



---

**Planning and Development Acts 2000 to 2020**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 20/04161**

**Appeal** by Pat and Eleanor O'Keefe and others care of E.M. Consulting of 103 Oliver Plunkett Street, Robert Street Entrance, Cork against the decision made on the 8<sup>th</sup> day of June, 2020 by Cork County Council to grant subject to conditions a permission to Mark Forbes care of Gerald McCarthy Architects of 72 Main Street, Macroom, County Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The construction of new agricultural development consisting of new detached slatted unit shed, silage pit, dung pit together with all other ancillary site works, all at Frenchfurze, Carrigaline, 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 policies and objectives, as set out in the Cork County Development Plan 2014 - 2020, to the rural character of the area, the existing established agricultural use of the lands within a designated greenbelt area, the pattern of development in the area and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the neighbouring residents or the visual amenities of the area or generate any road safety issues. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted on the 7<sup>th</sup> day of April 2020 and as further amended by unsolicited further plans and particulars submitted on the 20<sup>th</sup> day of April, 2020 and the 22<sup>nd</sup> day of April, 2020, 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. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-
  - (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and
  - (b) all soiled waters shall be directed to a storage tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

**Reason:** In the interests of environmental protection and public health.

3. The slatted shed shall be used only in strict accordance with a management schedule which shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. The management schedule shall be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2017, as amended, and shall provide at least for the following:
  - (a) Details of the number and types of animals to be housed.
  - (b) The arrangements for the collection, storage and disposal of slurry.
  - (c) Arrangements for the cleansing of the buildings and structures.

**Reason:** In order to avoid pollution and to protect residential amenity.

4. The landscaping scheme submitted to the planning authority on the 7<sup>th</sup> day of April, 2020 shall be carried out within the first season following completion of works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

5. All trees and hedgerows within and on the western boundary of the site and north of the proposed cattle shed and yard area shall be retained and maintained, with the exception of the following:
- (a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.
  - (b) Trees which are agreed in writing with the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial occupation of the proposed development, any planting which is damaged, or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

**Reason:** In the interests of visual and residential amenity.

6. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

7. The agricultural roadway from the public roadway to the slatted shed shall be suitably hard cored and shall be maintained in a clean and tidy manner all year round. The adjoining public road shall be maintained in a clean and tidy fashion such that no muck, dirt or surface water from the agricultural operations shall be deposited on same.

**Reason:** In the interest of traffic safety.

8. All animal feed shall be stored within the silage pit area or within the slatted shed area and no balers or feed shall be stored loose in the agricultural yard or adjacent to the agricultural entrance with the adjoining R612.

**Reason:** In the interests of visual amenity and protection of the environment.

9. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the satisfactory completion of tree and shrub planting required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The security to be lodged shall be as follows –

- (a) an approved insurance company bond in the sum of €1,000 (one thousand euro), or
- (b) a cash sum of €1,000 (one thousand euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or

- (c) such other security as may be accepted in writing by the planning authority.

**Reason:** To ensure the satisfactory completion of the development.

---

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

**Dated this            day of            2020.**