

An
Coimisiún
Pleanála

Commission Order
ABP-321177-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 244597

Appeal by Gillian Geasley care of Sean R. Mc Carthy Consulting Engineers Limited of Drimnamore, Sneem, County Kerry against the decision made on the 8th day of October, 2024 by Cork County Council to grant, subject to conditions a permission, to Michael O'Riordan care of Michael Mac Sweeney of Knockanenakirka, Dungourney, Midleton, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission to construct a new split-level boathouse and associated site works at Rathcoursey West, Midleton, 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 nature and scale of the proposed development which is similar in scale to the boathouse that existed on the application site up to recent times, and also having regard to the pattern of development in the area and the provisions of the Cork County Development Plan 2022-2028, it is considered that the proposed development, subject to compliance with the conditions below, would not significantly impact on the scenic views of the area, would not adversely affect the Great Island Channel Special Area of Conservation (Site Code 001058) or the Cork Harbour Special Protection Area (Site Code 004030) and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Commission agreed with the screening assessment and conclusion carried out in the Inspector's report that the Great Island Channel Special Area of Conservation (Site Code 001058) and Cork Harbour Special Protection Area (Site Code 004030) are European Sites for which there is a possibility of significant effects and must therefore be subject to appropriate assessment.

Appropriate Assessment Stage 2:

The Commission considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for European Sites, the Great Island Channel Special Area of Conservation (Site Code 001058) and Cork Harbour Special Protection Area (Site Code 004030), in view of those Sites' conservation objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of

the proposed development in relation to those Sites' conservation objectives using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (a) Site specific conservation objectives for these European Sites,
- (b) current conservation status, threats, and pressures of the qualifying interest features for these European Sites,
- (c) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and,
- (d) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development would not adversely affect the integrity of European Sites in view of the Sites' conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

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 received by the planning authority on the 15th day of August 2024, 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. All mitigation measures outlined in the Natura Impact Statement and Ecological Impact Assessment shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The Construction and Environmental Management Plan (CEMP) shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection.

4. Site development and building works shall be carried out only between the hours of 0700 and 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

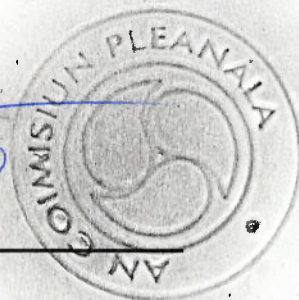
Reason: In order to safeguard the amenities of properties in the vicinity.

5. All necessary measures be taken by the developer to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads, including responsibility and repair for any damage to the public road to the satisfaction of the planning authority, during the course of the works.

Reason: To protect the amenities of the area.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Tom Rabbette

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this

10th

day of

July

2025