



Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 22/05638

Appeal by Tim and Laura Fitzgerald care of HRA Planning of 3 Hartstonge Street, Limerick against the decision made on the 6th day of September, 2022 by Cork County Council to grant subject to conditions a permission to Paul O'Callaghan care of McCutcheon Halley Planning of 6 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for retention of: (i) erection of greenhouse; (ii) removal of hedge and provision of a temporary construction entrance at northern boundary; (iii) earthworks and re-grading of garden area to provide a level strip of land along the southern boundary and all associated ancillary development works. All at Ocean Lodge, Kilmichael East, Fountainstown, 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

In deciding to grant retention permission subject to compliance with the conditions set out below, the Board considered that the limited scale and nature of the development proposed to be retained would not adversely impact upon the amenities of the area or the local environment. The Board noted and shared the views of the planning authority's ecologist that any further works, including repair works, could potentially lead to negative impacts on the shoreline habitat. The Board also concluded that the development proposed to be retained is stand alone and is not part of a further programme of more extensive development and would not, therefore, be contrary to the proper planning and sustainable development of the area.

Appropriate Assessment

The Board accepted and adopted the screening assessment and conclusion of the planning authority's ecologist in respect of the identification of the European sites which could potentially be affected and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' Conservation Objectives. The Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Cork Harbour Special Protected Area (Site Code: 4030) or any other European site, in view of the site's Conservation Objectives and that an Appropriate Assessment is not, therefore, required. This screening determination is based on the following:

- The relatively small area involved which is located outside of the Special Protection Area and would not represent a critical resource to species of conservation interest.
- The limited and temporary nature of the works undertaken.

The Board further noted that this screening determination is not reliant on any measures intended to avoid or reduce potential harmful effects of the project on a European site.

Conditions

1. The development shall be retained 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 prior to commencement of development and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The temporary construction entrance along the northern boundary shall be removed within 24 months of the date of this permission, unless planning permission for a new boundary treatment is obtained and/or unless a further permission for a temporary construction access is obtained.

Reason: In the interests of orderly development and visual amenity.

3. The security fencing along the southern boundary shall either be removed entirely or re-located further inwards so that the existing path to the Shell Hole is accessible to members of the public. This shall be undertaken within 12 weeks of the date of this permission. The path shall not be blocked or interfered with by any temporary fencing. Within six weeks of the date of grant of retention permission, a revised site layout plan showing the path and identifying the location of any new fencing (if so proposed) shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development.



Joe Boland

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 9TH day of April 2024.