



Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 19/6571

APPEAL by Charleville Firgrove Developments Limited care of McCann FitzGerald of Riverside One, Sir John Rogerson's Quay, Dublin against the decision made on the 5th day of October, 2020 by Cork County Council to refuse permission to Charleville Firgrove Developments Limited.

Proposed Development A development which will consist of the construction of 14 number semi-detached two-storey dwelling houses (ten number of which will be constructed on existing foundations permitted under planning permission reference 04/7493) with garden walls, driveways, access roads and paths, car parking, site boundaries, connection to existing services and all ancillary site works, all at Glenbeg The Beeches, Laharan East, Boherbue, Kanturk, County Cork.

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. Having regard to Objective WS 3-1(b) of the Cork County Development Plan 2014 – 2020, Objective DB-02 of the Kanturk Mallow Municipal District Local Area Plan 2017, and current capacity and design issues with the Boherbue Waste Water Treatment Plant, it is considered that the proposed development would be premature pending definite plans and timelines (including consent) for the upgrade of the Waste Water Treatment Plant and that to accede to it now would risk a scenario wherein existing pollution of the River Brogeen would be exacerbated. The proposed development would, thereby, contravene the aforementioned Objectives, would be prejudicial to public health and would not, therefore, be in accordance with the proper planning and sustainable development of the area.

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2. Having regard to the applicant's Natura Impact Statement, the Board is not satisfied on the basis of the application and documentation submitted, that the proposed development would not adversely affect the integrity of European Site Number 002170, in view of the Site's Conservation Objectives. The proposed development would not, therefore, be in accordance with the proper planning and sustainable development of the area.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *7th* day of *May* 2021.

