

An  
Bord  
Pleanála

**Board Direction**  
**BD-015906-24**  
**ABP-314711-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/11/2023 and 14/03/2024.

The Board decided to grant retention permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

In deciding to grant retention permission subject to conditions, the Board considered that the limited scale and nature of the development to be retained would not adversely impact on the amenities of the area or the local environment. The Board noted and shared the views of the planning authority's ecologist that any further works, including repair works, could potentially lead to negative impacts on the shoreline habitat. The Board also concluded that the development to be retained was stand alone and not part of a further programme of more extensive development. Accordingly, the development to be retained would not be contrary to the proper planning and sustainable development of the area.

### **Appropriate Assessment**

The Board accepted and adopted the screening assessment and conclusion of the planning authority's ecologist in respect of the identification of the European sites which could potentially be affected and the identification and assessment of potential significant effects of the proposed development, either individually or in combination

with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Cork Harbour Special Protected Area (site code 4030) or any other European site, in view of the site's Conservation Objectives and that an Appropriate Assessment is not, therefore, required. This screening determination is based on the following:

- The relatively small area involved which is located outside of the SPA and would not represent a critical resource to species of conservation interest.
- The limited and temporary nature of the works undertaken.


The Board further noted that this screening determination is not reliant on any measures intended to avoid or reduce potential harmful effects of the project on a European site.

### Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
----	--

2.	<p>The temporary construction entrance along the northern boundary shall be removed within 24 months of the date of this permission, unless planning permission for a new boundary treatment is obtained and / or unless a further permission for a temporary construction access is obtained.</p> <p><b>Reason:</b> In the interests of orderly development and visual amenity.</p>
3.	<p>The security fencing along the southern boundary shall either be removed entirely or re-located further inwards so that the existing path to the Shell Hole is accessible to members of the public. This shall be undertaken within 12 weeks of the date of this permission. The path shall not be blocked or interfered with by any temporary fencing. Within 6 weeks of the date of grant of retention permission, details shall be submitted for the written agreement of the Planning Authority of a revised site layout plan showing the path and identifying the location of any new fencing (if so proposed).</p> <p><b>Reason:</b> In the interest of orderly development.</p>

**Board Member**

---

Joe Boland

**Date:** 22/03/2024