



<b>Development</b>	Retention of coastal protection works (rock armour above the high water mark); permission for alterations to a domestic garage and a domestic workshop and all associated works.
<b>Location</b>	Carrigillihy, Union Hall, Co Cork,
<b>Planning Authority</b>	West Cork County Council
<b>Planning Authority Reg. Ref.</b>	24681
<b>Applicant(s)</b>	Fiona and Trevor Lusty
<b>Type of Application</b>	Permission and Retention Permission
<b>Planning Authority Decision</b>	Split Decision
<b>Type of Appeal</b>	First Party Normal Planning Appeal
<b>Appellant(s)</b>	Fiona and Trevor Lusty
<b>Observer(s)</b>	J Kevin & Myriam O'Connor William O'Connor
<b>Date of Site Inspection</b>	2 <sup>nd</sup> April 2026
<b>Inspector</b>	Carol Smyth

## Table of Contents

1.0	Site Location and Description .....	3
2.0	Proposed Development.....	3
3.0	Planning Authority Decision .....	4
4.0	Planning History.....	7
5.0	Policy Context.....	8
6.0	EIA Screening.....	12
7.0	The Appeal .....	13
8.0	Assessment .....	16
9.0	AA Screening.....	24
10.0	Water Framework Directive.....	24
11.0	Recommendation.....	25
	<b>Appendix 1: Form 1 EIA Pre-Screening .....</b>	<b>28</b>
	<b>Appendix 2: Form 2 - EIA Preliminary Examination .....</b>	<b>30</b>
	<b>Appendix 3: Standard AA Screening Determination Template 2 ...</b>	<b>33</b>
	<b>Appendix 4: Technical Note – Ecology .....</b>	<b>40</b>

## 1.0 Site Location and Description

- 1.1. The site is located within the administrative boundary of Cork County Council. The subject site is located along the coastline on a headland overlooking Carrigillihy Harbour to the southwest approximately 2.4 km to the southeast of Union Hall.
- 1.2. The site is accessed by a cul de sac to the north. There are 6 no. residences in the vicinity of the property. The site has a stated area of 0.151 hectares and comprises a traditional farmhouse which has been extended and renovated. A timber clad detached workshop and a detached garage are also located on the site which form part of this retention application, with permission also sought to amend the roof design of the garage structure.
- 1.3. The property has access to a small beach. There is rock armour present on the beach at this location in the form of 2 no. separate retaining walls which form part of this retention application and which provide direct access to the beach via a pathway and steps from the subject site. The upper retaining wall is approximately 12 metres in length and 2.3 metres in height, while the lower retaining wall is approximately 27.5 metres in length and 2.5 metres in height.

## 2.0 Proposed Development

- 2.1. The proposed development comprises:
  - Retention of coastal protection works (rock armour above the high-water mark)
  - Permission for alterations to a domestic garage and a domestic workshop to include:
    - Permission for retention of cladding changed from stone to timber cladding on both buildings.
    - Permission for reconfiguration of the domestic garage with roof revised from duo pitch roof to curved roof.
  - Associated site development works.

### 3.0 Planning Authority Decision

#### 3.1. Decision

The Planning Authority issued a split decision on the 3<sup>rd</sup> December 2025, whereby permission was granted for alterations to a domestic garage and a domestic workshop to include 1. Permission for retention of cladding changed from stone to timber cladding on both buildings. 2. Permission for reconfiguration of the domestic garage with roof revised from duo pitch roof to curved roof on and associated site development works subject to 3 no. conditions.

and retention permission was refused for coastal protection works (rock armour above the high-water mark) for the following 2 no. reasons:

- 1. It is an objective of the Cork County Development Plan 2022 (BE 15-2) to provide protection and where possible enhance areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network, including wetland habitats. On the basis of the information submitted, the Planning Authority is not satisfied that a strong justification has been provided as to the extent of coastal protection works undertaken and is concerned that the construction of same is having a negative effect on the biodiversity value of the site and zone of influence of same. Furthermore, there is also insufficient information on the file at present to allow the Planning Authority to complete a robust assessment of the potential ecological implications arising from the proposed development. Therefore, the development to be retained would contravene materially objectives of the Cork County Development Plan 2022, namely Objectives BE 15-2 and BE 15-6, for the protection of habitats, species and biodiversity in general and would be contrary to the proper planning and sustainable development of the area.*
- 2. The specific objective MCI 7-4 regarding Coastal Protection, as set out in the Cork County Development Plan 2022, states that it is an objective of the Planning Authority to employ soft engineering techniques as an alternative to hard coastal defence works, wherever possible. The Planning Authority is not satisfied that the further information submitted on the 06/11/2025 provides a detailed and reasoned explanation for the works to be retained and there are serious concerns regarding*

*the hard engineering approach taken and to the extent of the rock armouring installed which has significantly altered the character of the area and severely diminished the visual and scenic qualities of Carrigillihy Harbour. The proposed development would therefore materially contravene policy objective MCI 7-4 of the Cork County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.*

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

#### **3.2.1. Ecology Report - Primary Report**

3.2.2. Report dated 6<sup>th</sup> February 2025. Further information requested requiring the submission of a retrospective ecological impact assessment of the works undertaken with respect to the rock armour/sea defence walls.

#### **3.2.3. Area Planners - Primary Report**

3.2.4. Report dated 11<sup>th</sup> February 2025. Further information requested requiring the clarification of the date the works to be retained were undertaken and the submission of a coastal management report and an ecological impact assessment. Revised drawings of the garage were also requested indicating a stone finish.

#### **3.2.5. Ecology Report - FI Report**

3.2.6. Report dated 21<sup>st</sup> November 2025. Not satisfied with the response to the further information request. Limited surveys were undertaken and contradictory descriptions in the submitted EclA and Coastal Management Report with regard to habitat classification impacting on the justification for the works undertaken. Not satisfied that a robust assessment has been undertaken with regard to the implications on natural coastal processes within the zone of influence. Notes that there may be some justification for the requirement of a revetment wall immediately adjacent to the house but a strong justification has not been provided in respect to the extent of the rock armouring/revetment wall constructed. Refusal recommended. Reinstatement should take place in consultation with the Councils Ecology Office.

#### **3.2.7. Area Planners - FI Report**

3.2.8. Report dated 27<sup>th</sup> November 2025. The submitted revised drawings of the garage indicating a reduced roof height, the omission of the timber cladding and its replacement with a stone finish and was considered satisfactory. The response to

the further information request in relation to coastal protection works deemed deficient. Justification for the coastal protection works was considered insufficient and the Planning Authority was not satisfied that the submitted information adequately justifies the works to be retained.

3.2.9. Concerns that the construction of same is having a negative effect on the biodiversity value of the site and zone of influence of same. Insufficient information was submitted to allow for a robust assessment of the potential ecological implications arising from the proposed development. Serious concerns outlined regarding the hard engineering approach taken and to the extent of the rock armouring installed. Considered that the development to be retained would contravene materially Objective MCI 7-4: Coastal Protection of the Development Plan which seeks to employ soft engineering techniques as an alternative to hard coastal defence works, wherever possible. Split decision was recommended.

3.2.10. I note a further Planners FI Report dated 2<sup>nd</sup> December 2025 on file, which reiterates the main points of the Council's Ecology Report and the Area Planners FI report dated the 27<sup>th</sup> November 2025. The report considered that the coastal protection works to be retained would also contravene materially Objectives BE 15-2 and BE 15-6, for the protection of habitats, species and biodiversity as well as Objective MCI 7-4. Split decision was recommended.

3.2.11. Engineering Report

Reports dated 24<sup>th</sup> January 2025 and 19<sup>th</sup> November 2025. No objection subject to conditions.

3.2.12. Environment Report

Reports dated 28<sup>th</sup> January 2025 and 11<sup>th</sup> November 2025. No objection subject to conditions.

3.2.13. Liaison Officer

Report dated 1<sup>st</sup> December 2025. No comments.

3.3. **Prescribed Bodies**

MARA

Submission dated 13<sup>th</sup> October 2025. States that if the works are below the high-water mark than a MAC is required. The Planning Authority should be satisfied as to whether the area in question sits above or below the high-water mark.

