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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 18/07371**

**Appeal** by Jeremy Murphy care of Sean R. McCarthy Consulting Engineers Limited of The Orchard, Cork Road, Fermoy, County Cork against the decision made on the 21<sup>st</sup> day of February, 2019 by Cork County Council to grant subject to conditions a permission to Inver Energy Limited care of HRA Planning of 3 Hartstonge Street, Limerick in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of development consisting of demolition of a dwelling house and filling of land in which the dwelling house was situated and permission for site works to enable finished ground level to tie-in with ground level permitted under planning reference number 12/04911 (An Bord Pleanála reference number PL04.241591 (as extended under planning reference 18/06008) at Pallas, Lombardstown, Mallow, 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.

### **Appropriate Assessment: Stage 1 Screening**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code 002170), a designated European Site, taking into account the nature, scale and location of the proposed development, the Screening for Appropriate Assessment Report submitted with the application, which included an Natura impact statement appended thereto which had been submitted as part of the previous application on site (planning authority reference number 12/04911, An Bord Pleanála reference number PL04.241591), and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## Reasons and Considerations

Having regard to the pattern of development in the rural area, the planning history of the site and the nature and scale of the development to be retained and completed, it is considered that, subject to compliance with the conditions set out below, the development to be retained and completed would not seriously injure the amenities of the area 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.

## Conditions

1. The development shall be retained 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 25<sup>th</sup> day of July, 2013 under appeal reference number PL04.241591, planning register reference number 12/04911, and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

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

**Dated this            day of            2019.**