



**Allihies, County Cork, Ireland**

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*The Secretary,  
The Planning Appeals Board,  
64 Marlborough Street,  
Dublin 1  
6 December 2007*

### **Appeal against a grant of development consent**

Local Authority: Cork County Council  
Local Authority Reference Number: 07/1075  
Location: Listarkin, Union Hall, County Cork  
Development: 43 dwellings  
Date of Decision: 12/11/07

Dear Secretary;

Friends of the Irish Environment was established in 1997 to seek the proper implementation of environmental and planning law and to support sustainable communities including the pursuit of concerns and cases in both the built and the natural environment.

The approval for this development at Union Hall does not represent sustainable development.

It also breaches the contract between the residents and the local authority that was embodied in the Cork Development Plan 2003 and the Skibbreen Local Area Plan 2005.

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Friends of the Irish Environment is a company limited by guarantee registered in Ireland. Company No. 326985. Directors: Caroline Lewis, Tony Lowes.

We wish to object to this unsustainable development on grounds of:

- **Damage to the recognised scenic importance of the area**
- **Incongruous design of the buildings**
- **Inadequate effluent disposal that will lead to an infringement of the Waste Water Discharge (Authorisation) Regulations 2007 (SI No. 684 of 2007)**
- **Material contravention of the Development Plan's requirement for a link road to alleviate traffic congestion**

Union Hall has undergone substantial development in recent years that with this and similar developments already permitted constitute over-development.

There is no local need for this development and there is no public transport to serve it.

### **Recognised scenic importance of the area**

The County Development Plan identifies this area as of scenic importance and the roads in this area are all designated as Scenic Routes. Further, the planning history of this area has established its importance in scenic and amenity terms.

Two Reports by An Bord Pleanála make this clear:

'The planning authority recognize the quality and importance of this area for its scenic virtues and picturesque landscape character. Justifiably, the Development Plans for this area have consistently designated the site and its immediate hinterland, as scenic/sensitive landscapes, and the roads in the area are designated scenic routes.' [ABP 130804]

And

'This harbour has a beautiful coastal panorama and an idyllic setting. It is one of the many inlets and bays along the West Cork coastline famous for its outstanding beauty and thriving tourist trade. The landscape is gently sloping towards the water and the settlements take full advantage of the picturesque scenery.' [ABP 203230]

In the words of one of the advertisements for (ironically) the many properties which have been recently built:

'Union Hall is an unspoilt and a largely undiscovered location, a haven of peace and tranquillity above a picturesque harbour'.

*Discover Ireland* states that

'Fewer places offer an air of greater tranquillity than this stretch of coastline and wooded parklands.'

The area has been called the 'Garden of Carbery'. Poets and writers have found peace and tranquillity here, among them Sean O'Coileain, 'The Silver Tongue of Munster' and the 19<sup>th</sup> century poet Rev. Murray. His description of the area remained largely true until recent speculative development eroded these values:

"Cloudless sky and sparkling sea,  
Cliff and shore and forest tree,  
Glen and stream and mountain blue,  
Burst at once upon the view.  
The gay the beautiful,  
The grand Blending over wave and land  
'Till the eye can see no more  
Than it hath is sweet Glandore."

The proposed 43 dwellings further blankets a 'mountain blue' with an incongruous urban housing estate that serves no social need and threatens the very core values of Union Hall on which its current and future prosperity relies.

Developments like this current application should be refused in order to preserve these critical values for this and future generations. Development in the Village should follow 11.3.3 of the Cork County Development Plan which states:

**11.3.3. There are a number of suitable sites for the consolidation of development in Union Hall that will allow for balanced, sustainable and responsive development.**

## Incongruous design

The design of the development, although improved by the local authority in terms of roof pitches, remains fundamentally out of character with the area. The Development Plan gives the following image of the village:



The proposed development includes designs such as this:



## Effluent disposal

The issue of effluent disposal arises as the existing treatment plant in Union Hall was built in the 1970's and provides only primary treatment with a capacity of 400 population equivalents [pe].

The planning file is opaque on this issue and that of current and projected population equivalents.

