Foster an innovative approach to design that acknowledges the diversity of suitable design solutions in most cases, safeguards the potential for exceptional innovative design in appropriate locations and promotes the added economic and amenity and environmental value of good design.
- (d) Require the appropriate landscaping and screen planting of proposed development by retention of existing on-site trees, hedgerows and natural features using predominantly indigenous/local trees and plant species and groupings.

**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 recognised in the Draft Landscape Strategy.

## **5.2. Natural Heritage Designations**

The subject site is not located within a designated site; however, it is located directly adjacent to:

- Glengarriff Harbour and Woodland SAC & pNHA (site code: 000090)

The following are in close proximity:

- Caha Mountains SAC (site code: 000093) is located 1.3km north of the subject site.
- Leahill Bog NHA (site code: 002417) is located approximately 4.9km southwest of the subject site.
- Derryclogher (Knockboy) Bog SAC (site code: 001873) is located approximately 7.8km northeast of the subject site.
- Trafrask Bog NHA (site code: 002371) is located approximately 8.2km southwest of the subject site.
- Cloonee and Inchiquin Loughs, Uragh Woods SAC (site code: 001342) is located approximately 9.7km northwest of the subject site.
- Maulagowna Bog SAC (site code: 001881) is located approximately 9.7km northwest of the subject site.

## **5.3. EIA Screening**

- 5.3.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal have been received from a local resident. The concerns are:

- **Planning Policy:** The site is located within the Tourism and Rural Diversification Area and as such Policy 5.5 restricts rural housing to those with social or economic need to reside in the area. The Planner assessed it under RP 5-29 which is correct but feel the site would be better to refurbish and extend rather than demolish, this would have been a more sustainable approach. Given the proposal is a new house in the rural area, a permanent occupancy clause would be applied

The entire country is in a rent pressure zone in June which resulted in effect a cap of 90 days for short-term letting, the property is used for short term rental purposes, and the concern is that this will continue. Occupancy clause attached to planning reference 15/00446.

- **Visual impact:** No details submitted for the house for demolition, no height provided. The rear elevation is largely made up of glass section which could light up at night and potentially impact visual amenity and wildlife from glare. The site is within a High Sensitivity Landscape. The proposed height, scale and modern form will appear out of context with other buildings in the area and detrimentally alter the character of the landscape which would contravene the policy and does not comply with policy RP5-22. The proposal will set a precedence for two storey dwellings in the area. The proposal is highly visible from the Scenic Route linking Glengarriff to Bantry.
- **Appropriate Assessment:** The NIS states that there is a harbour seal haul out location c.200m over land or c.230m around the coastline, the appellant states the seal haul is much closer to the subject site. In addition, otters, seabirds including oyster catchers as well as the white tipped eagle residents from Garnish Island forage along the coastline. The demolition, construction of the proposed dwelling, and relocation of septic tank and bored well will disturb these species and will negatively impact the SAC.

## 6.2. Applicant Response

The applicant has provided a response, and the following comments were made:

- Applicants intend to live in the property all year round for their permanent occupation. No permission is sought for short-term letting, or any other commercial activity or use whatsoever. RP 5-29 clearly outlines that an occupancy clause is not required for a replacement dwelling.
- The property received no upgrades or alterations since construction in the 1960s/early 1970's. It was determined by an engineer and architect that the only logical and viable option was to replace the existing dwelling. The bungalow is a poorly built structure with very poor levels of thermal insulation and energy efficiency. The dwelling is too small for the growing family, and a larger dwelling is required. the existing septic tank is unsatisfactory and requires a new system. The applicant proposes to install solar panels, modern insulation, energy efficiency, rainwater collection and a fully compliant solution for wastewater. Extensive precedence for similar type developments in the area.
- The design is in keeping with coastal settings and is in keeping with the nature of dwellings in the immediate area, is of a high quality, and thus will not have an adverse impact on the character of the area. The site is well screened, and further landscaping can be provided. The dwelling is split level, and the lower floor is not created ex nihilo but is a reuse of the platform on which the existing house sites. The applicant has provided sections illustrating the overall height of the existing dwelling in comparison to the proposed dwelling. The site is not a prominent or exposed hillside location. The site does not impact on any protected views, views into the site from across Glengarriff bay are long distant (c.3km) and are extremely limited. On the N71 road, they are at best intermittent.
- The proposed dwelling is a replacement and will not put any appreciable strain on existing public services.
- Appropriate Assessment: A Natura 2000 site is not an untouched area where human activities are banned, but rather an area of environmental value where

human activities adapt to safeguard the favourable conservation status of the protected species and habitats (as described in the EU Biodiversity Strategy for 2030). The upgrade of the septic tank will deliver a major reduction in the property's potential to pollute the Natura 2000 site. Two qualified ecologists (applicant's own ecologist & the County Council ecologist) have concluded no significant negative impacts arise as a result of the proposed development. The potential for unforeseen or unintended impacts during construction has been addressed by way of planning conditions attached to the decision by the Planning Authority. The applicants are committed to implementing these conditions so that no impact arises.

### **6.3. Planning Authority Response**

- No additional comments.

### **6.4. Observations**

Three observations were received from local residents. The following concerns were raised:

- The revised NIS fails to meet the legal thresholds under EU law. The NIS relies on mitigation measures rather than a demonstration of absence of adverse effects. It fails to address cumulative impacts from other developments located approximately 200 metres plus from the subject site. Inconsistencies in the NIS. The survey period was too short and does not consider the extensive wildlife in the area including otter, grey seals and white-tailed sea eagles. The condition requiring demolition outside the harbour seal breeding and moulting period is a tacit admission that residual risk of adverse effects exists and must be managed via conditions. A new bored well could pose a significant risk of altering groundwater regimes, potentially affecting the SAC's qualifying interests under the EU Habitats Directive (92/43/EEC).
- The application is procedurally flawed and impairs effective public participation due to the late submission of environmental documents.