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

There were 4 no. submissions in relation to the proposal. The concerns raised have been summarised as follows:

- Concerns regarding the extent of the rock armour which has created a private beach.
- Changes to the siting, scale, design and finish of the garage previously granted permission.
- Preference for stone cladding rather than the timber cladding proposed.
- Concerns regarding fenestration on garage and removal of stone boundary wall.
- Concerns regarding the intended use of the buildings.
- Concerns regarding the lack of available onsite car parking and the blocking of the public road.

## 4.0 **Planning History**

### 4.1. **Cork County Council Reg. Ref. 22/167**

Permission granted for the renovation and extension of existing ruined outhouse for use as domestic / garage store and associated site development works.

### 4.2. **Cork County Council Reg. Ref. 22/16**

Application withdrawn. Retention of domestic garage/workshop and associated site development works.

### 4.3. **Cork County Council Reg. Ref. 00/3097**

Permission granted for alterations & extensions to dwelling.

### 4.4. **Cork County Council 99/2497**

Permission granted for retention of use of out-building as ancillary sleeping quarters to main dwelling and glasshouse.

#### 4.5. **Enforcement History**

Cork County Council Enforcement Ref. SKB23084

Alleged breach of conditions pertaining to Cork County Council Reg. Ref. 22/167.

The garage is not stone clad and the structure is not being used as a domestic garage.

### 5.0 **Policy Context**

#### 5.1. **Development Plan**

##### 5.1.1. Cork County Development Plan 2022-2028

The site is governed by the policy and objectives of the Cork County Development Plan 2022-2028 (referred to hereafter as the Development Plan). The subject site is located within the 'West Cork Strategic Planning Area' and is also within a designated High Value Landscape as set out in the Development Plan.

##### 5.1.2. Objective CS 2-6: West Cork Strategic Planning Area

*(h) Prioritise the adequate provision of water services and transport infrastructure to meet current needs and future population targets while protecting the areas environment;*

##### 5.1.3. Section 7.6.14: Coastal Protection

The section sets out two approaches to coastal protection; 'Soft' engineering which uses ecological principles / practices which support the natural processes and 'Hard' engineering which is defined as controlled disruption of natural processes by using manmade structures.

##### 5.1.4. Objective MCI 7-4: Coastal Protection

*(a) Ensure the County's natural coastal defences, such as beaches, sand dunes, salt marshes and estuary lands, are protected and are not compromised by inappropriate works or development.*

*(b) Secure the implementation of a county level strategic approach (subject to SEA and AA) to the deployment of coastal defences.*

*(c) Employ soft engineering techniques as an alternative to hard coastal defence works, wherever possible.*

*(d) Identify, prioritise and implement necessary coastal protection works subject to the availability of resources, whilst ensuring a high level of protection for natural habitats and features, and ensure due regard is paid to visual and other environmental considerations in the design of any such coastal protection works.*

*(e) To support a Coastal Erosion policy for the County in consultation with all relevant stakeholders. Please also refer to MCI 7-4(a).*

5.1.5. Objective HE 16-21: Design and Landscaping of New Building

*(a) Encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.*

*(b) Promote sustainable approaches to housing development by encouraging new building projects to be energy efficient in their design and layout.*

*(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, amenity and environmental value of good design.*

*(d) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings and protecting existing hedgerows and historic boundaries in rural areas. Protection of historical/commemorative trees will also be provided for.*

5.1.6. Objective 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.*

5.1.7. Objective 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.*

5.1.8. Objective BE 15-2: Protect sites, habitats and species

*(a) Protect all natural heritage sites which are designated or proposed for designation under European legislation, National legislation and International Agreements.*

*Maintain and where possible enhance appropriate ecological linkages between these. This includes Special Areas of Conservation, Special Protection Areas, Marine Protected Areas, Natural Heritage Areas, proposed Natural Heritage Areas, Statutory Nature Reserves, Refuges for Fauna and Ramsar Sites. These sites are listed in Volume 2 of the Plan.*

*(b) Provide protection to species listed in the Flora Protection Order 2015, to Annexes of the Habitats and Birds Directives, and to animal species protected under the Wildlife Acts in accordance with relevant legal requirements. These species are listed in Volume 2 of the Plan.*

*(c) Protect and where possible enhance areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network. This includes rivers, lakes, streams and ponds, peatland and other wetland habitats, woodlands, hedgerows, tree lines, veteran trees, natural and semi-natural grasslands as well as coastal and marine habitats. It particularly includes habitats of special conservation significance in Cork as listed in Volume 2 of the Plan.*

*(d) Recognise the value of protecting geological heritage sites of local and national interest, as they become notified to the local authority, and protect them from inappropriate development*

*(e) Encourage, pursuant to Article 10 of the Habitats Directive, the protection and enhancement of features of the landscape, such as traditional field boundaries,*

*important for the ecological coherence of the Natura 2000 network and essential for the migration, dispersal and genetic exchange of wild species.*

#### 5.1.9. Objective 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.*

## 5.2. **Relevant National or Regional Policy / Ministerial Guidelines**

### 5.2.1. Climate Action Plan 2025

The Climate Action Plan 2025 (CAP25) is the third annual update to Ireland's Climate Action Plan. It should be read in conjunction with Climate Action Plan 2024. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will

ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

#### 5.2.2. National Biodiversity Action Plan 2023 – 2030

Ireland's 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature.

### 5.3. **Natural Heritage Designations**

The site is not located within a designated Natura 2000 site. The following European sites are proximate to the subject site:

- Approximately 3.2 km to the east of Castletownshend SAC (Site Code 001547).
- Approximately 8 km to the east of Sheeps Head to Toe Head SPA (Site Code 004156).
- Approximately 11 km to the east of Lough Hyne Nature Reserve and Environs SAC (Site Code: 000097)
- Approximately 10.2 km to the west of Kilkeran Lake and Castlefreke Dunes SAC (Site Code 001061).
- Approximately 11.4 km to the west of Galley Head to Duneen Point SPA (Site Code 004190).

## 6.0 **EIA Screening**

- 6.1. See Form 1 and Form 2. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

This is a first party appeal against the Planning Authority's decision to refuse retention permission for coastal protection works. The grounds of appeal are summarised as follows:

- The topography of the site is such that ground water flows through steep banks at the edge of the garden causing instability as a result of increasing rainfall intensity. There was a high risk of a large part of the garden, including the septic tank and house drainage slipping towards the shoreline and endangering of the house.
- The septic tank and drainage system was replaced due to ground water flows and the raft foundation of the house had become partially exposed. Before and after photographs attached.
- The garden area was therefore terraced by the construction of 2 no. retaining walls with a ground water drainage system behind these walls which are located above the high-water mark and do not require a MAC license.
- The retention of the works is the best option for ground stabilisation, defence, protection of the property and public safety.
- The retention of the retaining walls adheres to Policy BE 15-2, Policy BE 15-6 and Objective MCI 7-4 of the Development Plan.
- The Applicant facilitates the 'right of way' to ensure public access to the shoreline.

#### First Reason for Refusal

- The site is not located within the boundary of any designated European Natura 2000 site.
- The Planning Authority's report states that Appropriate Assessment was not required.
- The nearest conservation site is Castletownsend Special Area of Conservation approximately 3.2 km which is located in a separate sediment cell and has no impact on the sediment cell within Carrigillihy inlet.

- The retention of the works has no ecological implications on local biodiversity or in the wider area as demonstrated in the accompanying EclA.
- The submitted EclA outlines a number of best practice mitigation measures and following their implementation of mitigation measures there will be no effects posed by the development and no harm.
- The Applicant is amenable to implementing mitigation measures and is receptive to a planning condition requiring the same.

#### Second Reason for Refusal

- The retention of the works has no impact on coastal processes as demonstrated in the accompanying Coastal Processes Assessment.
- There are no habitats of high ecological value on the site or the immediate environs that could be compromised by the works.
- In order to prevent further failure and slippage towards the shoreline and beach ground stabilisation works were required.
- Soft engineering techniques were not feasible as they would not stop deep seated ground water erosion from destabilising the site.
- The extent of the retaining walls was engineer led and is required to prevent further slippage.
- The materials of the retaining walls are in keeping with the character of the local stone.
- The retention of the coastal works poses no adverse visual or scenic impact on Carrigillihy Harbour and has been informed by Cork County Councils own development along Timmy Strand.
- Due to their relatively small scale relative to the inlet, the walls are not readily visible from public viewpoints and pose no adverse visual impact.
- The design and materials are in keeping with the character of the area and are comparable to the development constructed by Cork County Council in Carrigillihy at Timmy's Strand. Photograph included.
- The Applicant is amenable to planting with native species to provide coverage.