The Development Plan 2003 states that 'Although the existing sewerage system has spare capacity, the discharge of effluent into the bay near to the pier is of some concern in the medium term and needs to be addressed.' [11.2.3]

However, a Report by the Assistant Senior Engineer prepared for Cork County Council's Western Committee Meeting on 16/07/07 notes the discharge from the tank into Glandore Harbour and gives the tank's capacity as 400 pe. [The Area Engineer report of 25 May 2007 states it was 'originally designed for a population of 340']. The Report by the Assistant Senior Engineer states that 'Existing development amounts to approximately 540 pe'.

The Assessment in the Area Engineer's Planning Report notes that in 'the absence of a definite timeframe for upgrading the sewage system **I think it is a bad policy to recommend further planning without restriction simply by providing a septic tank on site.'**

While giving the present pe at 350 - 400, the Area Engineer notes that a further 25 house development would therefore bring the pe to 500 and suggests as a 'compromise' that '**50% of the development should proceed with the remainder being considered once a Preliminary report on the upgrading of the treatment plant and sewer in Union Hall is available together with an approximate date for the upgrading of the system.'**

The 'compromise' was not, however, included in the Report's 'recommendations' in spite of the fact that the file indicates Union Hall is 36<sup>th</sup> in the current list of priorities for the county's Water Services Investment Programme.

The Waste Water Discharge (Authorisation) Regulations 2007 (SI No. 684 of 2007) came into effect in October, 2007 and given that the pe is larger than 500, Union Hall will require an application for authorisation by 22 June, 2009 [and therefore monitoring from 22 June 2008].

The discharge of the Union Hall septic tank is to the Union Hall Lagoon which is extensively used for aquatic activities. Consequently this grant of permission will 'impair or interfere with amenities and other legitimate uses of the water'.

SI No. 684 of 2007 directs the Board's mind during this transitional period:

'Transitional provision

42. (1) Where, in the period between the coming into operation of these Regulations and the granting by the Agency of an authorisation in respect of a waste water discharge from a waste water works—

(a) a planning authority is considering an application for permission under section 34 of the Act of 2000, or

(b) An Bord Pleanála is considering—

(i) an appeal under section 37 of the Act of 2000 against a decision arising from such application, or

(ii) an application for permission under section 37E, or approval under section 175 or 226 of the said Act,

for a proposed development that involves a waste water discharge from a waste water works, the planning authority or the Board, as the case may be, shall consider whether the discharge of waste water from the proposed development, in conjunction with existing discharges to the receiving waters, would cause or exacerbate breaches of the combined approach.'

Section 43 gives Guidance to the Board for addressing these issues after the transitional period:

'(2) Where, following consideration under paragraph (1), the planning authority or the Board forms the opinion that the proposed discharge would result in non-compliance with, or a significant breach of, the combined approach, the planning authority or the Board shall—

(a) refuse permission or approval for the development,

(b) impose conditions in any grant of permission or approval to ensure that the discharge does not result in non-compliance with, or in a significant breach of, the combined approach, as the case may be, or

(c) decide not to proceed with the development.

## Traffic – Link Road – Material Contravention

The Development Plan notes that

'Union Hall is a relatively small village located on the western shore of Glandore Bay and is part of three small villages that are within a 5 km radius of each other around the bay; namely Glandore, Leap and Union Hall. They all feed off each other and have distinctive functions.' [11.1.1]

More precisely, the Plan continues

The village has been developed around a road junction between the road to the Skibbereen Road (N71) in the west, the road to Glandore and Leap to the north and the road to Castletownshend to the south (scenic route no. A100). There is no direct access onto a regional road and there is no public transport to the settlement. All roads meet in the town centre which is close to the causeway with the bay waters of Glandore Bay, giving an attractive townscape. 11.1.2