- The proposal is incompatible with local and national policy. The site is overdeveloped and visually intrusive.
- The development constitutes a material change of use to a commercial tourism enterprise, not a private residence, contrary to Section 3(1) of the Planning and Development Act 2000 (as amended). Request a condition to restrict the use exclusively for private residential occupancy. The commercial use will impact amenity, security and privacy concerns for existing residents and their properties. The increase in residents will impact the boreen and private right of way access route.
- Water supply: The increase in bedroom numbers will increase the requirement for water and this will exacerbate shortages for all local residents and compromise the resilience of the water table. No hydrological survey was conducted.
- No safeguarding against leakage or overflow during construction or operation for the proposed wastewater treatment and decommissioning works for the septic tank.
- Access: The road is a narrow private boreen and not intended for commercial traffic. The increase in commercial tourists in the proposed development will impact the private road which 60% traverses' neighbours' lands. There is a gate that should remain closed for livestock, and it is consistently left open.

## 6.5. Further Responses

- None

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development

- Visual Impact
- Other issues (water supply, traffic, procedural issues)
- Water Framework Directive
- Appropriate Assessment

## 7.2. Principle of Development

- 7.3. The subject site is located in a rural area outside the development boundary of Glengarriff Village. The rural area is defined as Tourism and Rural Diversification whereby objective RP 5-5 generally applies. However, in this particular case, the applicant is replacing a habitable dwelling and therefore section 5.11 Replacement of Rural Dwellings applies and specifically objective RP 5-29 Replacement Rural Dwellings applies, which states the Planning Authority will consider proposals for the replacement or refurbishment of such a house, having regard to the requirements of other relevant policies and objectives in this plan and subject to normal planning considerations.
- 7.4. The grounds of appeal state that the site is located within the Tourism and Rural Diversification Area and as such Policy 5.5 restricts rural housing to those with social or economic need to reside in the area. The Planner assessed it under RP 5-29 which is correct but feel the site would be better to refurbish and extend rather than demolish, this would have been a more sustainable approach. Given the proposal is a new house in the rural area, a permanent occupancy clause would be applied. The dwelling is used for short term rental and there is a concern that this will continue.
- 7.5. The observations received also request an occupancy clause attached to any grant of permission.
- 7.6. I note that the site is located within a rural area defined as Tourism and Rural Diversification Area. However, as stated by the appellant, the applicant is replacing an existing habitable dwelling and as such objective RP 5-29 is applicable. Therefore, I shall have regard to the requirements of objective RP 5-29. I have carried out a site visit and I can confirm that the dwelling is habitable. The roof, walls and windows are intact, and I observed furniture in the property. The appellant has queried why the dwelling will not be renovated and/or extended rather than a new

build. I note the dwelling is c. 1960/70's build and is a typical bungalow style of its time with dash render and a slate roof. The applicant has stated the existing dwelling is of a poor build, and inefficient in terms of thermal performance and building services generally. The current building does not cater for the needs of the applicant in terms of accommodation and comfort. In addition, the existing wastewater treatment system is not of a suitable standard and is located directly on the foreshore. In addition, I do not consider the dwelling is of any historic architectural merit and therefore, I consider a replacement dwelling with a new modern dwelling is more appropriate than renovating or extending the existing dwelling. I further note the ground floor level will occupy a similar footprint of the existing dwelling. It is in my opinion that the replacement of the current residential dwelling is appropriate, and a more sustainable dwelling will be developed.

- 7.7. In regard to the appellant request for a permanent occupancy clause, section 5.11.2 of the CDP states in the interest 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 the replacement of habitable dwellings. Therefore, I consider that the CDP is explicit and clearly outlines that an occupancy clause is not required for the replacement of a habitable dwelling and therefore, I will not attach an occupancy clause in the event of a grant of permission.
- 7.8. I note the appellant, and observations have raised concerns in relation to the use of the proposed dwelling. The applicant has stated the proposed new dwelling will be for their own residential use. The applicant has not indicated on the planning application that the property will be used for tourism purposes and as such I am satisfied that the proposed development will be used by the applicant for their permanent residence.
- 7.9. Having regard to the habitable nature of the existing dwelling on site, I consider that the proposed development can be considered under objective RP 5-29 of the CDP and therefore, a replacement dwelling is considered acceptable subject to relevant policies and objectives of the CDP. I further consider that a replacement of the existing dwelling is acceptable and a proposed dwelling within a similar footprint to the existing dwelling is acceptable as the existing dwelling is not of historic architectural value and needs to be brought up to modern sustainable standards. I



do not consider that an occupancy clause is required as per section 5.11.2 of the CDP.

