

An
Bord
Pleanála

Board Order
ABP-310250-21

Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 20/06894

APPEAL by Concerned Residents care of Marita Murphy of "Sommerville", Ballygroman Lower, Ovens, County Cork against the decision made on the 20th day of April, 2021 by Cork County Council to grant subject to conditions a permission to Denis O'Brien Developments (Cork) Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, Cork.

Proposed Development: The construction of 72 number dwelling houses, crèche and all associated development works including access, parking, footpaths, drainage, landscaping and amenity areas. The proposed development will modify part of the residential development previously permitted under An Bord Pleanála appeal reference number ABP-302638-18 (planning register reference number: 17/7165) and includes the same access arrangements/roundabout at the junction of the Killumney Road (L2216) and the Crossbarry Road (L2218) previously permitted under ABP-302638-18, at a site at Ballygroman Lower, Killumney, Ovens, 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

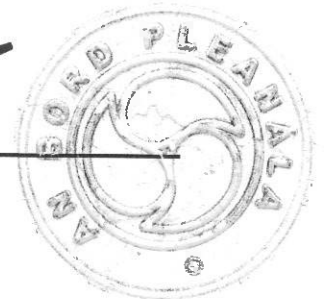
1. It is considered that the proposed development would be premature by reference to the existing capacity deficiencies in the Killumney/Ovens wastewater treatment plant to which connection is proposed and the period within which this constraint may reasonably be expected to cease. In the absence of improved wastewater treatment capacity, the proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development is to discharge to the Killumney/Ovens Wastewater Treatment Plant, with a primary discharge to River Bride, which flows into the River Lee and has a hydrological connection to the Cork Harbour Special Protected Area (Site Code: 004030). In the absence of the upgrade of the treatment plant above its existing capacity, the Stage 1 Appropriate Assessment Screening Report cannot definitively conclude that the proposed development would not have a significant negative impact on the Conservation Objectives of the European Site. It is considered, therefore, that the Board is unable to ascertain, as required by Regulation 27(3) of the European Communities (Natural Habitats) Regulations, 1997, that the proposed development will not adversely affect the integrity of a European Site and it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.


Paul Hyde

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 18th day of October 2021