



An
Bord
Pleanála

Board Order
PL 04.249314

Planning and Development Acts 2000 to 2017

Planning Authority: Cork County Council

Planning Register Reference Number: 17/05212

Appeal by Tomas Mullins of Scrahan, Coolea, Macroom, County Cork against the decision made on the 13th day of September, 2017 by Cork County Council to grant subject to conditions a permission to Sean Ó Luasa care of Cutbert Environmental of Unit 14 Togher Industrial Estate, Westlink, Togher, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Importation of soil and stone for the raising of an agricultural field in order to improve the agricultural output of the field, construction of a new temporary entrance and a new temporary haul road for the duration of the land improvement works. The entrance will be closed and the haul road removed once works are complete. All at Na Foithrí, Cúil Aodha, Maighchromth, County Cork.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the nature and extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board accepted and adopted the screening assessment carried out by the Planning Inspector that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site and, in particular, Saint Gobnet's Wood Special Area of Conservation (Site Code: 000106), in view of the relevant conservation objectives of the sites and that a Stage 2 appropriate assessment (and the submission of a Natura impact statement) is not, therefore, required.

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 submitted on the 22nd day of August, 2017 and by the plans and particulars received by An Bord Pleanála on the 24th day of October, 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission shall apply for a period of five years from the date of this order. Following the expiration of this period, the importation of material to the site and operations on site shall cease, unless prior to the end of the period, planning permission shall have been granted for a further period.

Reason: To enable a review of the effect of the development on the amenities of the area.

3. The maximum quantities of inert soil and stone to be accepted at the site shall not exceed 16,242 cubic metres in total over the period referred to in condition number 2 of this permission with the number of deliveries limited to a maximum of 12 number loads per day.

Reason: In the interests of clarity and traffic safety.

4. The imported material to be deposited on the land shall comprise inert soil, stone and topsoil only and shall be levelled, contoured and seeded upon the completion of the works and protected until established.

Reason: In order to assimilate the development into the surrounding rural landscape, in the interest of visual amenity.

5. (a) The imported material shall be deposited on that part of the site identified on drawing number TCE/DM17/104 (Proposed Topo Survey) received by the planning authority on the 22nd day of August, 2017, excluding that area coloured green in Figure 2.6 of the Flood Risk Assessment received by An Bord Pleanála on the 24th day of October, 2017.
- (b) A minimum 10-metre-wide buffer zone shall be maintained between that part of the site to be filled and the modelled flood extent for a 0.1% flood event shown in Figure 2.5 of the Flood Risk Assessment received by An Bord Pleanála on the 24th day of October, 2017. No inert material shall be deposited in this area.

Reason: In the interest of clarity and in order to protect receiving waters.

6. Details for the provision of silt fencing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to protect receiving waters.

7. The importation of inert soil, stone and topsoil and the operation of associated machinery shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays, bank or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of good traffic management and to protect the amenities of the area.

8. Details of road signage including advance warning notices and proposals for traffic management at the site entrance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

9. The developer shall be responsible for the full cost of repair in respect of any damage caused to any adjoining public roadway arising from the construction works and operations and shall make good any damage to the road to the satisfaction of the planning authority.

Reason: In the interest of traffic safety.

10. During the construction phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed-

- (a) an LAr,T value of 55 dB(A) between the hours of 0800 and 1900 from Mondays to Fridays, between the hours of 0800 and 1400 on Saturdays (excluding public holidays).

- (b) an LAeq, T value of 45 dB(A) at any other time.

Reason: To protect the residential amenities of property in the vicinity.