#### **7.10. Visual Impact**

- 7.11. The subject site is located on a sloped site overlooking Glengarriff Harbour. The proposed dwelling is located c. 16 metres from the coastal waters. The site is defined as High Value Landscape and located within Landscape Character Area (LCA) Rugged Ridge Peninsulas. Scenic Route S113 is located on the road between Glengarriff, Trafresk, Ardrigole and Castletownbere is approximately c. 1km northwest from the subject site and scenic route S111 is located along the road from Bantry, Snave, Ballylickey and Glengarriff is located c2.5km north and northeast of the subject site. The applicant is proposing a two storey/split level type dwelling. The dwelling will be finished in natural stone with a zinc concave shaped roof with an overall height of 7.15metres on the eastern elevation and 3.1 metres on the western elevation. Glass sliding doors are proposed along the width of the first-floor elevation on the eastern elevation overlooking the harbour.
- 7.12. The grounds of appeal state no details submitted for the existing dwelling. The rear elevation is largely made up of glass section which could light up at night and potentially impact visual amenity and wildlife from glare. The site is within a High Sensitivity Landscape. The proposed height, scale and modern form will appear out of context with other buildings in the area and detrimentally alter the character of the landscape which would contravene the policy and does not comply with policy RP5-22. The proposal will set a precedence for two storey dwellings in the area. The proposal is highly visible from the Scenic Route linking Glengarriff to Bantry.
- 7.13. The observations received state the proposal is incompatible with local and national policy. The site is overdeveloped and visually intrusive on the adjoining scenic routes.
- 7.14. I note the subject site is located within a high value landscape, and the LCA is noted as Rugged Ridge Peninsulas with very high landscape value, very high landscape sensitivity and national landscape importance. Therefore, I consider any proposed development, and design should be highly sensitive to the surrounding landscape. The proposed development is a replacement dwelling and is generally located within

the footprint of the existing single storey dwelling. The proposed dwelling is a two storey/spilt level type dwelling. The two-storey section with a height of 7.15 metres is located on the eastern elevation overlooking the harbour. The proposed dwelling is set back over 17 metres from the coastal waters and utilises the topography of the site to position the dwelling into the site rather than siting at the highest elevation. The first-floor level is located on the ground level at the western end of the site, and the ground floor level will be dug into the site thereby reducing the overall height of the proposed dwelling on the surrounding area. The overall ridge height level will be similar to the existing dwelling as demonstrated in the drawings submitted with the appeal. I do not consider that the proposed two storey element overlooking the harbour will negatively impact the visual amenity of the area as the overall ridge height is similar to the existing dwelling on site. Furthermore, I do not consider that the proposed dwelling will be out of character with other dwellings in the area, as some are located at a higher ridge height and/or have balconies overlooking the harbour.

- 7.15. In relation to the overall design of the proposed dwelling, it will be finished in natural stone with glazing (sliding doors) to the eastern and southern elevations. A wrap around balcony is also proposed at first floor level. I have assessed the proposed design in regard to objective RP 5-22. I consider that the proposed dwelling respects the character, pattern of the area, the proposed finish is natural stone, which is used in the area on traditional dwelling, the proposed build fits into the topography of the site and utilises the contours and provides an innovative design approach. The proposed glazing along the eastern and southern elevation will allow natural light throughout the day and will encourage natural heat into the proposed dwelling thereby reducing energy requirements. There is extensive landscaping on site, and the proposed development will not impact the natural and existing landscaping on site. In addition, in the event of a grant of permission, I recommend that a landscaping condition shall be included, and the applicant shall outline the landscaping to be retained and propose additional landscaping onsite. It is in my opinion, that the proposed dwelling complies with objective RP 5-22, the design and siting approach is sensitive to the character of the area and respect the existing contours on site.

- 7.16. During my site visit, I drove along scenic route S113 located on the road between Glengarriff, Trafresk, Ardrigole and Castletownbere is approximately c. 1km northwest from the subject site, the subject site is not visible from scenic route S113 due to the topography and landscaping of the area, therefore, I do not consider that visual amenity from this scenic route will be negatively impacted. In regard to scenic route S111 along the road from Bantry, Snave, Ballylickey and Glengarriff, the subject site is located c2.5km south and west of this route. I observed intermittent views from the scenic route S111 towards Garnish Island and in the direction of the subject site, however, due to the presence of Garnish Island and the mature landscaping along the S111 scenic route and the separation distance, I do not consider that the proposed development will be visible from scenic route S111 and therefore, it is my opinion that there will be no negative visual impact to scenic route S111 and complies with objective GI 14-12 of the CDP which seeks to preserve the character and all views and prospects.
- 7.17. Having regard to the proposed design and siting of the proposed dwelling within the footprint of the existing dwelling and the utilisation of the existing contours on site, I do not consider that the proposed development will negatively impact the visual amenity of the area or negatively impact the High Value Landscape designation for this area. Therefore, it is my opinion that the proposed dwelling will fit appropriately into the existing landscape. In addition, I do not consider that the proposed dwelling will negatively impact scenic route S111 or scenic route S113 due to the separation distance, the topography of the area and the extensive mature landscaping in the area.
- 7.18. **Other issues (water supply, traffic, procedural issues)**
- 7.19. Procedural Issues
- 7.20. The observation noted that the application is procedurally flawed and impairs effective public participation due to the late submission of environmental documents. I note that the Appropriate Assessment Screening was submitted as unsolicited further information on the 9<sup>th</sup> January 2025 (this was within the 5 week submission/observation period). I note that the Planning Authority accepted the information. I am satisfied that this did not prevent the concerned party from making

a representation. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

7.21. Water Supply

7.22. An observation received noted concerns in relation to water supply, it is stated that the increase in bedroom numbers will increase the requirement for water, and this will exacerbate shortages for all local residents and compromise the resilience of the water table. I note from the site layout plan submitted that the applicant proposes to decommission the existing bored well and bore a new private well to the south of the proposed development. The bored well is located over 20 metres from the harbour shoreline. The Planning Authority did not raise any issues in relation to water concerns in the area. In addition, the development is for a replacement dwelling, the usage will not alter from what is currently experienced on site. Therefore, I do not consider the proposed new bored well will negatively impact water supply in the area. It is also worth noting that under Class 44, Schedule 2, Part 1, of the Planning and Development Regulations, 2001 (as amended) bored well for water supply are exempted development.

