

Planning and Development Acts 2000 to 2021

Planning Authority: Cork County Council

Planning Register Reference Number: 21/04128

APPEAL by Honor Desmond care of Sean Lyons of 4 Panorama Terrace Lower, Sundays Well Road, Cork against the decision made on the 22nd day of March, 2021 by Cork County Council to refuse permission for the proposed development.

Proposed Development: (a) Remove existing mobile home, (b) construct new dwelling house in place of it and (c) install a wastewater treatment tank and irrigation area and carry out ancillary siteworks at Coast Road, Kilmichael East, Fountainstown, County Cork.

Decision

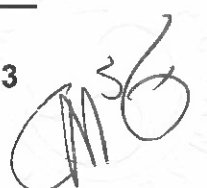
REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

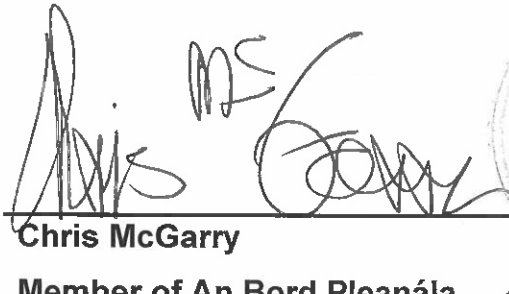
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

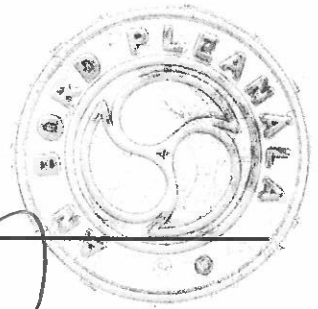
1. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of Cork Harbour Special Protection Area (Site Code: 004030), in view of the site's conservation objectives, having regard to potential effects from surface water runoff during construction phase and potential effects from effluent related discharge during operation phase. In such circumstances, the Board is precluded from granting approval/permission.



2. Having regard to the steeply sloping topography of the site, with a site gradient in the order of 1:4 - 1:5, to the characteristics of the subject site and on the basis of the information submitted with the planning application and the appeal, including the contents of the Site Suitability Assessment Report which indicate a high level of permeability, the Board is not satisfied that the site is capable of treating foul effluent arising from the dwelling in accordance with the standards set out in the Code of Practice for Wastewater Treatment and Disposal Systems serving Single Houses (Environmental Protection Agency 2009), or that the proposed development would not give rise to pollution from effluent related discharge. In this regard, the proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.


Chris McGarry

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



Dated this 23th day of April 2022.