- The accompanying Coastal Processes Assessment has undertaken coastal modelling and concludes that any storm wave heights at the site are small and will not disturb the stoney sediments along the foreshore at the site.
- There is no significant sediment transport around the appeal site.
- The retention of the walls which are above HWM level can have no significant effect on coastal processes.

## 7.2. **Planning Authority Response**

None on file.

## 7.3. **Observations**

7.4. There were 2 no. third party observations received in relation to the appeal. The concerns raised have been summarised as follows:

- Concerns regarding the alterations to the garage which does not correspond to the previous grant of permission.
- Concerns regarding the robustness of the Ecological Impact Assessment submitted with the grounds of appeal.
- The applicant has not submitted a report detailing a justification and method statement for the works.
- Concerns regarding the ecological baseline study has been undertaken after the construction has taken place.
- The works have resulted in the re-profiling of the shoreline.
- Displacement of habitats – otters, bats and birds.
- Mitigation measures insufficient include surface water is currently being discharged from the site to the shore.
- Public access to the beach is blocked.
- The construction of the walls impacted below the high-water mark.

## 8.0 Assessment

- 8.1.1. This is a first party appeal against the Planning Authority's decision whereby retention permission was refused for coastal protection works. The refusal formed part of a split decision issued by the Planning Authority, where permission and retention permission was also granted subject to 3 no. conditions for alterations to a domestic garage and a domestic workshop. I note third party submissions regarding the scale and finish of the structures. In this regard, the Planning Authority attached a condition to the grant of permission requiring the development to be carried out in accordance with the drawings submitted in response to the further information request which reduced the scale of the garage, amended the finish to stone and replaced the pitched roof with a lower curved roof profile.
- 8.1.2. Should the Commission be mindful to grant permission and retention permission for the alterations to the workshop and garage, I recommend that a condition be attached requiring development to be carried out in accordance with the drawings submitted in response to the further information request. Having regard to the scale of the garage and workshop, the zoning objectives for the area as set out in the Development Plan, the distances to adjacent properties and the character of the area I am satisfied that the amendments and alterations to the garage and workshop is in accordance with the provisions of the Development Plan would not seriously injure the amenity of adjoining property and is in accordance with the proper planning and sustainable development of the area.
- 8.1.3. I will therefore limit my assessment to the retention of the coastal protection works which comprise 2 no. retaining walls.
- 8.1.4. Having examined the applications details and all other documentation on file, including all 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:

- Reason for Refusal No. 1
- Reason for Refusal No. 2
- Other Matters

## 8.2. Reason for Refusal No. 1

- 8.2.1. The Planning Authority requested further information from the applicant to address concerns in relation to the coastal protection works. Item No. 3 of the further information requested the applicant to submit an Ecological Impact Assessment (EclA) of the works undertaken. The Planning Authority required the EclA to include a description, evaluation, and assessment of the pre-existing habitats, including the shoreline habitats and implications on coastal ecological and / or hydro-morphological processes. Details of proposed mitigation measures to compensate for the direct loss of habitat were also requested. The Planning Authority required that the EclA should be prepared by a suitably experienced and qualified ecologist in accordance with CIEEM Guidelines. In this regard I note that an EclA Report prepared by Verdé Environmental Consultants Ltd. was submitted in response to the Planning Authority's Further Information request.
- 8.2.2. Following the assessment of the applicant's response to the further information request, the Planning Authority considered that insufficient information had been submitted to allow for an assessment of the ecological effects of the development and that insufficient justification has been provided regarding the scale and extent of the works undertaken. Concerns remained regarding the impacts of the construction of retaining walls on the biodiversity value of the site and zone of influence. The Planning Authority therefore considered that the proposed development would materially contravene the biodiversity objectives of the Development Plan in particular Objective BE 15-2 and BE 15-6.
- 8.2.3. The grounds of appeal sets out that the site is not located within the boundary of any Natura 2000 site and that the closest conservation site is Castletownsend SAC situated approximately 3.2 km to the west, which is located in a separate sediment cell and has no impact on the sediment cell within the Carrigillihy inlet. The Appellant notes that the Planning Authority has stated that Appropriate Assessment was not required. The Appellant contends that the retention of the rock armour works has no

ecological implications on local biodiversity or in the wider area as demonstrated in the accompanying EclA and following the implementation of mitigation measures there will be no effects posed by the development.

- 8.2.4. Third Party submissions raise concerns regarding the robustness of the Ecological Impact Assessment submitted with the grounds of appeal, noting that the ecological baseline study has been undertaken after the construction has taken place and that the works have resulted in the displacement of habitats.
- 8.2.5. Development Plan Objective BE 15-2 - Protect Sites, Habitats and Species, seeks to provide protection to all natural heritage sites and where possible enhance areas of local biodiversity value and habitats. While Development Plan Objective BE 15-6: Biodiversity and New Development, seeks to provide for the protection and enhancement of biodiversity and to ensure that an appropriate level of assessment and mitigation is completed in relation to *inter alia* coastal and marine habitats. I consider these objectives to be reasonable.
- 8.2.6. I have consulted with the in-house Ecologist and received a technical note on the 20<sup>th</sup> May 2026. I refer the Commission to Appendix 4 containing the technical note which provides a detailed assessment of the submitted EclA. The appended technical note highlights inadequacies in the desktop baseline assessment carried out in the submitted EclA. The Commission's Ecologist considers that an arbitrary 5km zone of influence was applied without rationalisation for the approach and that the consideration of likely significant effects should be based on the Source-Pathway-Receptor (S-P-R) risk assessment model. Using this approach the Commission's Ecologist notes that there is hydrological connectivity to Kilkeran Lake and Castlefreke Dunes SAC (Site Code: 001061) located approximately 10.5km east of the subject site and to Sheep's Head to Toe Head SPA (Site Code: 004156) and Lough Hyne Nature Reserve and Environs SAC (Site Code: 000097) approximately 8.5 km and 11.2 km respectively west of the subject site. While the Commission's Ecologist acknowledges that due to the separation distances significant effects are unlikely, the EclA has not assessed the potential for effects on these sites.
- 8.2.7. The Commission's Ecologist further notes that the ecological survey was carried out on the 28<sup>th</sup> October 2025, which is outside the optimum survey period for habitats

(April through September) and notes that this limitation is not addressed in the submitted EclA.

- 8.2.8. The Commission's Ecologist notes that the submitted EclA includes an ecological survey and impact assessment which is based on the current baseline post construction and therefore focuses on the operational phase impacts from the completed development works. It is further noted that there is no accompanying habitat map to indicate the proximity of habitats to the completed works, or an assessment of the pre-existing ecological conditions and loss of habitat under the footprint of the works and potential for further impacts to local biodiversity as a result of potential changes to local coastal erosion and deposition processes. In addition, implications on habitats from reinstatement is not considered in the EclA.
- 8.2.9. The Commission's Ecologist further considers that there is available habitat for the otter species in proximity to the subject site, however there is no assessment of potential habitat loss for the species within the submitted EclA. In addition, bird species recorded through desktop and field studies may also occupy the intertidal habitats, however there is no assessment in the EclA of potential habitat loss for the avifauna. Mitigation measures outlined in the submitted EclA include for monitoring and protected species survey, however mitigation measures to compensate for the direct loss of habitat have not been provided.
- 8.2.10. Having regard to the technical assessment of the submitted EclA as set out in appended Ecologist Technical Note, I consider that there are serious deficiencies in the EclA with respect to the assessment of the pre-existing ecological conditions, loss of habitat under the footprint of the works and potential for further impacts to local biodiversity as a result of potential changes to local coastal erosion and deposition processes. Furthermore, I do not consider that mitigation measures to compensate for the direct loss of habitat have been provided. I am not satisfied that the submitted EclA has demonstrated that the development provides for the protection and enhancement of biodiversity or that an appropriate level of assessment and mitigation has been undertaken in relation to coastal and marine habitats in accordance with Development Plan Objectives Be 15-2 – Protect Sites, Habitats and Species and BE 15-6 Biodiversity and New Development and I consider that the retention of the coastal protection works should be refused for this reason.

