



Planning and Development Acts 2000 to 2017

Planning Authority: Cork County Council

Planning Register Reference Number: 17/06539

Appeal by John Moloney of Main Street, Buttevant, County Cork against the decision made on the 24th day of November, 2017 by Cork County Council to grant subject to conditions a permission to Buttevant Muintir Community Council and Buttevant Heritage Group care of Cathal O'Meara Landscape Architects of 2 McSweeney Street, Fermoy, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Amenity works within the curtilage of Buttevant Town Defences, a recorded monument and listed in the National Sites and Monuments Record (SMR) CO017-053012. (Ministerial consent has been granted in this regard – currently awaiting an extension). The site is within an Architectural Conservation Area (ACA) and is adjacent to two protected structures, - the Franciscan Friary (RPS No. 0050) and the Fever Hospital, (RPS number 0053). Works will include alterations to existing site levels to create a wetland, construction of a raised walkway and associated seating, signage, access paths and boundary fence. The site is adjacent to the Awbeg River and carries a Special Area of Conservation (SAC) designation; all at Buttevant Castle Land, East of Town Centre between the River Awbeg and the Franciscan Friary at Buttevant, County Cork. The site is accessed via Mill Lane and School Lane, Buttevant, 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 zoning provisions for the site, to the specific open space and amenity objectives for the provision of a pedestrian route at this location as set out in the Kanturk Mallow Municipal District Local Area Plan, 2017 and to the design, character, layout and purpose of the development proposed, it is considered that the proposed development, subject to compliance with the conditions set out below, would not adversely affect the character and setting of the Buttevant Architectural Conservation Area and its associated National Monuments, Recorded Monuments and Protected Structures, would not seriously injure the residential amenities of adjoining properties, would not unduly interfere with established rights- of-way and public access to the lands and the Awbeg River, and would otherwise be in accordance with the provisions of the Local Area Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening:

The Board noted the Appropriate Assessment Screening Report submitted by the applicant and the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted his conclusions in this regard. The Board, therefore, concluded, having regard to the nature, location and scale of the subject development, that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on the Blackwater River Special Area of Conservation (Site Code 002170) or on any other European sites, in view of the sites' conservation objectives and that a Stage 2 Appropriate Assessment (and 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, 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. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of:

- (a) measures to protect the water quality of the Awbeg River during the construction and operation phases,
- (b) biosecurity measures to prevent the introduction of Crayfish Plague,
- (c) measures to eradicate Winter Heliotrope and to minimise the risk of the introduction or spread of other invasive alien species
- (d) ecological monitoring provisions,
- (e) supervisory provisions of the construction works, and
- (f) ongoing management and maintenance provisions of the overall scheme.

Reason: In the interest of environmental protection.

3. Details of the exact siting, the materials, colours and textures of the proposed temporary boundary treatment to the south of the Friary shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The provision of any permanent boundary wall or fence at this location shall be subject to a prior grant of planning permission.

Reason: In the interests of residential and visual amenity and to protect the historic fabric of the medieval town walls.

4. Details of the proposed signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of orderly development and visual amenity.

5. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

Paul Hyde

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.