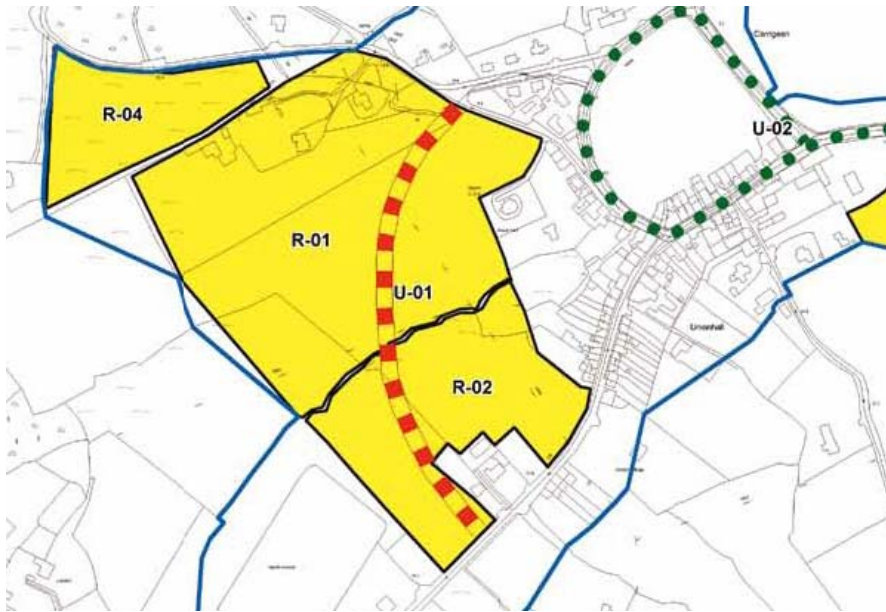
A link road was therefore proposed to address the issue of the fact that 'all roads meet in the town center.'

Development at this and the neighbouring location was only to take place 'subject to the construction of the link road over the ridge.' Paragraph 7.1.10 in The County Development Plan on housing forms the background to this constraint: "a link road will be necessary in Union Hall to provide for long-term development close to the village".

As the Executive Planner notes, this specific objective is 'not ambiguous in its wording identifying lands for residential development but subject to the construction of the 'link road'.

Provision for this link road was also a condition of the Outline Permission granted for the adjacent substantial development [*Pairc na Foina* 04/2327]. However, this organisation has been informed by local residents that despite assurances during the consultation period on the Local Area Plan that said road would be built before further development and a specific condition included in the Outline Planning Permission, the final grant of planning permission for this neighbouring development omitted this condition and permitted development across the proposed link road, rendering its construction

impossible. 'The layout of the newly built Pairc Na Fona estate **does not** [bold in original] allow for provision of a road link between the newly built development and the proposed development here'. [Planners Report]



*R02 is subject site 07/1075 and 07/1375 [under consideration];  
U-01 represents 'Pairc na Foina' 04/2327 [ under construction]*

This aspect is, according to the Executive Planner's Report on 12 November, 2007 – the date of the Manager's notification of decision to grant planning permission – the **'most critical issue having regard to the zoning in the Skibbereen Local Plan 2005 and comments received from the local residents'**.

He concludes:

**'Having regard to the constraints already imposed by the development of Parc Na Foina estate to the north the proposed spur link is the best that can actually be achieved.'**

The proposed 'spur road' is not a link road as does not have the same route or function as the link road in the Development Plan. In fact, its

unsuitability for heavy traffic was indicated by the Consulting Engineers reference in their response to further information to 'uncontrolled pedestrian crossing' and the observation that 'Vehicular traffic through the proposed development is calmed by the developments own horizontal alignment layout constraints.'

Thus the proposed development will generate substantial traffic on the local narrow roads meeting at the village centre, further exacerbating the very 'hustle and bustle' visitors seek to avoid and increasing the danger to public safety in a direct Material Contravention of the County Development Plan and the Local Area Development Plan.

As the Executive Planner notes in his report of 13 June, 2007 about the 'fundamental issue of the entire scheme':

**'Should support for the development of this site take place, having regard to the stated objectives, the net result is that this may have procedural issues.'**

## Conclusion

The Development Plan states clearly that

'The existing sewage treatment works needs to be improved to allow for a better quality of effluent discharge into the bay. The relief road through the new residential zone needs to be built.'  
[11.4.7.]

Until these issues have been addressed, we would urge the Board to follow the precedent of PL 04. 203230 and recommend the same decision in this case:

**'Having regard to its scale and size, and to the character of the landscape and the size of existing settlements in the area, it is considered that the proposed development would be unduly dominant and out of character in the landscape. It is considered that development of the scale proposed is not suitable for this location as stated in the current West Cork Development Plan (Chapter 7 Skibbereen area). It is considered that the provisions of the Development Plan are reasonable in this regard. The development would therefore be contrary to the proper planning and development of the area.'**

Yours, etc,

Tony Lowes

*Enc: Cheque for €210.00  
Acknowledgement of receipt of submission to a planning application by  
Cork County Council*