### 8.3. Reason for Refusal No. 2

- 8.3.1. The Planning Authority's second reason for refusal relates to the hard engineering approach adopted and the extent of the rock armour installed. Item No. 2 of the Planning Authority's further information request sought a detailed report from a suitably qualified coastal management consultant. The report was required to include an evaluation of the level of coastal erosion at the location of the site, an outline of all possible measures examined and a justification for the works undertaken including a method statement. In this regard I note that the applicant submitted a report and justification for the coastal protection works.
- 8.3.2. The Planning Authority did not consider that the further information submitted provided a sufficiently detailed or reasoned justification for the retention of the extensive hard engineering approach to the works undertaken. The Planning Authority noted that the response to the further information request was prepared by a retired qualified person and did not include a detailed method statement or detailed drawings indicating the extent of the works and interventions made to the pre-existing site conditions. The Planning Authority considered that a robust assessment of the habitats directly and indirectly impacted upon through the potential alteration of coastal dynamics was not carried out and the implications on natural coastal processes updrift and downdrift of the structures was unclear. The development was deemed to significantly alter the character of the area and substantially diminish the visual and scenic qualities of Carrigillihy Harbour and was considered to materially contravened Objective MCI 7-4 of the Development Plan.
- 8.3.3. Development Plan Objective MCI 7-4 – Coastal Protection sets out that soft engineering techniques as an alternative to hard coastal defence works should be employed wherever possible and that due regard is paid to visual and other environmental considerations in the design of any such coastal protection works. The objective also seeks to ensure that natural coastal defences, such as beaches, sand dunes, salt marshes and estuary lands, are protected and are not compromised by inappropriate works. I consider this objective to be reasonable.
- 8.3.4. The appellant contends that the retention of the walls which are above HWM level can have no significant effect on coastal processes. I note that Third Party submissions states that construction of the walls impacted below the high-water

mark. In this regard I refer the Commission to the GPS Boundary Survey appended to the Appeal Statement of Case and also submitted to the Planning Authority in response to the further information request which indicates that the works are above the high-water mark. I further note that the Planning Authority was satisfied that the coastal protection works were above the high-water mark and that the works were completed before Maritime Area Consent (MAC) came into effect. I am therefore satisfied that the coastal protection works are above the high-water mark and I have no information before me that demonstrates that the works carried out impacted below the high-water mark or required a MAC licence.

- 8.3.5. To address the reason for refusal the Appellant has submitted an updated Coastal Processes Assessment prepared by RPS Tetrtech in conjunction with the grounds of appeal. The appellant states that the submitted Coastal Processes Assessment demonstrates that the retention of the works has no impact on coastal processes and that there are no habitats of high ecological value on the site or the immediate environs that could be compromised by the works. The grounds of appeal further sets out that the accompanying Coastal Processes Assessment includes a coastal modelling study which concludes that storm wave heights at the site are minor and will not disturb the stoney sediments along the foreshore and there is no significant sediment transport.
- 8.3.6. I refer the Commission to the in-house Ecologist Report in Appendix 4 which provides an assessment of the updated Coastal Process Model Study submitted with the grounds of appeal. The study includes an assessment of the baseline wind, wave and tidal data to inform coastal processes modelling. The Commission's Ecologist notes that the study indicates that wave reflections from the new wall would be dissipated on the rocky shoreline that lies immediately to the southeast of the subject site and the retaining walls will not significantly affect the coastal process of the Carrogillihy Inlet nor change the sediments along the shoreline at the promontory.
- 8.3.7. Notwithstanding, the in-house Ecologist highlights that the habitats recorded immediately to the southeast of the subject site include two intertidal habitat types, including LR3 Sheltered rocky shores and LS1 Shingle and gravel shores and that the local effects from wave reflection on these habitats has not been assessed in the appeal documentation.

- 8.3.8. In terms of justification for the works the appellant states that soft engineering techniques were not feasible as they would not stop ground water erosion from destabilising the site and that to prevent further failure and slippage towards the shoreline, the extent of the retaining walls was required and was engineer led. Third Party submissions states that the applicant has not submitted a report detailing a justification and method statement. The Commissions Ecologist also raises concerns regarding the scale and extent of the lower retaining wall and its structural purpose given that it extends eastwards beyond the curtilage of the house and across the beach, to connect to pre-existing walls which have also been extended to the southeast. Having visited the site and reviewed the application documentation I note that a large portion of the lower retaining wall is far removed from the dwelling and garden providing a terrace and steps directly to the beach and extending along the beach to the southeast of the site, I also consider that its structural purpose of the entire length of the wall to be unclear.
- 8.3.9. Development Plan Objective MC 7-14 - Coastal Protection requires that soft engineering techniques as an alternative to hard coastal defence works should be employed wherever possible. In this regard I note the appellant has not submitted any evidence to support the extent of the hard coastal defence works undertaken. I note that in response to the Planning Authority's further information request the applicant set out various soft engineering techniques for coastal defence works which were then discounted. I am therefore satisfied that some level of hard engineering coastal protection works were required to stabilise the property. However, in the absence of a method statement and detailed drawings for the works, I have no evidence before me to demonstrate that extent of hard engineering coastal protection works undertaken was required to stabilise the dwelling and garden, other than the commentary included in submitted RPS report - Appeal Statement of Case, which outlines that given the sites topography which slopes towards the coast the walls are required to prevent slippage towards the shoreline due to ground water erosion. I am therefore not satisfied that the extent of the retaining walls is necessary or justified and without such justification I consider the development to be contrary to Development Plan Objective MC 7-14 – Coastal Protection.
- 8.3.10. The appellant contends that the materials of the retaining walls are in keeping with the character of the local stone and that their retention poses no adverse visual or

scenic impact on Carrigillihy Harbour. In this regard I note that Development Plan Objective MC 7-14 - Coastal Protection requires that due regard is paid to visual and other environmental considerations in the design of coastal protection works.

- 8.3.11. Notwithstanding the use of local stone, given the scale and extent of the development, I consider that the retaining walls have significantly altered the character of the area and coastline and have negatively impacted upon the visual and scenic qualities of Carrigillihy Harbour when viewed from the public beach adjoining the site. Given the position of the retaining walls along the coast, I am satisfied that they are not visible from the public road. However, having visited the site and viewed the development from various vantage points including the pier to the east of the site and from the beach further to the east of the site at the top of the inlet, I note that the development is visible although distant and, in my view, appears visually incongruous due to the extent of the walls.
- 8.3.12. The grounds of appeal set out that the applicant is amenable to planting with native species to provide additional coverage. In this regard I note that the applicant has not submitted any details of the proposed landscaping or planting schedule. Given the hard engineering approach to the coastal defence works undertaken and the exposed nature of the site I am not satisfied that native planting of the retaining wall is achievable. In the absence of evidence of such landscaping mitigation measures I consider the development to be contrary to Development Plan Objective MC 7-14 – Coastal Protection.
- 8.3.13. To conclude while I acknowledge that hard coastal protection works in the form of retaining walls may be warranted in this instance to protect the property from slippage towards the shore due to ground water flows through the site, I am not satisfied that the applicant has demonstrated that the scale and extent of the works undertaken are necessary or justified and I consider the development to be contrary to Development Plan Objective MCI 7-4 which requires that soft engineering techniques as an alternative to hard coastal defence works should be employed wherever possible. Furthermore, I consider that the works have a negative visual impact upon the character of the coastline in the area and is therefore contrary to Development Plan Objective MCI 7-4 – Coastal Protection which requires due regard

is paid to visual and other environmental considerations in the design of coastal protection works and should be refused for this reason.

#### **8.4. Other Matters**

- 8.4.1. Third Party submissions raise concerns regarding right of way access to the public beach. The grounds of appeal sets out that the applicant facilitates right of way via the property to the shore.
- 8.4.2. In this regard I note that public rights of way are civil matters and are outside the remit of An Coimisiún Pleanála

### **9.0 AA Screening**

- 9.1. 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 any European Site(s) in view of the conservation objectives of sites and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 9.2. This determination is based on:
- The scale and magnitude of the works
  - The distance to European Sites.