7.23. Traffic

7.24. It is further noted in the observation that the road is a narrow private boreen and not intended for commercial traffic. The increase in commercial tourists in the proposed development will impact the private road which 60% traverses' neighbours' lands.

7.25. I note that the proposed development will be used as a private residence and not as a short term let. Therefore, I do not consider that the traffic associated with the proposed development will increase as the use will remain as a private residence.

## 8.0 **AA Screening**

8.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Glengarriff Harbour and Woodland SAC (Site Code: 000090) in view of the conservation objectives of a number of qualifying interest features of those sites.

The third-party appeal raised concerns in relation to the NIS which states that there is a harbour seal haul out location c.200m over land or c.230m around the coastline, the appellant states the seal haul is much closer to the subject site. In addition, otters, seabirds including oyster catchers as well as the white tipped eagle residents from Garnish Island forage along the coastline. The demolition, construction of the proposed dwelling, and relocation of septic tank and bored well will disturb these species and will negatively impact the SAC.

The observation received raised concerns that the revised NIS fails to meet the legal thresholds under EU law. The NIS relies on mitigation measures rather than a demonstration of absence of adverse effects. It fails to address cumulative impacts from other developments located approximately 200 metres plus from the subject site. Inconsistencies in the NIS. The survey period was too short and does not consider the extensive wildlife in the area including otter, grey seals and white-tailed sea eagles. The condition requiring demolition outside the harbour seal breeding and moulting period is a tacit admission that residual risk of adverse effects exists and must be managed via conditions. A new bored well could pose a significant risk of altering groundwater regimes, potentially affecting the SAC's qualifying interests under the EU Habitats Directive (92/43/EEC).

It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) of the proposed development is required. Please refer to Appendix B.

This determination is based on:

- The nature, size and location of the proposed works and possible impacts arising from the construction & demolition works;
- The decommissioning of the existing septic tank;
- The QIs and conservation objectives of the European site;
- The potential for in-combination effects arising from other plans and projects.

## 8.2. Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Glengarriff Harbour and

Woodland SAC (Site Code: 000090) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of Glengarriff Harbour and Woodland SAC (Site Code: 000090) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction, demolition and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for Glengarriff Harbour and Woodland SAC (Site Code: 000090).

## **9.0 Water Framework Directive**

- 9.1. The subject site is located in the rural area of Bocarnagh, approximately 2.5km south of Glengarriff, Co. Cork. The nearest waterbody is Glengarriff Harbour located approximately 17 metres east of the subject site. The proposed development will consist of the replacement of a single storey dwelling with a split-level dwelling, along with decommissioning of the existing septic tank and installation of a new wastewater treatment system and all associated sitework. No third-party concerns were raised in relation to water deterioration; concerns were raised in regard to water supply.

I have assessed the proposed development (please refer to Appendix C) 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 & 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. The reason for this conclusion is as follows.

- Scale and size of the proposed development relating to a replacement dwelling;
- Proposed decommissioning of existing septic tank in close proximity to Glengarriff Harbour and replacement with new wastewater treatment system further from Glengarriff Harbour;
- The proposed measures to deal with surface water during construction & demolition;
- Mitigation measures as outlined in the NIS.

Taking into account WFD screening report (refer to Appendix C), 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 (rivers, lakes, groundwaters, transitional and coastal) 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.

## **10.0 Recommendation**

10.1. I recommend that retention permission should be granted, subject to conditions as set out below.

## **11.0 Reasons and Considerations**

11.1. Having regard to the nature of the proposed development, location and character of the subject site together with the policies and objectives of the Cork County Development Plan 2022-2028, it is considered that the proposed development meets the requirements as per objective RP 5-29, RP 5-22 and GI 14-12 of the Cork County Development Plan 2022-2028 and subject to compliance with the conditions set out below, would not seriously injure the visual or residential amenities of the area or have an adverse impact on the receiving environment. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 19<sup>th</sup> day of December 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason: In the interest of clarity.**

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

**Reason: To protect the integrity of European Sites.**

3. In the event that bats, a protected species, are encountered roosting during course of works on site, namely the demolition phase, works shall be immediately suspended and the applicants are required to contact the National Parks and Wildlife Service to determine whether a Section 23 (5)(d) Wildlife Act Derogation License is required to allow the works to proceed. Where a license is required, works may only proceed following the obtainment of such a license from NPWS and in accordance with any conditions imposed by the licence.

**Reason: In the interests of ensuring the protection of bats.**

4. Given the known presence of Harbour Seal breeding and moulting sites proximal to the development site, demolition works shall not be undertaken between the months of June and August. A compliance monitoring report shall be submitted to the Planning Authority at the end of the demolition period.



**Reason: In the interests of a protected species.**

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following: (a) A plan to scale of not less than [1:500] showing:
  - (i) Existing trees, hedgerows, shrubs, rock outcroppings, stone walls, specifying which are proposed for retention as features of the site landscaping
  - (ii) The measures to be put in place for the protection of these landscape features during the construction period.
  - (iii) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.

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.

**Reason: In the interest of residential and visual amenity.**

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

Reason: In the interest of public safety and amenity.

7. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and

Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason: In the interest of reducing waste and encouraging recycling.**

8. Soil, rock and sand excavated during construction shall not be left stockpiled on-site following completion of works. Details of treatment of stockpiled materials shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason: In the interest of visual amenity and sustainably re-use materials.**

9. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties. (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

**Reason: In the interest of traffic safety and to prevent flooding or pollution.**

10. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 19<sup>th</sup> December 2024 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) ” – Environmental Protection Agency, 2021.

