



An
Coimisiún
Pleanála

Commission Order

ABP-321053-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 24/00001

Appeal by Friends of the Irish Environment of Eyeries, County Cork and by John Collins care of B. and J. Rochford of 19 Henry Street, Kenmare, County Kerry against the decision made on the 16th day of September, 2024 by Cork County Council to grant subject to conditions a permission to Thorsten Krause and Birgit Seibt Krause care of Geoffrey Whelan Architects of 128 Cork Street, Dublin for the proposed development.

Proposed Development: Proposed renovation and restoration of six existing stone buildings, including construction of a single storey flat green roof domestic extension incorporating four of the existing stone buildings to provide additional living accommodation at ground floor level for use as one dwellinghouse; removal of non-original roof material; provision of new weathered zinc roof structures to four of the stone buildings; provision of new glazed roof structures to two of the stone buildings to the west to be used as habitable accommodation ancillary to the main dwellinghouse; provision for rooflights at first floor level of two of the stone buildings; provision for landscaping; provision for new vehicular and pedestrian access entrance; to include repair, refurbishment, renovation, and alterations to the existing stone buildings and all associated site works; permission to construct an on-site wastewater treatment system comprising of a mechanical treatment unit, intermittent

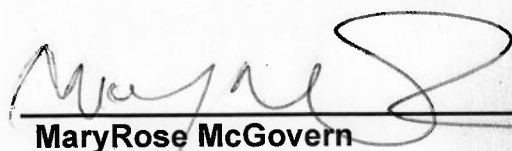
filter, and polishing filter; permission to construct a new potable well and all associated site works; all at Kilcatherine, Eyeries, Beara, County Cork.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

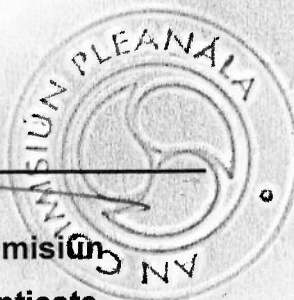
Reasons and Considerations

The submitted Bat Survey, dated 23rd June, 2024, received by the planning authority as part of the applicant's Further Information response, confirms that there are roosting bats, a protected species, on the proposed development site. Having regard to Annex IV of the EU Habitats Directive, European Communities (Birds and Natural Habitats) Regulations 2011 (as amended), to the Judgement of the Court of Justice of the European Union in relation to Case C-166/22 and to the fact that a Regulation 54 Derogation (previously known as a bat derogation licence) from the National Parks and Wildlife Service (NPWS) has not been submitted with the application documentation, it is considered that the applicant has failed to submit adequate information in relation to roosting sites for bats within the subject site, and to demonstrate that the proposed development would not lead to their disturbance or destruction. It is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



MaryRose McGovern

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 31st day of October 2025.