



Planning and Development Acts 2000 to 2021

Planning Authority: Cork County Council

Planning Register Reference Number: 21/00609

Appeal by Brian and Mary Sexton of Carhoo, Timoleague, County Cork against the decision made on the 9th day of December, 2021 by Cork County Council to grant subject to conditions a permission to Thomas Griffin care of James O'Callaghan of 2 Glenarden, Glasheen Road, Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a livestock underpass for agricultural use under public roadway along with associated site works at Ballinoroher and Carhoo, Timoleague, 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.

Reasons and Considerations

Having regard to the design, scale and layout of the proposed development, to its relationship to surrounding properties, to the existing agricultural use on the land, and to the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and works completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 19th day of November 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. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. A suitable buffer zone shall be established around the archaeological monument CO136-005 Enclosure by a suitably qualified archaeologist in advance of any development. The extent of the buffer zone shall be agreed with the Local Authority Archaeologist in advance of the development. No construction works, stockpiling of topsoil, landscaping and/or planting shall take place within the designated buffer zone. Subsequent to the completion of the development, the buffer zone shall remain around the archaeological monument. Planting in this buffer zone shall be limited to shallow-rooted plants and/or grass.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

4. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 5. The retaining walls along the roadside shall be faced with local natural stone or sod and stone construction or earth mound. Precise details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenity of the area.



Dave Walsh

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

Dated this 16th day of August 2022.

