



Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Planning Register Reference Number: 19/05863

Appeal by Rachel Sheehan care of Living Quarters, Garda Station, Liscarroll, Mallow, County Cork against the decision made on the 17th day of September, 2019 by Cork County Council to grant subject to conditions a permission to Ballykitt Farm Limited care of T.G. Lenihan and Company Limited of 1 Egmont Square, Kanturk, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of (1) two number agricultural entrances, including removal of section of road side ditch at both sides of the road and the erection of steel piers and double gates, (2) farm roadways as constructed and (3) all ancillary works, and Knockaunavaddreen, Ballykitt, 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.

Reasons and Considerations

Having regard to the site context and to the scale and nature of the development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would be acceptable in terms of pedestrian and traffic safety, would not seriously injure the amenities of the area, including environmental amenities and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, it is considered that the development proposed to be retained constitutes a stand-alone development for the purposes of assessment. Furthermore, the Board shared the view of the planning authority that, given the specific length of the development and having regard to the thresholds of classes of development set out in Schedule 5 and the criteria set out in Schedule 7 to the Planning and Development Regulations, 2001, as amended, to the site context, and to the characteristics of the development and potential impacts, a sub-threshold Environmental Impact Assessment Report is not required.

Conditions

1. The development shall be retained 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 within three months from the date of this order and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The site shall be landscaped and planted in accordance with a comprehensive landscaping scheme, details of which shall be submitted to, and agreed in writing with, the planning authority within three months from the date of this order and the final landscaping shall comply with the final agreement as confirmed by the planning authority.

Reason: In the interest of visual amenity.

3. Sightlines in both directions, at the two access points off the public road, shall be maintained and no vegetation or structure shall exceed one metre in height over the public road within the sight distance triangles. Any utility poles currently within the sight distance triangles shall be repositioned at the developer's expense and with the agreement of relevant statutory undertakers, to the satisfaction of the planning authority, or as otherwise agreed with the planning authority.

Reason: In the interest of traffic safety.

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Gates shall open inwards only, away from the public road.

Reason: In the interest of traffic safety.

Chris McGarry

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

Dated this day of 2020.