

An
Bord
Pleanála

Board Order
ABP-314381-22

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 22/00402

Appeal by John Harrington care of Planning Street of Collorus House, Lauragh, Kenmare, County Kerry against the decision made on the 8th day of August, 2022 by Cork County Council to refuse permission for the proposed development.

Proposed Development: The creation of storage area and storage shed for existing mussel farm operations near Ardgroom Harbour, together with access, and other associated works at Ardgroom Inward, Bear, Kilcatherine, Near Ardgroom Harbour, County Cork. The site is adjacent to the Kenmare Bay Special Area of Conservation.

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 proximity of the site to the mussel farm, the nature, scale and use of the proposed development for a storage shed and area for a mussel farm and not for the processing or storing of mussels, the nature of the receiving environment, the pattern of development in the vicinity and the relevant provisions of Cork County Development Plan 2022-2028 including Section 7.2.6, Section 9.2 and County Development Plan Objective EC: 8-18, 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, would not be prejudicial to public health, nor endanger public safety by reason of traffic hazard or obstruction of road users and would constitute an acceptable use at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In not agreeing with the Inspector, the Board considered:

- (a) there to be sufficient policy support within the Cork County Development Plan,
- (b) that the proposed development by virtue of its scale, siting setback and screening would not constitute a visually obtrusive feature,
- (c) that the site is sufficiently close to the pier to be considered sufficiently connected,
- (d) that the scenic view and Objective GI14-13 would not be sufficiently impacted to warrant refusal, and
- (e) that the nature and quantum of traffic on the local road and the proximity of the development to the pier would be such that it would endanger public safety by reason of traffic hazard and obstruction of road users.

Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water from the roof shall be directed to a soakway. Hydrocarbon interceptors shall be installed where surface water shall be discharged to a watercourse.

Reason: To ensure adequate servicing of the development and to prevent pollution.

3. Only clean, dry aquaculture equipment shall be stored at the site. No shellfish, shells or other similar organic material shall be stored.

Reason: In the interest of clarity.

4. The proposed shed shall be used for storage only and not for the storage or processing of mussels.

Reason: In the interests of traffic safety, clarity and orderly development.

5. No external lighting shall not be approved.

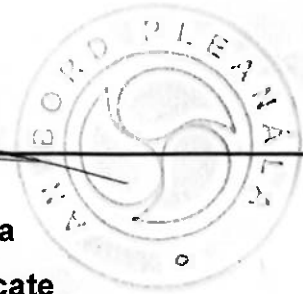
Reason: In the interests of traffic safety, clarity and orderly development.

6. Natura Impact Statement mitigation measures shall be implemented in full as per 7.1 to 7.6 of the Natura Impact Statement for the storage area and shed at Ardgroom Inward, Pallas Harbour, Castletownbere, Co. Cork" submitted to the planning authority on the 16th day of June, 2022.

Reason: In the interests of protection of the environment and orderly development.


Liam Bergin

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



Dated this 23rd day of May 2024.