(b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent  $\leq$  10)” – Environmental Protection Agency, 2021.

(d) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

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

11. The existing septic tank shall be decommissioned within one month of the installation of the new wastewater treatment system.

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

12. no dust, mud or debris from the site shall be carried onto or deposited on the public road. Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.

**Reason: To protect the amenities of the area and in the interests of road safety.**

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning

authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

---

Jennifer McQuaid  
Planning Inspector

28<sup>th</sup> October 2025

## Appendix A: Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323303-25
<b>Proposed Development Summary</b>	Demolition of dwelling and construction of two storey dwelling, wastewater treatment site and associated site works.
<b>Development Address</b>	Bocarnagh, Glengarriff, 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>	Class 10b(i) Construction of more than 500 dwelling units.  The proposal consists of the replacement of one no. dwelling on a site size of 0.3195ha.

<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>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

## Appendix A: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ACP-323303-25
<b>Proposed Development Summary</b>	Demolition of dwelling and construction of two storey dwelling, wastewater treatment site and associated site works.
<b>Development Address</b>	Bocarnagh, Glengarriff, 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).	<p>The development consists of the replacement of an existing dwelling with 1 no. dwelling within the rural area of County Cork.</p> <p>The development consisted of typical construction and related activities and site works.</p> <p>Surface water discharged to an on-site soakaway.</p> <p>Wastewater discharged to an on-site wastewater treatment system.</p> <p>A private well will be constructed onsite.</p>
<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).	<p>The site is not located within a protected site, but it is located directly adjacent a natura 2000 site.</p> <ul style="list-style-type: none"> <li>Glengarriff Harbour and Woodland SAC &amp; pNHA (site code: 000090)</li> </ul> <p>The following are in close proximity:</p> <ul style="list-style-type: none"> <li>Caha Mountains SAC (site code: 000093) is located 1.3km north of the subject site.</li> <li>Leahill Bog NHA (site code: 002417) is located approximately 4.9km southwest of the subject site.</li> <li>Derryclogher (Knockboy) Bog SAC (site code: 001873) is located approximately 7.8km northeast of the subject site.</li> <li>Trafrask Bog NHA (site code: 002371) is located approximately 8.2km southwest of the subject site.</li> <li>Cloonee and Inchiquin Loughs, Uragh Woods SAC (site code: 001342) is located approximately 9.7km northwest of the subject site.</li> </ul>

	<ul style="list-style-type: none"> <li>Maulagowna Bog SAC (site code: 001881) is located approximately 9.7km northwest of the subject site.</li> </ul> <p>My Appropriate Assessment concludes that the proposed development would not likely have a significant effect on any European Site.</p> <p>The subject site is located outside any flood risk area for coastal and fluvial flooding</p>
<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).	<p>The site size measures of 0.3195ha. The size of the development is not exceptional in the context of the existing rural environment.</p> <p>There is an existing dwelling on site which will be replaced. There are existing adjacent dwellings to the proposed site. However, there is no real likelihood of significant cumulative effects within the existing and permitted projects in the areas.</p>
<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.	EIA is not required.

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

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

(only where Schedule 7A information or EIAR required)



## Appendix B – Appropriate Assessment Screening.

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	Demolition of dwelling and construction of two storey dwelling, wastewater treatment site and associated site works.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The site is not located within a Natura 2000 area. It is located directly adjacent to Glengarriff Harbour and Woodland SAC</p> <p>The site is in existing residential use; the dwelling will be demolished to allow for the construction of one number two storey dwelling.</p> <p>The existing dwelling is located on level ground with paving slabs around it, the proposed dwelling footprint will be located within the area of the existing hardstanding area. The topography rises to the north and south of the proposed dwelling location, whilst it decreases to the east to the foreshore. There are lawns to the west and east of the dwelling. Exposed siliceous rock occurs to the north and south.</p> <p>The existing septic tank will be removed off site which is located to the east of the dwelling in close proximity to the foreshore.</p> <p>The proposed filter and gravel bed area will be located to the west of the proposed dwelling on level ground to the rear of an existing shed.</p> <p>A new private well is proposed and located to the south of the proposed dwelling, it is proposed to decommission the existing well.</p>
<b>Screening report</b>	Yes (Prepared by Doherty Environmental Consultants Ltd)
<b>Natura Impact Statement</b>	Yes (Prepared by Doherty Environmental Consultants Ltd)
<b>Relevant submissions</b>	None

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

One European site was identified as being located within a potential zone of influence as the proposed site overlaps with the Natura 2000 site as detailed in Table 1 below. I have only included those sites with any possible ecological connection of pathway in this screening determination.

