

Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 20/00014

Appeal by Denis McCarthy care of McCutcheon Halley of 6 Joyce House, Ballincollig, County Cork against the decision made on the 26th day of February, 2021 by Cork County Council to refuse permission for the proposed development:

Proposed Development: Retention of the following: (1) agricultural building for storage of farm machinery, dry goods, pressure washer, along with ancillary work shop area, which varies from that granted under planning register reference number 14/486; (2) livestock holding pen, livestock crush and slatted tank, which varies from that granted under planning register reference number 14/486; and (3) vehicular entrance and access road way to farm yard along with associated site works; all at Creaghmore, Clonakilty, 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 nature and extent of the development proposed to be retained, to the history of on-site agricultural activity and details of agricultural farm partnership of which the appeal landholding forms part, and to the existing character and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application as amended by the further particulars submitted to the planning authority on the 2nd day of February, 2021, 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. The machinery shed proposed for retention shall be used for agricultural purposes in accordance with the submitted details.

Reason: To protect the amenities of property in the vicinity.

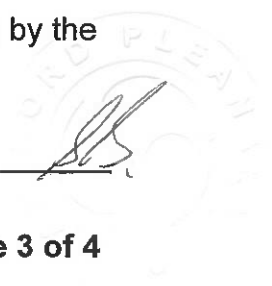
3. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard, a drainage grating, along with a discharge pipe to the surface water drainage located within the site, shall be installed at the entrance to the site to the satisfaction of the planning authority. This shall be maintained at regular intervals as necessary to ensure it is in a working condition.

Reason: In the interest of environmental protection and public health.

4. All overground tanks containing liquids (other than water) shall be contained in a waterproof bunded area which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including stormwater, shall be discharged via a grit trap and three-way oil interceptor with sump to watercourse. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the written requirements of the planning authority.

Reason: In order to protect groundwater.

5. All trees and hedgerows within and on the boundaries of the site 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, and



- (b) trees which are agreed in writing by 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 completion 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 interest of visual amenity.

6. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

Reason: In the interest of public health.



Stephen Bohan

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

Dated this  day of  2021.