### **10.0 Water Framework Directive**

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body

status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

## 11.0 Recommendation

11.1. I recommend a split decision for the development

11.2. **Grant permission** for alterations to a domestic garage and a domestic workshop to include retention of cladding changed from stone to timber cladding on both buildings and permission for reconfiguration of the domestic garage with roof revised from duo pitch roof to curved roof on and associated site development works for the reasons and considerations set out under Schedule 1 below together with the conditions thereunder.

**Refuse permission** the retention of coastal protection works (rock armour above the high-water mark) for the reasons and considerations set out under Schedule 2

11.3. **Schedule 1**

11.4. **Reasons and Considerations**

11.5. Having regard to the zoning objectives for the area in the Cork County Development Plan 2022-2028 and the established use on the site it is considered that, subject to compliance with conditions below, that the development would not seriously injure the amenity of adjoining property and is in accordance with the proper planning and sustainable development of the area.

11.6. **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 6 <sup>th</sup> day of November 2025, 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
---	--

	<p>carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2	<p>The permitted structures shall be used for the purposes indicated in the application and solely for use ancillary to the enjoyment of the dwellinghouse, and shall not be used for human habitation, or rented, sold, or leased independently of the house and shall not be used for the carrying on of any trade or business.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>

### 11.7. **Schedule 2**

### 11.8. **Reasons and Considerations**

1. Having regard to the location, scale and extent of the coastal protection measures and the information submitted with the grounds of appeal, it is considered that insufficient information has been provided to allow for an assessment of the development on the biodiversity value of the site. The submitted Ecological Impact Assessment fails to assess pre-existing ecological conditions including the loss of habitat under the footprint of the works, and mitigation measures to compensate for the direct loss of habitat have not been provided. On the basis of the information submitted I am not satisfied that the development provides for the protection and enhancement of biodiversity or that an appropriate level of assessment and mitigation has been undertaken in relation to coastal and marine habitats. The development to be retained would therefore be contrary to Objective BE 15-2 – Protect Sites, Habitats and Species and Objective BE 15-6 Biodiversity and New Development of the Cork County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.
2. Objective MCI 7-4 regarding Coastal Protection, as set out in the Cork County Development Plan 2022-2028, states that it is an objective of the Planning Authority that soft engineering techniques as an alternative to hard coastal defence works should be employed wherever possible and that due regard is paid to visual and other environmental considerations in the design of any such coastal

protection works. On the basis of the information submitted I am not satisfied that a detailed and reasoned explanation for the extent of the rock armouring works has been provided. It is considered that the extent of the retaining walls has significantly altered the character of the area and has a negative impact on the visual and scenic qualities of Carrigillihy Harbour. The proposed development would therefore be contrary to Objective MCI 7-4 of the Cork County Development Plan 2022-2028 and contrary to the proper planning and sustainable development of the area.

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

---

Carol Smyth

Planning Inspector

26 May 2026

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

<b>Case Reference</b>	500564
<b>Proposed Development Summary</b>	Retention of coastal protection works (rock armour above the high-water mark); permission for alterations to a domestic garage and a domestic workshop and all associated works.
<b>Development Address</b>	Carrigillihy, Union Hall, 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>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
<p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> <li>- The execution of construction works or of other installations or schemes,</li> <li>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</li> </ul>	
<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>	<b>State the Class here</b>
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

<p><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></p>	
<p><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></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><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></p>	<p>Class 10 Infrastructural Projects(K) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dikes, moles, jetties and other sea defence works, where the length of coastline on which works would take place would exceed 1 kilometre, but excluding the maintenance and reconstruction of such works or works required for emergency purposes.</p>
<p><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></p>	
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

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

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

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	500564
<b>Proposed Development Summary</b>	Retention of coastal protection works (rock armour above the high-water mark); permission and retention permission for alterations to a domestic garage and a domestic workshop and all associated works.
<b>Development Address</b>	Carrigillihy, Union Hall, 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 0.151 ha site is located in a rural coastal location, adjacent to a cluster of houses. The construction of 2 no. separate retaining walls comprising an upper retaining wall approximately 12 metres in length and 2.3 metres in height and a lower wall is approximately 27.5 metres in length and 2.5 metres in height and alterations to a domestic garage and a domestic workshop and all associated works is not exceptional in the context of the existing environment.</p> <p>The proposed development will not result in the production of any significant waste, emission or pollutants.</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	<p>The proposed development is not located within any protected areas. The site is proximate to the following natural heritage areas:</p> <ul style="list-style-type: none"> <li>• Approximately 3.2 km to the east of Castletownshend SAC (Site Code 001547).</li> <li>• Approximately 8 km to the east of Sheeps Head to Toe Head SPA (Site Code 004156).</li> </ul>

<p>populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<ul style="list-style-type: none"> <li>• Approximately 11 km to the east of Lough Hyne Nature Reserve and Environs SAC and pNHA (Site Code: 000097)</li> <li>• Approximately 10.2 km to the west of Kilkeran Lake and Castlefreke Dunes SAC (Site Code 001061).</li> <li>• Approximately 11.4 km to the west of Galley Head to Duneen Point SPA (Site Code 004190).</li> </ul> <p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from existing surrounding developments.</p> <p>Given the nature, scale and mass of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p>
<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>	<p>The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing rural environment.</p> <p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>
<p><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>

<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>
---	-----------------------------

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

## Appendix 3: Standard AA Screening Determination Template 2

### Test for likely significant effects

<b>Screening for Appropriate Assessment Test for likely significant effects</b>	
<b>Case Reference Number:</b> 500564	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	Retention of coastal protection works (rock armour above the high-water mark) comprising an upper retaining wall approximately 12 metres in length and 2.3 metres in height and a lower wall is approximately 27.5 metres in length and 2.5 metres in height and permission and retention permission for alterations to a domestic garage and a domestic workshop and all associated works.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The 0.151 ha site is located in a rural coastal location, adjacent to a cluster of houses. The site is not located within any protected areas.</p> <p>Surface water is proposed to be managed on site via with runoff discharged to the coast.</p>
<b>Screening report</b>	<p>None submitted</p> <p>The Planner's Report includes an Appropriate Assessment Screening Report which concludes that, having regard to the nature of the development proposed, existing development on the site and the distance from any SAC or SPA, there is no likely potential for significant effects to Natura 2000 sites, therefore AA is not required.</p>
<b>Natura Impact Statement</b>	No
<b>Relevant submissions</b>	None

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

<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development (km)</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup> Y/N</b>
Castletownshend SAC (Site Code 001547)	Vandenboschia speciosa (Killarney Fern) [6985]	3.2 km	Direct	Y
Sheep's Head to Toe Head SPA (Site Code: 004156)	Peregrine (Falco peregrinus) [A103] Chough (Pyrrhocorax pyrrhocorax) [A346]	8km	Direct	Y
Lough Hyne Nature Reserve and Environs SAC (Site Code: 000097)	Large shallow inlets and bays [1160] Reefs [1170] European dry heaths [4030] Submerged or partially submerged sea caves [8330] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	11.2km	Direct	Y

Kilkeran Lake and Castlefreke Dunes SAC (Site Code: 001061) circa 10.5 km to the east of the subject site.	Coastal lagoons [1150]  Embryonic shifting dunes [2110]  Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]  Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	10.5 km	Direct	Y
Galley Head to Duneen Point SPA (Site Code 004190).	Chough ( <i>Pyrrhocorax pyrrhocorax</i> ) [A346]	11.4 km	Direct	Y

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

**AA Screening matrix**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 1:</b> Castletownshend SAC (Site Code 001547) <u>QI list</u> <i>Vandenboschia speciosa</i> (Killarney Fern) [6985]	<b>Direct:</b> No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.  <b>Indirect:</b> Potential changes to local coastal erosion and deposition processes	Given the separation distance to the SAC, and the limited scale of the proposed works, it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the qualifying interests listed.

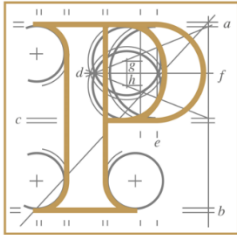
	Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentary and construction related pollution	
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	
<b>Site 2:</b> Sheep's Head to Toe Head SPA (Site Code: 004156) <u>QI list</u> Peregrine (Falco peregrinus) [A103] Chough (Pyrrhocorax pyrrhocorax) [A346]	<b>Direct:</b> No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.  <b>Indirect:</b> Potential use of the site for habitats	Given the separation distance to the SPA, and the limited scale of the proposed works, it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the qualifying interests listed.
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b>	
<b>Site 3:</b> Lough Hyne Nature Reserve and Environs SAC (Site Code: 000097) <u>QI list</u> Large shallow inlets and bays [1160] Reefs [1170]	<b>Direct:</b> No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.  <b>Indirect:</b> Potential changes to local coastal erosion and deposition processes Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentary and construction related pollution	Given the separation distance to the SAC, and the limited scale of the proposed works, it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the qualifying interests listed.

