



Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 21/07530

Appeal by Colm Damery and others of Lissanisky, Cobh, County Cork against the decision made on the 8th day of August, 2022 Cork County Council to grant subject to conditions a permission to Coolyrahilly Farms Limited care of Bryne Looby Partners (Irl) Limited of Building 2100, Unit K, Ground Floor, Cork Airport Business Park, Kinsale Road, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: The importation of clean and inert soil and stone for the raising of an agricultural field in order to improve the agricultural output of the field and the construction of a new temporary haul road and improvement of an existing site entrance gate on lands at Ballydaniel More, Ballynatra and Corbally (Currabally), Cobh, 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 location of the lands within a rural agricultural area, and to the provisions of the Cork County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area and would not have significant effects on the environment or the biodiversity of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The 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 13th day of June 2022, 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. The mitigation measures contained in the Natura Impact Statement and Construction Environmental Management Plan submitted with the application shall be implemented in full.

Reason: To protect biodiversity and to protect the integrity of the European Sites.

3. The imported material to be deposited on the land shall comprise of inert soil, stone and topsoil only, and shall be levelled, contoured and seeded upon the completion of the works and protected until established.

Reason: In order to assimilate the development into the surrounding rural landscape, in the interest of visual amenity.

4. This permission shall apply for a period of five years from the date of this Order. Following the expiration of this period, the importation of material to the site and operations on site shall cease.

Reason: In the interest of clarity.

5. (a) The maximum quantities of inert soil and stone to be accepted at the site shall not exceed 60,000 tonnes in total over the period referred to in condition number 4 and shall not exceed 25,000 tonnes in any one year.

(b) The developer shall keep a written record onsite of all the material imported to the site and this shall be made available for inspection by the planning authority upon request.

Reason: In the interest of clarity and for the protection of the environment.

6. The final use of the site after completion of the importation of materials shall be for agricultural purposes only and the lands shall be reinstated and haulage route removed to the written satisfaction of the planning authority.

Reason: In the interest of clarity.



7. (a) All trees and hedgerows on the boundaries of the site shall be retained and maintained, with the exception to those necessary to provide for the proposed entrance.
- (b) The replacement hedgerow shall be planted in accordance with the revegetation plan and shall be completed within the first planting season after completion of the development.
- (c) All hedgerow/tree removal and stripping of soils shall be undertaken outside the bird breeding season.

Reason: In the interests of visual amenity and biodiversity.

8. The importation of inert soil and stone and the operation of associated machinery shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays, bank or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of good traffic management and to protect the amenities of the area.

9. Prior to commencement of works to the drainage ditch, an amphibian survey shall be carried out and submitted to the planning authority for written approval. If species are identified, no works shall take place until suitable measures are in place which are to be agreed in writing with the planning authority.

Reason: In the interest of biodiversity.

10. (a) Surface water drainage arrangements, including the piping of the existing drainage ditch, shall comply with the detailed requirements of the planning authority and Inland Fisheries Ireland for such works and services. No surface water shall discharge to the public road or to adjoining properties.
- (b) A five metre buffer zone shall be maintained from all watercourses, in accordance with Section 4.4 of the submitted Construction Environmental Management Plan. There shall be no works permitted within this buffer zone.

Reason: To protect the environment, biodiversity and in the interest of traffic safety.

11. (a) Details of road signage, including advance warning notices, and proposals for traffic management at the site entrance, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) A wheel wash facility shall be installed in a location to be agreed in writing with the planning authority prior to commencement of the development.

Reason: In the interest of traffic safety.

12. (a) The developer shall overlay the junction of the access and public roads in accordance with the detailed requirements of the planning authority, prior to any importing of material to the site.
- (b) No dust, mud, debris or other material shall be carried onto or deposited onto the public road.
- (c) The developer shall be responsible for the full cost of repair in respect of any damage caused to the public roadway arising from the construction works and operations and shall make good any damage to the road to the satisfaction of the planning authority.

Reason: In the interest of traffic safety.

13. The noise level from within the boundaries of the site, measured at noise sensitive locations in the vicinity, shall not exceed
- (a) an L_{Ar,T} value of 55 dB(A) between the hours of 0800 and 1900 from Mondays to Fridays and between the hours of 0800 and 1400 on Saturdays (excluding public holidays), and
- (b) an L_{Aeq, T} value of 45 dB(A) at any other time.

Reason: To protect the residential amenities of property in the vicinity.

14. During the construction stage, dust emissions shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). The monitoring and mitigation measures outlined within Section 4.4 of the submitted Construction and Environmental Management Plan shall be implemented in full during the construction of the development.

Reason: To protect biodiversity and the residential amenities of property in the vicinity.



Stewart Logan

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

Dated this *3rd* day of *April* 2024.