

Our Ref: KM/186.
Your Ref:

14th November 2022.

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902

AN BORD PLEANÁLA	
LDG- _____	
ABP- _____	
15 NOV 2022	
Fee: € _____	Type: _____
Time: _____	By: <i>reg post</i>

Dear Sir/Madam,

**RE: KEVIN FITZGERALD – SECTION 5 DECLARATION FOR FILLING OF LANDS
AT MOUNT DESERT, LEE ROAD, CORK
ABP Case Number : ABP-314860-22
Cork City Council Ref : R73722**

In accordance with section 129 of the Planning and development Act 2000, (as amended), we wish to make this submission in relation the section 5 declaration application for the filling of lands with native soils by an existing agricultural entrance at Mount Desert, Lee Road, Cork.

1.0 SITE & ZONING

The site is used for agricultural purposes and the subject land are zoned as Z020 in the Cork City Development Plan 2022-2028, Zoning Objective is "To protect and improve rural amenity and provide for the development of agriculture". The sole objective is to make an existing agricultural entrance safe to facilitate the agricultural activities and maintenance of the existing wetlands. The topography at the entrance is very steep and a more gradual incline is required to access the site. The proposed filling will be carried out in an area outside the existing flood plain and as such will not have any impact on these lands and the flood storage capacity.

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2.0 EXEMPTED DEVELOPMENT

The application relates to the reclamation of agricultural wetlands adjacent to the River Lee to facilitate the safe access and egress of farm machinery to and from the subject lands to carry out agricultural works. The reclamation works will not take place on the lands that are part of the flood plain, but by the entrance to facilitate safe access to the subject site. We contend that the land reclamation works are exempted development under Class 11 of Schedule 2, Part 3, Article 6 of the Planning & Development Regulations 2001-2022, as the reclamation works relate to the existing wetlands site. Please refer to the attached pictures in appendix A of the agricultural activities on the site.

The area of filling showing on the drawings was c. 0.12Ha was for identification purposes and this area for filling can be limited to 0.1Ha if required without having any material impact on our proposal.

3.0 SCREENING ASSESSMENT & VISUAL IMPACT

A Natura Screening Assessment was carried out for a previous Section 5 Declaration for filling a larger area on the site and re-submitted as part of this application, and this assessment determined that the works **would not have a significant impact** on the Natura 2000 site.

The applicant consulted with the Inland Fisheries Ireland and they have no objection in principle to the works, provided they are carried out in a manner that does not allow the discharge of silt or other pollutants into the River Lee. Please see attached email correspondence in Appendix B.

The filling works will be less than 1m and on ground that is below the existing public road level, as such the proposed works will have no visual impact on the Cork City Scenic Route Ref HVP1.

Should you have any queries, or should you require any further information, please do not hesitate to contact this office.

Yours sincerely,



ROSS O'DONOVAN, BE M. I.E.I



Clyde House, Brian Boru St., Cork, Ireland

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E. info@jhk.ie

APPENDIX A

SITE PHOTOS

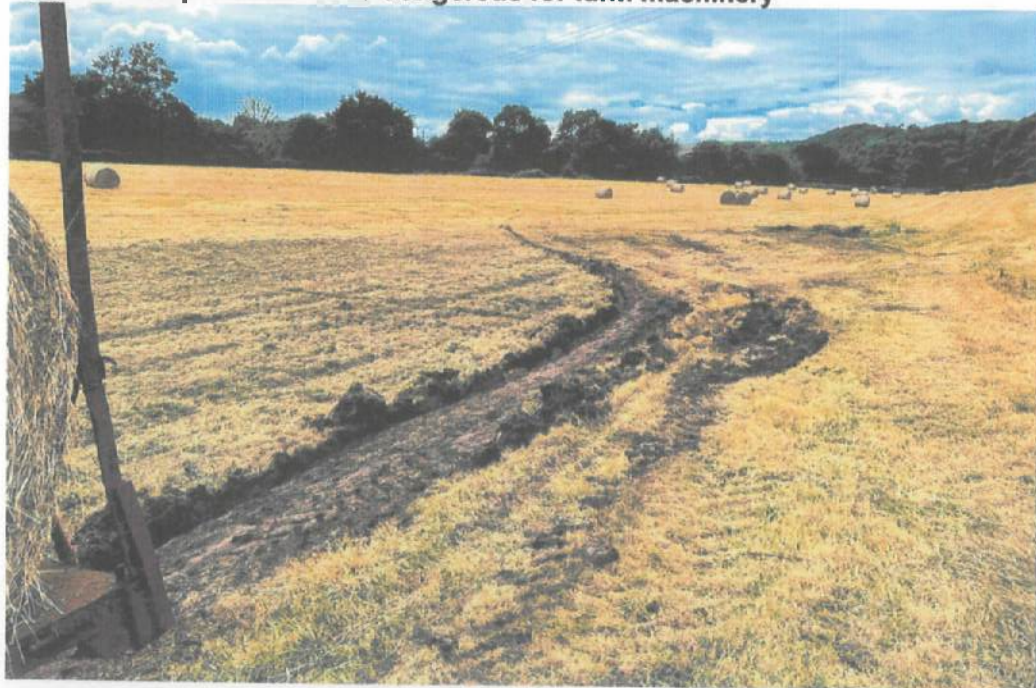
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Civil & Structural Engineering | Land & Building Surveys | Arbitration & Expert Witness | Legal Mapping | Sustainable Urban Drainage Design
Planning & Design | Building Energy Rating | Health & Safety (PSDP) | Fire Safety Certification | Disability Access Certification

Registered in Ireland No.: 524054 | Director: Ross O'Donovan BE, HDip, AppSc., MIEI, ACI Arb.



Picture 1 : Sloped entrance is dangerous for farm machinery



Picture 2 : Site at base of slope

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Picture3 : Machinery exiting entrance on sloped ground

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APPENDIX B

INLAND FISHERIES LETTER

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Registered in Ireland No.: 524054 Director: Ross O'Donovan BE, HDip, AppSc., MIEI, ACI Arb.

Ross O'Donovan

From: Kevin Fitzgerald <kfitzgerald@filfix.ie> on behalf of Kevin Fitzgerald
Sent: 11 August 2022 11:26
To: info@jhk.ie
Subject: Fwd: Proposed Works

Sent from my iPhone

Begin forwarded message:

From: Kevin Fitzgerald <kfitzgerald@filfix.ie>
Date: 12 July 2022 at 14:46:41 IST
To: Jim Minogue <andoire@gmail.com>
Subject: Fwd: Proposed Works

Jim
Attached for your attention
Regards
Kevin

Sent from my iPhone

Begin forwarded message:

From: Michael McPartland <Michael.McPartland@fisheriesireland.ie>
Date: 23 June 2022 at 14:53:23 IST
To: kfitzgerald@filfix.ie
Subject: Proposed Works

Kevin

Further to our meeting of yesterday I would confirm the following.
It is the understanding of IFI that you propose in infill with inert materials 2 lags in lands adjacent to the River Lee. Additionally, a pipe crossing of a watercourse (drain) is proposed on the opposite side of the Lee Road. IFI had no objection in principle to the proposed works provided they are carried out in a manner that does not allow the discharge of silt (suspended solids) or other pollutants to the River Lee. IFI would ask that instream works are limited to the period July to September inclusive.

Regards

Michael Mc Partland
Senior Fisheries Environmental Officer.

Inscach Intíre Éireann
Inland Fisheries Ireland

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Help Protect Ireland's Inland Fisheries

