



Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Planning Register Reference Number: 18/06567

Appeal by Dan and Kay Murphy care of Brian O’Kennedy and Associates Limited of Shannon House, Church Road, Douglas, Cork against the decision made on the 25th day of February, 2019 by Cork County Council to grant permission to Teddy Motherway care of Harrington O’Flynn Limited Consulting Engineers of 16 Roselane, Ballinacurra, Midleton, County Cork for development comprising (1) retention of storage buildings for storage of machinery used in conjunction with agricultural contracting business and occasional storage of grain and straw (Class 4), (2) retention of agricultural buildings (Class 3) and (3) retention of raised/filled ground area to northwest of the site (Class 6) and associated site works at Dromsarane, Midleton, County Cork in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for (1) retention of storage buildings for storage of machinery used in conjunction with agricultural contracting business and occasional storage of grain and straw and (2) retention of agricultural buildings in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for retention of raised/filled ground area

of northwest and associated site works based on the reasons and considerations marked (2) under.

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)

Having regard to the Cork County Development Plan 2014-2020 and the East Cork Municipal District Local Area Plan 2017, it is considered that the proposed retention of storage and agricultural buildings would, subject to compliance with the conditions set out below, be appropriate within the rural area of the site, would be in accordance with Objective EE 8-1 of the Development Plan, which encourages the development of agriculture within the County, would not seriously injure the visual and residential amenities of the area and would not be prejudicial to public health. The retention of the storage and agricultural buildings would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 18th day of December, 2018 and the 31st day of January 2019, 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. Within six months of the date of this Order, the proposed alterations to the site entrance shown on drawing number TM-FI-01 submitted to the planning authority on the 18th day of December, 2018 shall be fully implemented and, thereafter, the sightlines shall be retained free of any features greater than one metre in height for the duration of the development.

Reason: In order to promote road safety.

3. Within three months of the date of this Order, the soakaways shown on drawing number TM-FI-01 submitted to the planning authority on the 18th day of December, 2018 shall be installed.

Reason: In the interest of sustainable drainage.

4. Within three months of the date of this Order, a scheme for the bunding of fuel tanks on the site, shall be submitted to, and agreed in writing with, the planning authority and, thereafter, this scheme shall be fully implemented in accordance with a timetable set out therein.

Reason: In order to intercept spillages and avoid pollution.

5. Within three months of the date of this Order, a scheme for painting the cladding of the buildings and the fuel tanks bottle green to match the use of this colour elsewhere on these buildings shall be submitted to, and agreed in writing with, the planning authority and, thereafter, this scheme shall be fully implemented in accordance with a timetable set out therein.

Reason: In the interest of visual amenity.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months of the date of this Order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Reasons and Considerations (2)

On the basis of the submissions made in connection with the application and the appeal, it is considered that the applicant has failed to demonstrate that the presence of bituminous material within the raised/filled ground area does not pose a risk of water contamination to wells within the vicinity of this area and so to grant retention permission in circumstances when there may be a risk to public health would be premature and would, therefore, be contrary to the proper planning and sustainable development of the area.

Terry Ó Niadh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.