<p>European dry heaths [4030]</p> <p>Submerged or partially submerged sea caves [8330]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p>		
	<p><b>Likelihood of significant effects from proposed development (alone) : No</b></p>	
	<p><b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b></p>	
<p><b>Site 4:</b></p> <p>Kilkeran Lake and Castlefreke Dunes SAC (Site Code: 001061) circa 10.5 km to the east of the subject site.</p> <p><u>QI list</u></p> <p>Coastal lagoons [1150]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p>	<p><b>Direct:</b> No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p><b>Indirect:</b> Potential changes to local coastal erosion and deposition processes</p> <p>Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentary and construction related pollution</p>	<p>Given the separation distance to the SAC, and the limited scale of the proposed works, it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the qualifying interests listed.</p>

Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]		
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	
<b>Site 5:</b> Galley Head to Duneen Point SPA (Site Code 004190). <u>QI list</u> Chough (Pyrrhocorax pyrrhocorax) [A346]	<b>Direct:</b> No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.  <b>Indirect:</b> Potential use of the site for habitats	Given the separation distance to the SPA, and the limited scale of the proposed works, it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the qualifying interests listed.
	<b>Likelihood of significant effects from proposed development (alone):</b> <b>Y/N</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b>	
<b>Step 4: Conclude if the proposed development could result in likely significant effects on a European site</b>		
I conclude that the proposed development (alone) would not result in likely significant effects on the following European site(s): <ul style="list-style-type: none"> <li>• Castletownshend SAC (Site Code 001547).</li> <li>• Sheeps Head to Toe Head SPA (Site Code 004156).</li> <li>• Lough Hyne Nature Reserve and Environs SAC and pNHA (Site Code: 000097)</li> <li>• Kilkieran Lake and Castlefreke Dunes SAC (Site Code 001061).</li> <li>• Galley Head to Duneen Point SPA (Site Code 004190).</li> </ul>		

The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

## Appendix 4



An  
Coimisiún  
Pleanála

## Technical Note: Ecology R500564TN

### Development

Permission sought for retention of coastal protection works for (rock armour above the high-water mark) at a dwelling at Carrigillihy, Union Hall, Co. Cork.

### Type of Application

Appeal

### Planning Authority

Cork County Council.

### Planning Authority Reg. Ref.

24/681

### Topic

Review of Ecological Impact Assessment, Coastal Processes Assessment and Appeal Documentation.

### Ecologist

Paula Kearney

### Senior Planning Inspector

Carol Smyth

## **Contents**

1.0	Introduction .....	42
2.0	Ecological Impact Assessment (Biodiversity) .....	43
3.0	Assessment .....	45
4.0	Coastal Processes Model Study .....	48
5.0	Recommendation .....	49
	Appendix 1 .....	51

## 12.0 Introduction

### 12.1. Background

12.1.1. Case PL-500564-WC-26 relates to an appeal case (Cork County Council ref. 24/681) for the retention of coastal protection works (rock armour above the high-water mark), permission for alterations to a domestic garage and a domestic workshop and all associated works.

### 12.2. Site Location and Development Description

12.2.1. The site is located on the coastline of Carrigillihy Harbour within the townland of Carrigillihy, Union Hall, Co. Cork.

12.2.2. The works to be retained include 2 no. separate retaining walls, the upper retaining wall measuring 12 metres in length and 2.3 metres in height and a lower wall measuring 27.5 metres in length and 2.5 metres in height. The walls are constructed with large blocks of rock with vertical faces. A ground water drainage system is located to the rear of the walls and discharges surface water from the site and adjacent fields.

### 12.3. Scope of Report

12.3.1. The Commission's Planning Inspector requested a report from ecologists, dated 4<sup>th</sup> March 2026, to provide a technical review of the following:

#### Ecological Impact Assessment Report

- A review of the robustness of the Ecological Impact Assessment Report.
- Evaluation and assessment of the pre-existing habitats that have been altered.
- Assessment of Implications of the rock armouring / revetment wall on natural coastal processes e.g. beach morphology, hydrodynamics, ecology.
- A review of the details of mitigation measures to compensate for direct loss of habitat.
- Implications of reinstatement.

#### Coastal Processes Model Study

- A review of the robustness of the Coastal Processes Model Study.

- Clarification whether the area of the works (and the construction of the same) is above or below the high-water mark.

12.3.2. My assessment, as directed by the Planning Inspector, is focused only on the items as per their request, as set out under Section 1.4.2 above.

12.3.3. This report includes a review of the application documentation including the EclA, Response to Further Information (RFI) documents, third party submissions, drawings and design details on file.

12.3.4. In my capacity as Senior Ecologist, with over 25 years professional experience, I have the relevant expertise to advise on the EclA for the proposed the application and will make comment on the Coastal Processes Model Study.

## **13.0 Ecological Impact Assessment (Biodiversity)**

### **13.1. Background**

13.1.1. Cork County Council requested Further Information (FI) from the applicant on the 11<sup>th</sup> February 2025. Request Item No. 3 included a request to submit an (EclA) of the works undertaken, including the construction of rock armour / sea defence walls, to include as far as possible a description, evaluation, and assessment of the pre-existing habitats, including the shoreline habitats that have been altered due to the construction of the sea defence walls and the implications of rock armouring in coastal areas on coastal ecological and / or hydro-morphological processes. Details of proposed mitigation measures to compensate for the direct loss of habitat were also requested and that the EclA should be prepared by a suitably experienced and qualified ecologist in accordance with CIEEM Guidelines.

13.1.2. An EclA Report prepared by Verdé Environmental Consultants Ltd. (October, 2025) was submitted in response to the FI. The ecologist who carried out the surveys and assessment has the necessary competencies to carry out the work. In Appendix I of my report, I provide a summary assessment of the adequacy of the EclA based on the CIEEM (2019) EclA checklist. The following sections provide the basis of my assessment which

is used to inform whether the biodiversity and ecological impact assessment criteria set out in the checklist have been satisfactorily addressed.

## 13.2. Methodology

13.2.1. Section 2 of the EclA outlines the relevant legislation and Section 3 outlines the methodology and references relevant guidance including habitat assessment in accordance with the Heritage Councils *Best Practice Guidance for Habitat Survey and Mapping* (Smith et. al. 2011) and *A Guide to Habitats in Ireland* (Fossitt, 2000) and the site evaluation is based on Chartered Institute of Ecology and Environmental Management (CIEEM) (2019) *Guidelines for Ecological Impact Assessment in the UK and Ireland Terrestrial, Freshwater, Coastal and Marine*.

## 13.3. Baseline

13.3.1. The findings of the desktop study are provided in Sections 4.3 to 4.7 and include distances to European designated sites within 5km of the subject site including Castletownsend Special Area of Conservation (SAC) (site code: 001547) and Mycross Wood SAC (001070). Data searches included the National Biodiversity Data Centre (NBDC) within a 4km<sup>2</sup> grid square for the site, and a number of protected bird species associated with the coastal and marine environment were recorded. Three marine mammal species were recorded, and there were no records of bats or non-volant species such as otter.

13.3.2. Ecological data was collected during one site visit on the 28th October 2025, which included field assessments of habitats, avifauna, otters, badger, and marine mammals.

13.3.3. The habitats on site are described in Section 4.8. The habitats that occur within and immediately adjacent to the subject site are classified in accordance Fossitt (2000) and include Buildings and artificial surfaces (BL3), Dry Meadows and Grassy Verges (GS2), Scrub (WS1), Sheltered rocky shores (LR3), Shingle & Gravel Shores (LS1), and Sedimentary Sea Cliffs (CS3).

13.3.4. There was no evidence of otter and 13no. bird species were recorded.

13.3.5. The nature conservation value of the site is discussed in Section 4.9 and determined that all habitats and species within the boundary and proximal to the subject site are not Key Ecological Receptors.