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening. Y/N
<b>SAC</b>				
Glengarriff Harbour and Woodland SAC (site code: 000090)	<p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Geomalacus maculosus (Kerry Slug) [1024] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365]</p> <p><a href="#">Glengarriff Harbour and Woodland SAC   National Parks &amp; Wildlife Service</a></p>	Directly adjacent or overlaps to the east of the proposed development.	Yes, potential run off from construction or operation from surface water to the harbour.	Yes

	Date: 22 <sup>nd</sup> October 2025			
Caha Mountains SAC (site code: 000093)	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with</p>	1.3km north of the subject site	No due to lack of connections,	No

	<p>chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Geomalacus maculosus (Kerry Slug) [1024]</p> <p>Vandenboschia speciosa (Killarney Fern) [6985]</p> <p><a href="#">Caha Mountains SAC   National Parks &amp; Wildlife Service</a></p> <p>Date: 22<sup>nd</sup> October 2025</p>			
Derryclogher (Knockboy) Bog SAC (site code: 001873)	<p>Blanket bogs (* if active bog) [7130]</p> <p><a href="#">Derryclogher (Knockboy) Bog SAC   National Parks &amp; Wildlife Service</a></p> <p>Date 22<sup>nd</sup> October 2025</p>	approximately 7.8km northeast of the subject site.	No due to distance	No
Cloonee and Inchiquin Loughs, Uragh Woods SAC (site code: 001342)		approximately 9.7km northwest of the subject site.	No due to distance	No
Maulagowna Bog SAC (site code: 001881)	<p>Blanket bogs (* if active bog) [7130]</p> <p><a href="#">Maulagowna Bog SAC   National Parks &amp; Wildlife Service</a></p> <p>Date: 22<sup>nd</sup> October 2025</p>	approximately 9.7km northwest of the subject site.	No due to distance	No

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

The proposed development has the possibility for significant effects on the following European sites, in the absence of mitigation, either arising from the project alone or in combination with other plans and projects, as a result of water quality on Glengarriff Harbour and Woodland SAC.

Sources of impact and likely significant effects are detailed in the Table below.

**AA Screening matrix**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Glengarriff Harbour and Woodland SAC (site code: 000090)	Indirect water quality impacts during construction for potentially run off into the harbour.	Disturbance during construction. A decline in water quality would undermine the conservation objectives set for water quality targets and to prey availability.  There is potential for impacts on SCI species associated with SAC to occur as a result of water quality.
Yes	Likelihood of significant effects from proposed development (alone):	
	Yes	
Yes	Possibility of significant effects (alone) in view of the conservation objectives of the site.	
	Yes	

**Step 4 Conclude if the proposed development could result in likely significant effects on a European site.**

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures

beyond best practice construction methods, the proposed development has the potential to result significant effects on Glengarriff Harbour and Woodland SAC.

I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SAC when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

## **Screening Determination**

### **Finding of likely significant effects**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Glengarriff Harbour and Woodland SAC in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) of the proposed development is required.

## Appendix B – Appropriate Assessment Determination

### Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of demolition of dwelling and construction of two storey dwelling replacement dwelling, wastewater treatment site and associated site works in view of the relevant conservation objectives of Glengarriff Harbour and Woodland SAC based on scientific information provided by the applicant and considering expert opinion set out in observations on nature conservation.

The information relied upon includes the following:

- Natura Impact Statement prepared by Doherty Environmental Consultants Ltd.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

### Submissions/observations

The Planning Report notes further information requested in regard to potential negative impact on the SAC due to potential contamination of surface waters, primarily during demolition, and construction through the discharge of silts, sediments and hydrocarbons, and through the potential disturbance/displacement of species. This could impact qualifying species associated with the aquatic environment of Glengarriff Harbour, namely, Otter and Harbour Seal.

Also noted contradictions in the submitted documentation in relation to location of septic tank and presence of a surface water drain.

An AA was requested.

The revised NIS is not satisfactory and not specific to the proposal and lacks sufficient clarification as to the location of septic tank and presence of a surface water drain, a revised NIS required

The revised NIS has addressed all matters previously raised and is satisfied subject to a condition requiring all mitigation measures in the NIS document to be implemented and adhered to in full.

The Planning Authority have determined that the proposed development will not significantly impact upon a Natura 2000 site, on the basis of information submitted.

**NAME OF SAC/ SPA (SITE CODE):**

- Glengarriff Harbour and Woodland SAC

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

- (i) Water quality degradation (construction and operation)
- (ii) Disturbance/displacement

**See Table 5 of the submitted NIS**

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary)
<b>NIS Section 6</b>			
<b>Glengarriff Harbour and Woodland SAC (Site Code: 000090)</b>			
Otter	To maintain the favourable conservation condition. No significant decline in distribution or habitat. No significant decline in couching sites or holts. No significant decline in fish biomass. No significant increase in barriers to connectivity.	Potential surface water runoff during construction. Due to scale of proposal and dilution factor within the coastal water no potential for changes in water quality. No otter breeding or resting sites within 150m of the subject site, this eliminates the potential for disturbance to sites. Potential decline in fish biomass, however the existing septic tank will be removed and replaced with a new treatment system further from the coastal waters.	Adherence to best practice. Surface water will be prevented from draining into the construction compound by catch drain to the north and upslope. Stockpile situated on permeable ground. Silt fence to prevent any flow to SAC. Appropriate storage of chemicals & fuels



		Potential for localised perturbation to coastal water quality. No potential for disturbance due to the predominantly crepuscular foraging behaviours for otters, which will not overlap with daytime construction works.	Surface water swales. Septic tank will be decommissioned and removed as per EPA publications "De-commissioning Disused Tanks".	
Common Seal	To maintain the favourable conservation condition. Conserve the breeding sites in a natural condition. Conserve the moult haul out sites in a natural condition. Conserve the resting haul out sites in a natural condition. Human activities should occur at levels that do not adversely affect the harbour seal population at the SAC.	No potential for disturbance as no works proposed within the water, no changes in noise in the water. All noise generated during construction and demolition will be below the TSS and PTS levels outlined for harbour seals. The nearest haul sites are c. 200m over land or c.230m around the coastline to the southeast. A distance of 200m is a minimum buffer to avoid disturbance to seal haul out sites.	All works during demolition and construction phase will adhere to the best practice guidelines outline in BS5228: Code of practice for Noise and Vibration Control on Construction and Open sites.	
<b>Other QIs</b>				
Lesser Horseshoe Bat	To maintain the favourable conservation condition. No decline in roosts. No significant decline in habitats	None. The existing building is not suitable for roosting habitat. No likely introduction of artificial illumination		

