



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 17/4624

APPEAL by Solas Partnership care of Edge Architecture, Clarke Street, Clonakilty, County Cork against the decision made on the 9th day of April, 2018 by Cork County Council to refuse permission to the said Solas Partnership.

Proposed Development 10 year permission for a 209 unit residential development, consisting of nine number two-bed terraced units, 12 number three-bed terraced units, 90 number three-bed semi-detached units, 78 number four-bed semi-detached units and 20 number detached units, a crèche facility (508 square metres) with two number first floor office units (152 square metres), 660 square metres total building area, two number pedestrian links into the existing Gortnahomna More residential estate, main street entrance pillars, wing walls, a kick-about pitch, multi-use games area, four number Local Play Areas, open space areas, site landscaping and all associated site works at Gortnahomna More, Castlemartyr, County Cork.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

1. The proposed development would be premature by reason of the existing wastewater constraints and the Board is not satisfied that there is certainty around the period within which the constraints involved may reasonably be expected to cease. It is considered that the proposed development, at a location where there is limited capacity for development and having regard to these deficiencies and given that the existing wastewater treatment plant to which the proposed development would connect is currently in breach of the Emission Limit Values at the primary discharge point as noted by the Environmental Protection Agency, would be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, the Board cannot be 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 Ballymacoda (Clonpriest and Pillmore) Special Area of Conservation (Site Code 000077), in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission.

3. Having regard to the information available, including the Flood Risk Assessment report submitted, the Board considers that there is a lack of clarity regarding the flood risk at the northern end of the site.

In particular, the Board is not satisfied with the basis for the designation of part of the site as being within Flood Zone A and whether this information is compiled from the most up to date studies.

The Board, therefore, is not satisfied that the layout of the northern end of the site, which is heavily dominated by open space in response to the Flood Zone A, is appropriate.

Terry Ó Niadh

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

Dated this day of 2018.