#### **13.4. Impact Assessment**

13.4.1. The impact assessment is presented in Section 5 and concludes that the completed works will not result in direct impacts to designated sites, natural erosion and/or sedimentation or interfere nor significantly impact natural shoreline processes. Positive effects are highlighted with respect to the protection of the property as a result of the sea wall construction, which in turn would limit excessive sediment influx from the surrounding landscape.

13.4.2. No indirect impacts were identified.

#### **13.5. Mitigation**

13.5.1. Mitigation measures are set out in Section 5.3. The mitigation measures proposed are outlined for the construction phase based on industry best practice. Monitoring is proposed to check the integrity of the seawall to ensure no direct or indirect effects on nearby habitats and a recommendation for a comprehensive otter survey. Following the implementation of measures, significant residual effects were not identified. The opinion of the ecologist is that the sea wall and work shed will not have medium to long-term significant effects on key ecological receptors not adversely affect the local biodiversity of Carrigihilly and Union Hall regional area.

### **14.0 Assessment**

#### **14.1. Baseline and Impact Assessment**

14.1.1. There are inadequacies with respect to the desktop baseline assessment. To identify protected sites, an arbitrary 5km zone of influence was applied without rationalisation for the approach. The consideration of likely significant effects should be based on the Source-Pathway-Receptor (S-P-R) risk assessment model. Using this approach there is hydrological connectivity to Rosscarbery Estuary proposed Natural Heritage Area (pNHA) (site code:

001075) and Kilkeran Lake and Castlefreke Dunes Special Area of Conservation (SAC) (site code: 001061), located east of the subject site, approximately 8km and 10.5km respectively. Sheep's Head to Toe Head Special Protection Area (SPA) (site code: 004156) and Lough Hyne Nature Reserve and Environs SAC (site code: 000097) are located west of the subject site approximately 8.5 km and 11.2km respectively. Due to the distances of designated sites to the subject site, significant effects are unlikely, however potential for effects should have been assessed in the EclA, based on best available scientific information.

- 14.1.2. The ecological survey was carried out during a site visit on the 28th October 2025, which is outside the optimum survey period for habitats (April through September)<sup>1</sup>, this limitation is not addressed in the EclA. Habitats recorded on site include two intertidal habitat types which are commonly found between the highwater mark and low water mark<sup>2</sup>, including LR3 Sheltered rocky shores and LS1 Shingle and gravel shores. See **Image 1** below of the new sea defence walls which is Figure 6.2 from GPS Boundary Survey Technical Report, Geodata Chartered Land Surveyors (April 2024) and **Image 2**, which is the cartographic drawing from the Appendix I of the same report.
- 14.1.3. The sea defence walls comprise the upper retaining wall measuring 12 metres in length and 2.3 metres in height and a lower wall measuring 27.5 metres in length and 2.5 metres in height.
- 14.1.4. In Image 2, the extent of new sea walls is highlighted in red, which shows the sea wall extending eastwards beyond the residential curtilage and across the beach, to connect to pre-existing walls which have also been extended to the southeast. Beyond the house protection measures, the function of the other lower sea defence wall is not clear.

---

<sup>1</sup> Smith et. al. (2011) *Best Practice Guidance for Habitat Survey and Mapping*. The Heritage Council, Kilkenny.

<sup>2</sup> Fossitt, J.A. (2000). *A Guide to habitats in Ireland*. The Heritage Council, Kilkenny.



Fig 6.2 New Sea Defence Wall

Image 1 New Sea Defence Walls (Source: Geodata Chartered Land Surveyors, April 2024.)

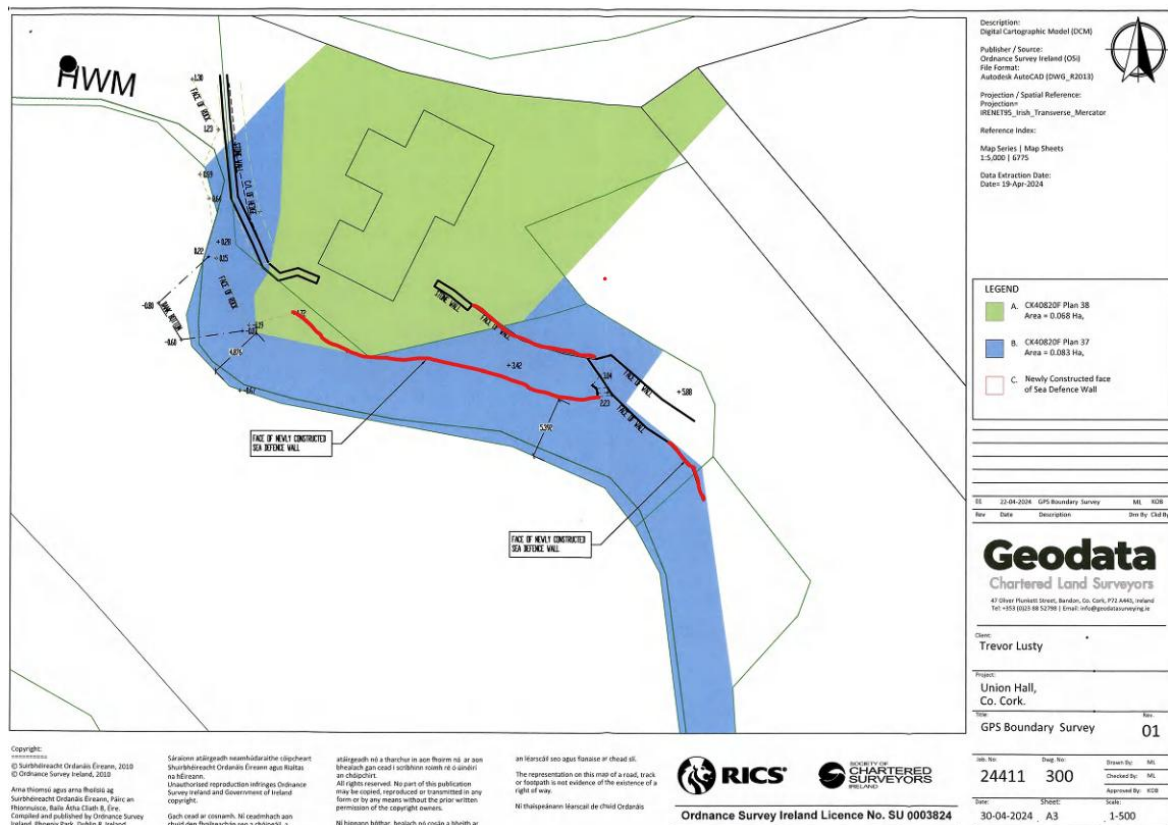


Image 2 New Sea Defence Walls, cartographic drawings (Source: Geodata Chartered Land Surveyors, April 2024.)

- 14.1.5. The ecological survey and impact assessment is based on the current baseline post construction and focuses only on the operational phase impacts from the completed development works. There is no accompanying habitat map with the report to indicate the proximity of habitats to the completed works. In addition, there is no assessment of the pre-existing ecological conditions and loss of habitat under the footprint of the works and potential for further impacts to local biodiversity from potential changes to local coastal erosion and deposition processes.
- 14.1.6. Mitigation measures are set out in Section 5.3 and include for monitoring and protected species survey, however mitigation measures to compensate for the direct loss of habitat have not been provided. In addition, implications on habitats from reinstatement is not provided.
- 14.1.7. The extent of otter habitat in Ireland is identified in the NPWS Threat Response Plan for Otter<sup>3</sup> on the basis of four classes of water bodies: rivers, streams, lakes and coast (high water mark). Coastal habitat for otter is estimated as an 80m strip of water from the length of shore, in addition to a 10m terrestrial buffer is considered to comprise part of the otter habitat. There is available habitat for the species in proximity to the subject site, however there is no assessment of potential habitat loss for the species, and mitigation measures include for a comprehensive otter survey. In addition, bird species recorded through desktop and field studies may also occupy the intertidal habitats, however there is no assessment of potential habitat loss for the avifauna.

## 15.0 Coastal Processes Model Study

- 15.1.1. As identified in Cork County Council's FI request, the installation of rock armouring in coastal areas can result in an alteration of natural erosional and depositional patterns along the coastline, which can have negative implications from an ecological and / or hydro-morphological perspective.