		will significantly occur.	
Old sessile Oak woods with Ilex and Blechnum in the British Isles.	To maintain the favourable conservation condition. Permanent habitat area stable or increasing, subject to natural processes.	None. Old oak woodland was identified as occurring outside the zone of influence, no examples adjoin or located in close proximity, the nearest is over 2km to the north.	
Alluvial Forests with Alnus glutinosa and Fraxinus excelsior	To maintain the favourable conservation condition. Permanent habitat area stable or increasing subject to natural processes.	None. Alluvial woodland occurs outside the zone of influence. It is located along the confluence of the Canrooska and the Glengarriff Rivers and along a stretch of the Coomarkane River, the nearest point of which is approximately 2km to the north.	
Kerry Slug	To maintain the favourable conservation condition. Number of occupied 1km squares at least stable. Habitat is stable or increasing subject to natural processes	None. The Kerry Slug occurs outside the zone of influence and has been identified as occurring to the northwest of Glengarriff Bay and has not been identified as occurring in the area of the proposed development. No evidence indicating the presence was observed during field surveys.	

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

**Assessment of issues that could give rise to adverse effects view of conservation objectives**

**(i) Water quality degradation**

Potential to generate silt-laden surface water runoff from the project site. In addition, potentially contaminating materials such as oils, fuels, lubricants and cement-based products will be used on site during the construction phase and the accidental emission of such material via surface water runoff downslope to Glengarriff Harbour will have the potential to undermine water quality. There is potential for decline in fish biomass from the existing septic tank. However, the existing septic tank will be removed and replaced with a new treatment system further from the coastal waters. There is a potential for release of remaining waste sludge within the tank with migration to adjacent coastal waters via surface water runoff.

**Mitigation measures and conditions**

Construction will follow guidance from Inland Fisheries Ireland (IFI, 2016) & the CIRIA Guidance document C532 Control of water pollution.

A construction compound and a stockpile area for spoil storage will be provided on site and positioned on prepared level ground. Surface water will be prevented from draining into the construction compound and stockpile through the provision of a catch drain to the north and upslope of these elements. Measures will include swales, settlement ponds and check dams. Settled water will pass through an interceptor. The stockpiles will be situated on permeable ground so that surface water generated will drain to ground.

A silt fence will be provided along the southern boundary so that flow of any surface water is stopped from flowing to the south downslope towards the SAC.

All equipment, materials, fuel, oil stores and chemicals will be stored in bunded areas in the construction compound on impervious bases and within a second bund of 110% of the storage capacity.

All fuel oil fill areas will have an appropriate spill apron and spill kits to be provided on site.

Standing machinery will have drip trays placed underneath to prevent oil and fuel leaks causing pollution.

Concrete will only be carried out in dry conditions. No washout of concrete mixer truck at the site.

Foul effluent during construction will be chemical facilities with periodic removal offsite.

Standard dust suppression measures will be implemented during periods of dry weather.

The decommissioning and removal of the existing septic tank will be undertaken in accordance with EPA publication "Remediation and Replacement of Domestic Wastewater Treatment System (DWWTS) (EPA, 2020).

## **(ii) Disturbance/displacement**

### **Otter**

It is noted that the main pressure to otter is pollution from organic pollution. Any impact from pollution to freshwater are local impacts and not of significance to national otter population. Nevertheless, such impacts have the potential to be of local significance in the context of a population supported by an SAC catchment. In the event of pollution arising from construction activities to suitable otter foraging habitat, the potential will exist for indirect impacts to the conservation status of otters within the SAC, by way of reductions in the abundance of prey species.

No otter breeding or resting sites are located in the vicinity of the proposed development, and none were identified as occurring within 150m of the proposed development, which represents the area in which such sites (i.e. Natal holts, holts and couches) are susceptible to disturbance (NRA, 2009). Therefore, the potential for disturbance is eliminated.

The potential for the construction phase to result in disturbance to otters in general (i.e. While foraging and or commuting) will be minor and not adversely affect the status of the local otter population. This is due to the predominantly crepuscular foraging behaviour of otters, which will not overlap with daytime construction works. The absence of significant disturbance to otters during works is also supported by Channin (2003) whose review of a number of studies that found otters were not significantly disturbed by human activity (Jefferies, 1987; Durbin 1993; Green & Green, 1997). It is not considered that the project will not result in disturbance to seals and their resting/breeding site.

During the operation phase, the dwelling will be used as residential, and it is not considered to have the potential to result in disturbance to seals.

### **Common Seal**

Harbour seals rely on sound to navigate, to communicate with one another and to sense and interpret their surroundings. The proposal relates to all works on land and will not result in any submerged noise emissions within harbour waters there will be no potential for the project to result in disturbance to harbour seals as a result of submerged sound pressure.

Southall et al. (2007;2019) identified the peak sound pressure (SPL) and sound exposure (SEL) from discrete sound events that would be expected to elicit temporary threshold shift (TTS) and/or permanent threshold shift (PTS) in seals. The TTS and PTS for seals on land or with their head out of water are 146dB and 144dB.

Noise during the project construction will be generated by plant and machinery. The typical noise levels associated with each of these items of plant and machinery are well below the TSS and PTS levels outlined for harbour seals.

