



An
Bord
Pleanála

**Board Order
04.RP.2153
(appeal reference number
PL 04.245331)**

Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 14/06510

WHEREAS by order dated the 17th day of December, 2015 An Bord Pleanála, under appeal reference number PL 04.245331, granted subject to conditions a permission to Ballinora Gaelic Athletic Association Club care of Horgan Lynch Consulting Engineers of Tellengana, Blackrock Road, Cork for development comprising construction of a single storey machinery shed, the erection of three number Fixed Ball Catch Netting Systems (maximum 12 metres high), two number maximum 12 metre high GAA goalposts, 1.1 metre high pitch fencing and two number preformed portable dugouts, 29 number 1.1 metre high lighting bollards along site pathway, the erection of five number new training floodlights and the relocation of one number existing floodlight on the existing netting poles and associated ancillary site works. The retention of an existing as constructed dressing room building, four number existing eight-metre high timber poles and six number flood lights to the south of the site, the existing 12-metre high fixed netting, one number existing floodlight on the existing netting poles and 1.8-metre high fencing to northern end of the main pitch. The retention of the 1.8-metre high fence along the northern boundary area with two number access gates to adjoining lands, two number six-metre high juvenile goalposts and retention of the kerbed and hardcored parking area to the south of the main pitch at Ballymah, Waterfall, County Cork:

AND WHEREAS condition number 7 of this planning permission required that the existing gravel footpath be relocated away from the adjoining property boundaries along the north-east and south-east of the site by a minimum of five metres (rather than the two to three metres proposed), and that the intervening areas (adjoining boundary types 1b, 2 and 3, as specified in the Landscape Boundary Report, submitted to the planning authority on the 26th day of June, 2015), be provided throughout with a soil mound at least one metre high, together with planting on this mound similar to that proposed for boundary type 1b (that is, Fuchsia and Willow), to details to be agreed in writing with the planning authority within three months of the date of this permission:

AND WHEREAS condition number 11 of this planning permission required that, prior to commencement of development, the developer shall lodge with the planning authority a cash deposit or other security to secure the provision and satisfactory completion of the landscaping works and surface water provisions of this development in accordance with the requirements of conditions numbers 6 and 7 of this permission. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination:

AND WHEREAS the developer and the planning authority failed to agree on the details in compliance with the terms of condition number 7, and failed to agree on the necessity for, and the amount of the security required by, condition number 11:

AND WHEREAS the matters were referred by the planning authority to An Bord Pleanála on the 29th day of June, 2017, for determination:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and for the Reasons and Considerations set out below, hereby determines that there was no requirement, under condition number 7 of the planning permission, that the existing footpath was to be relocated away from the adjoining property boundary of type 1a, but only from the other boundaries (boundary types 1b, 2 and 3). The Board further determines that the developer shall lodge a cash deposit or other security to secure the provision and satisfactory completion of the landscaping works and surface water provisions of the development in accordance with the requirements of conditions number 6 and 7 of the planning permission, that the amount of this cash deposit or other security shall be €1,000 (one thousand euro), and that the cash deposit or other security shall be provided within one month from the date of this order.

Reasons and Considerations

Having regard to the terms of condition number 7, and the information provided by the Board's Inspector following inspection of the subject site, the Board is satisfied that the relocation of the footpath, as required under condition number 7, has been completed, but that all of the landscaping works required by this condition have not yet been completed. Furthermore, the Board is satisfied that it is appropriate that the cash deposit or other security, required by condition number 11, should be provided by the developer, having regard to the non-completion of the landscaping works, and that the amount of such security should be €1,000 (one thousand euro). The Board further considered that, having regard to the terms of the condition (which had required the lodgement of the security prior to commencement of development), the period for provision of this security should be one month from the date of this order.

