



An
Bord
Pleanála

**Board Direction
04.RP2153**

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 18th 2018.

The Board determined, generally in accordance with the Inspector's recommendation, the requirements under condition 7 of planning permission PL04.245331 (planning authority register reference number 14/06510), and determined that a cash deposit or other security was to be provided under condition 11 of this permission and that the amount of such deposit or security was to be €1,000.

Board Order as follows:-

WHEREAS by order dated 17th day of December, 2015 An Bord Pleanála, under appeal reference number PL04.245331, granted, subject to 11 conditions, a planning permission to Ballinora GAA Club, care of Horgan Lynch Consulting Engineers of Tellengana, Blackrock Road, Cork, for development consisting of the construction of a single storey machinery shed, the erection of 3 no. fixed ball catch netting systems (max 12m high), 2 no. maximum 12m high GAA goalposts, 1.1m high pitch fencing and 2 no. preformed portable dugouts, 29 no. 1.1m high lighting bollards along site pathway, 5 no. new training flood lights and relocation of 1no. existing flood light on the existing netting poles, and associated ancillary site works. Retention of an existing as constructed dressing room building and existing 4 no. 8m high timber poles and 6 no. flood lights to the South of the site, the existing 12m high fixed netting, 1no. existing floodlight on the existing netting poles and 1.8m high fencing to

northern end of the main pitch. Retention of a 1.8m high fence along the northern boundary area with 2 no. access gates to adjoining lands. 2 no. 6m high juvenile goalposts and retention of a kerbed and hardcored parking area to the south of the main pitch, all at the Ballinora GAA Club, Ballymah, Waterfall, Co. Cork.

AND WHEREAS condition number 7 of this planning permission required that the existing gravel footpath be relocated away from the adjoining property boundaries along the north-east and south-east of the site by a minimum of five metres (rather than the two to three metres proposed), and that the intervening areas (adjoining boundary types 1b, 2 and 3, as specified in the Landscape Boundary Report, submitted to the planning authority on the 26th day of June, 2015), be provided throughout with a soil mound at least one metre high, together with planting on this mound similar to that proposed for boundary type 1b (that is, Fuchsia and Willow), to details to be agreed in writing with the planning authority within three months of the date of this permission.

AND WHEREAS condition number 11 of this planning permission required that, prior to commencement of development, the developer shall lodge with the planning authority a cash deposit or other security to secure the provision and satisfactory completion of the landscaping works and surface water provisions of this development in accordance with the requirements of conditions numbers 6 and 7 of this permission. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

AND WHEREAS the developer and the planning authority failed to agree on the details in compliance with the terms of condition 7, and failed to agree on the necessity for, and the amount of the security required by, condition number 11.

AND WHEREAS the matters were referred by the planning authority to An Bord Pleanála on the 29th day of June 2017, for determination.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act 2000, as amended, and for the

Reasons and Considerations set out below, hereby determines that there was no requirement, under condition number 7 of the planning permission, that the existing footpath was to be relocated away from the adjoining property boundary of type 1a, but only from the other boundaries (boundary types 1b, 2 and 3). The Board further determines that the developer shall lodge a cash deposit or other security to secure the provision and satisfactory completion of the landscaping works and surface water provisions of the development in accordance with the requirements of conditions number 6 and 7 of the planning permission, that the amount of this cash deposit or other security shall be €1,000 (one thousand euro), and that the cash deposit or other security shall be provided within one month from the date of this order

REASONS AND CONSIDERATIONS

Having regard to the terms of condition number 7, and the information provided by the Board's Inspector following inspection of the subject site, the Board is satisfied that the relocation of the footpath, as required under condition number 7, has been completed, but that all of the landscaping works required by this condition have not yet been completed. Furthermore, the Board is satisfied that it is appropriate that the cash deposit or other security, required by condition number 11, should be provided by the developer, having regard to the non-completion of the landscaping works, and that the amount of such security should be €1,000. The Board further considered that, having regard to the terms of the condition (which had required the lodgement of the security prior to commencement of development), the period for provision of this security should be one month from the date of this order.

Board Member

Date: 24th July 2018

Philip Jones