



Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 19/00743

APPEAL by Dan O’Leary of Caherkirky, Rossmore, Clonakilty, County Cork and by Jason Collins and Jacinta Collins of Knocks, Rossmore, Clonakilty, County Cork against the decision made on the 9th day of June, 2020 by Cork County Council to grant subject to conditions a permission to David Wilson care of Cuthbert Environmental of Unit 8, Melbourne Business Park, Model Farm Road, Cork.

Proposed Development: The importation of soil and stone for the raising of an agricultural field in order to improve the agricultural output of the field and the construction of a new temporary entrance at Gearagh, Rossmore, Clonakilty, County Cork. Further public notices were received by the planning authority on the 3rd day of March, 2020.

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 Board noted that a Natura impact statement had been submitted with the application and that the site was hydrologically connected via adjacent drains to downstream European Sites. However, on the basis of the information provided with the application and the appeal, particularly in relation to the details and efficacy of the proposed surface water drainage and containment measures, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of Courtmacsherry Estuary Special Area of Conservation (Site Code: 001230) and Courtmacsherry Bay Special Protection Area (Site Code: 004219) in view of the sites' conservation objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.

2. The Board could not be satisfied on the basis of the information on the file in relation to the existing ground conditions of the site, to the nature and source of material to be imported including details of potential haul routes for transportation, to the absence of an Ecological Impact Assessment, and to the suitability and efficacy of proposed drainage management measures, that the proposed development would not endanger public safety by reason of traffic hazard, would not give rise to a heightened risk of flooding on the proposed development site itself or on other lands and would not pose a risk of environmental pollution and be prejudicial to public health. The Board considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2020