---

<sup>3</sup> NPWS (2009) *Threat Response Plan: Otter* (2009-2011). National Parks & Wildlife Service, Department of the Environment, Heritage & Local Government, Dublin.

- 15.1.2. The Coastal Process Model Study prepared by RPS Tetra Tech in December 2025, was submitted as part of the appeal documentation. The study included an assessment of the baseline wind, wave and tidal data to inform coastal processes modelling.
- 15.1.3. The conclusion of the report is that wave reflections from the new wall would be dissipated on the rocky shoreline that lies immediately to the southeast of the subject site. Therefore, the walls will not significantly affect the coastal process of the Carrogillihy Inlet nor change the sediments along the shoreline at the promontory.
- 15.1.4. The habitats recorded immediately to the southeast of the subject site include two intertidal habitat types, including LR3 Sheltered rocky shores and LS1 Shingle and gravel shores. The local effects from wave reflection on these habitats has not been assessed in the appeal documentation.

## 16.0 Recommendation

- 16.1.1. Having regard to the information provided with the appeal including the EclA RFI, there is insufficient information within the application that the retention of the new sea defence walls, particularly the structure across the beach area. I am not satisfied that the EclA was carried out in accordance with best practice, specifically in the failure to assess pre-existing ecological conditions including the loss of habitat under the footprint of the works, and mitigation measures to compensate for the direct loss of habitat have not been provided. In addition, implications on habitats from reinstatement is not provided.

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, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Paula Kearney Senor Ecologist
----------------------------------

20<sup>th</sup> May 2026

# Appendix 1

## Checklist for Biodiversity/Ecological Impact Assessment (EclA)

Based on CIEEM (2019) *EclA Checklist*<sup>4</sup> and amended to Irish context.

Evaluation of EclA for proposed for the retention of coastal protection works (rock armour above the high-water mark), permission for alterations to a domestic garage and a domestic workshop and all associated works, within the townland of Carrigillihy, Union Hall, Co. Cork.

Biodiversity and Ecological impact Assessment Criteria		Yes No n/a	Paragraph reference number (s)
Pre-app/scope	1. Where pre-application advice has been received from a statutory body (e.g. DAU /NPWS, IFI), and/or relevant NGO it has been fully accounted for in the EclA.	N	-
	2. The scope, structure and content of the EclA is in accordance with published good practice <sup>i</sup> , <sup>ii</sup> , <sup>iii</sup> and/or industry specific guidance <sup>iv</sup>	Y	Section 3
Surveys, Sites, Species and Habitats	3. Adequate and up-to-date <sup>v</sup> : a. Desk study has been undertaken	N Y	Section 4.4
	b. habitat survey has been undertaken <sup>vi</sup>	Y	Section 4.8
	c. more detailed ecology surveys have been undertaken (where necessary e.g. habitat specific and/or species specific)	N	
	4. All statutory and non-statutory sites likely to be significantly affected are clearly and correctly identified (e.g. SAC, SPA, NHA, pNHA, National parks, Nature reserves, local biodiversity areas).	Y	Section 4.3.1
	5. All protected species <sup>vii</sup> likely to be significantly affected are clearly and correctly identified, and adequate surveys have been undertaken to inform the baseline.	N	
	6. Any invasive non-native plant species present are clearly and correctly identified.	N/A	
	7. Where separate detailed surveys are required, these have been undertaken in full and results submitted with the application (or lack of such surveys is justified).	N/A	
Impacts and Effects	8. The assessment is based on clearly defined development proposals along with relevant drawings/plans <b>Or</b>	N	
	9. The residual ecological effects are not significant at any geographical scale irrespective of the detailed development proposals, and the assessment is based on a worst-case-scenario.	N	
	10. The report describes and assesses all likely significant ecological effects (including cumulative effects) clearly stating the geographical scale of significance (where relevant);	N	

<sup>4</sup> <https://cieem.net/resource/ecological-impact-assessment-ecia-checklist/>

	Cross reference with AA Screening Report/ NIS (as relevant).		
Mitigation, Compensation and Enhancement	11. The mitigation hierarchy has been clearly followed: e.g. Avoidance, minimization, mitigation by remedy, compensation.	N	
	12. The report: a. Clearly identifies the proposed mitigation and any compensation measures and explains how these will adequately address all likely significant adverse effects. b. Includes, where necessary, proposals for post-construction monitoring. c. Recommends how proposed measures may be secured through planning conditions/obligations and/ or any necessary licenses.	N	
	13. A summary table of proposed mitigation and compensation measures has been provided.	N	
	14. The need for any mitigation/derogation licenses required in relation to protected species is clearly identified; any approved derogations licenses are included with the application.	N/A	
Competence/ Good Practice	15. Any limitations of the ecological work have been correctly identified and the implications explained.	N	
	16. All relevant key timing issues (e.g., site vegetation clearance or roof removal) that may constrain or adversely affect the proposed timing of development have been identified.	N/A	
	17. All ecological work and surveys accord with published good practice methods and guidelines. <b>OR</b> 18. Any deviation from such guidelines is made clear and fully justified, and the implications for subsequent conclusions and recommendations made explicit in the report.	N	
	19. All ecologists and surveyors have the necessary (demonstrated) competencies to carry out the work undertaken and/or hold appropriate species licenses (where relevant)	Y	
Conclusions	20. The report clearly identifies where the proposed development complies with relevant legislation and policy, highlighting any possible non-compliance issues, and highlighting circumstances where a conclusion cannot be drawn as it requires an assessment of non-ecological issues (such as socioeconomic ones)	N	
	21. The report provides a clear summary of losses (and any gains) for biodiversity	N	
	22. Justifiable conclusions based on sound professional judgement have been drawn as to the significance of effects on any designated site, protected or priority habitat/species or other ecological feature, and a justified scale of significance has been stated.	N	

- 
- <sup>i</sup> Guidelines on the information to be contained in environmental impact assessment reports. Environmental Protection Agency, 2022. <https://www.epa.ie/publications/monitoring--assessment/assessment/guidelines-on-the-information-to-be-contained-in-environmental-impact-assessment.php>
- <sup>ii</sup> CIEEM (2017) Guidelines for Ecological Report Writing: <https://cieem.net/resource/guidelines-for-ecological-report-writing/>
- <sup>iii</sup> CIEEM (2024) Guidelines for Ecological Impact Assessment in the UK and Ireland Terrestrial, Freshwater, Coastal and Marine : <https://cieem.net/wp-content/uploads/2018/08/EcIA-Guidelines-v1.3-Sept-2024.pdf>
- <sup>iv</sup> *For Example:* TII Guidelines for Assessment of Ecological Impacts of National Roads Schemes (2008), <https://www.tii.ie/technical-services/environment/planning/Guidelines-for-Assessment-of-Ecological-Impacts-of-National-Road-Schemes.pdf> and other TII documents: <https://www.tii.ie/technical-services/environment/planning/>
- EirGrid: Ecology Guidelines for Electricity Transmission Projects. <http://www.eirgridgroup.com/site-files/library/EirGrid/Ecology-Guidelines-for-Electricity-Transmission-Projects.pdf>
- <sup>v</sup> CIEEM (2019) Advice note on the Lifespan of Ecological Reports and Surveys: <https://cieem.net/resource/advice-note-on-the-lifespan-of-ecological-reports-and-surveys/>
- <sup>vi</sup> The Heritage Council, A Guide to Habitats in Ireland, (Fossitt, 2000): <https://www.npws.ie/sites/default/files/publications/pdf/A%20Guide%20to%20Habitats%20in%20Ireland%20-%20Fossitt.pdf>  
also [https://www.heritagecouncil.ie/content/files/best\\_practice\\_guidance\\_habitat\\_survey\\_mapping\\_onscreen\\_version\\_2011\\_8mb.pdf](https://www.heritagecouncil.ie/content/files/best_practice_guidance_habitat_survey_mapping_onscreen_version_2011_8mb.pdf)
- <sup>vii</sup> Checklist of protected and threatened species in Ireland (2019). Wildlife Manuals, No. 116. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht, <https://www.npws.ie/sites/default/files/publications/pdf/IWM%20116%20Checklists%20Protected%20and%20Threatened%20Species%202019.pdf> Also: IWM 116 Checklists Protected and Threatened Species Version 3.1 1 February 2023.xlsx