

Planning and Development Acts, 2000 to 2021

Planning Authority: Cork County Council

Application by Cork County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Bord Pleanála on the 3rd day of June, 2022 and the further information received by An Bord Pleanála on the 6th day of September, 2022.

Proposed Development: Proposed development comprising of:

- Development of a new cemetery adjacent to the existing cemetery, consisting of 193 burial plots.
- Construction of 6 metre wide roadway from public road to the new cemetery extension, incorporating a turning area at the entrance to the new cemetery and complete with new 1.5 metre high fencing along the access road.
- Erection of new entrance walls and piers at the entrance from the public road.
- The site is to be levelled with gradual falls, rotavated, rolled and grass seeded.
- Construction of new 1.2 metre wide footpaths and reinforced concrete foundation beams.
- Installation of French drain around the perimeter of the site.
- Construction of a new 1.5 metre high plastered 225 millimetre hollow block boundary wall, complete with capping about the perimeter.

P.C.

- All associated site development and landscape works.

All located at Tooreennagrena, Rockchapel, County Cork.

Decision

APPROVE the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the EU Water Framework Directive (2000/60/EC)
- (c) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (d) the Government's Climate Action Plan 2023,
- (e) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (f) the conservation objectives, qualifying interests and special conservation interests for the Lower River Shannon Special Area of Conservation (Site Code: 002165) and Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (Site Code: 004161),
- (g) the policies and objectives of the Cork County Development Plan 2022-2028,
- (h) the nature and extent of the proposed works as set out in the application for approval as amended by the further information received,

- (i) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement, and
- (j) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Lower River Shannon Special Area of Conservation (Site Code: 002165) and Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (Site Code: 004161), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Lower River Shannon Special Area of Conservation (Site Code: 002165) and Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (Site Code: 004161), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 6th day of September 2022, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and to ensure the protection of the environment.

2. The mitigation measures identified in the Natura Impact Statement and other plans and particulars submitted with the planning application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the conditions of this permission.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. The local authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

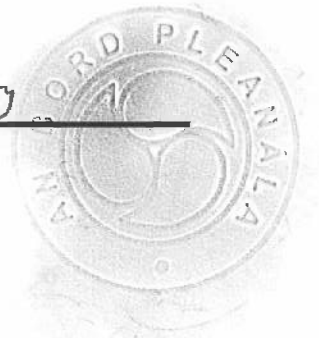
Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European sites.

4. The local authority and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably qualified archaeologist shall be appointed by the local authority to oversee the site set-up and construction of the proposed development and the archaeologist shall be present on site during construction works.

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.

Patricia Calleary

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



Dated this 10th day of February 2023