It is noted that the nearest haul sites are c. 200m over land or c.230m around the coastline to the southeast. A distance of 200m is a minimum buffer to avoid disturbance to seal haul out sites. The location of the proposed development and associated works are outside this buffer distance. It is considered that the project will not result in disturbance to seals and their resting/breeding site during the demolition and construction of the proposed development.

During operation, the site will continue its use as a residential property, and it is not considered to have the potential to result in disturbance to seals during the operation phase.

### **Mitigation measures and conditions**

All works will adhere to the best practice guidelines outlined in BS5228: Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 1 Noise (2009+A1 2014).

A site representative will be appointed to take responsibility of all matters relating to noise and vibration.

Plant and machinery with low inherent potential for generating noise and/or vibration will be selected for construction.

The inside of the existing dwelling will be soft stripped (i.e. the boundary walls and windows will be retained during the stripping of internal wall, ceilings, built-in units etc).

No explosive blasting will be undertaken as part of the demolition works.

All spoil arising from demolition works will be disposed of offsite. All solid waste arising from the site including construction waste, demolition waste, site clearance waste, rock, waste oil etc. will be recycled as far as possible. All material exported from the site for recovery, recycling or disposal shall be managed at an approved licenced waste facility.

Best practice mitigation measures will be put in place to minimise adverse effects. All relevant best practice measures outlined in the guideline prepared by Dublin City Council's Air Quality Monitoring and Noise Control Unit's Good Practice Guide for Construction and Demolition will be implemented during the construction phase of the proposed development.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the otter and seals and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality and disturbance are captured in Planning condition 2 of the Inspectors Report.

### **In-combination effects**

I am satisfied that in-combination effects has been assessed adequately in the NIS. The proposed development has been assessed in association with the other plans in the vicinity of the site and no other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

### **Findings and conclusions**

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants and monitoring of noise levels. Monitoring measures are proposed. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

### **Site Integrity**

The proposed development will not affect the attainment of the Conservation objectives of the

- Glengarriff Harbour and Woodland SAC (Site Code: 000090)

Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

### **Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on:

- Glengarriff Harbour and Woodland SAC (Site Code: 000090)

In view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the:

- Glengarriff Harbour and Woodland SAC (Site Code: 000090)

can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for Glengarriff Harbour and Woodland SAC (Site Code: 000090)

## Appendix C: Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>An Bord Pleanála ref. no.</b>	ACP-323303-25	<b>Townland, address</b>	Bocarnagh, Glengarriff, Co. Cork.
<b>Description of project</b>		The proposed development consists of replacement of single storey dwelling with split level dwelling, new wastewater treatment system and all associated site works.	
<b>Brief site description, relevant to WFD Screening,</b>		<p>The site is located within the rural area of Bocarnagh, approximately 2.5km south of Glengarriff, Co. Cork. The site is currently in use for a one-off residential dwelling. The site is surrounded by existing residential developments.</p> <p>Surface water discharge will be via a soakaway.</p> <p>A private well will be provided on site.</p> <p>Wastewater will be treated with an onsite wastewater treatment system.</p> <p>The site adjoins Glengarriff Harbour.</p> <p>The site is not within a flood zone area.</p>	



<b>Proposed surface water details</b>	Surface water will be disposed to soakaway.					
<b>Proposed water supply source &amp; available capacity</b>	Private well on site					
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	Wastewater will be discharged to onsite wastewater treatment system.					
<b>Others?</b>						
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body.</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>

Groundwater	The site is on the groundwater.	Beara Sneem code: IE_SW_G_019	Groundwater status is described as Good (period for GW 2019-2024)	Groundwater is described as Not at Risk.	None identified on the subject site.	<p>Potential surface water seepage</p> <p>Potential seepage from wastewater treatment system.</p> <p>Potential contamination while decommissioning the existing septic tank.</p>
Harbour (transitional waters)	The site is directly adjacent to Glengarriff harbour and c. 17 metres from the proposed dwelling.	Glengarriff Harbour site code IE_SW_170_0400	Harbour status is described as High (period for GW 2019-2024)	Harbour is described as Not At Risk.	None identified	<p>Potential surface water run-off.</p> <p>Potential runoff from wastewater treatment system.</p> <p>Potential contamination while decommissioning the existing septic tank.</p>

**Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.**

**CONSTRUCTION PHASE**

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Groundwater	Beara Sneem code: IE_SW_G_019	Seepage Contamination while decommissioning the existing septic tank.	Spillages & desludging existing septic tank.	Standard Construction practice Decommissioning in accordance with EPA guidelines	No due to regular monitoring and compliance with guidelines.	Screened Out

2.	Harbour	Glengarriff Harbour site code IE_SW_17 0_0400	Runoff Contamination while decommissioning the existing septic tank.	Spillages & desludging existing septic tank.	Standard Construction practice.  Decommissio ning in accordance with EPA guidelines	No due to regular monitoring and compliance with guidelines.	Screened Out
<b>OPERATIONAL PHASE</b>							
3.	Groundwater	Beara Sneem code: IE_SW_G_ 019	Pathways exist through drainage underground & seepage.	Possible surface water runoff & runoff from wastewater treatment plant	Soakaway installed onsite.  Wastewater treatment plant installed as per EPA Guidelines.	No due to adherence with best practice.	Screened Out

4.	Harbour	Glengarriff Harbour site code IE_SW_17 0_0400	Pathways exist through runoff & seepage.	Possible surface water runoff & runoff from wastewater treatment system	Soakaway installed onsite. Wastewater treatment plant installed as per EPA Guidelines.	No due to adherence with best practice	Screened Out
<b>DECOMMISSIONING PHASE</b>							
5.	N/A						