



An
Bord
Pleanála

Board Order
ABP-319824-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 236635

Appeal by Gerard Muphy of Ardnava House, Kilmaloda, Balinascarthy, County Cork against the decision made on the 2nd day of May 2024, by Cork County Council to grant, subject to conditions, a permission to Tim Joe Cullinane of Kilmaloda, Balinascarthy, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of agricultural entrance off the L-4028-3 at Kilmaloda, Ballinascarthy, 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 pattern of development in the vicinity, the nature of the development proposed to be retained and the associated agricultural land use, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not create a traffic hazard, and would not adversely impact on archaeology or on the architectural character of the area. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by further information received by the planning authority on the 8th day of April 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) Existing trees and hedgerow shall be felled or lowered as shown on the plans and particulars lodged with the application, as amended by further plans and particulars received by the planning authority on the 8th day of April 2024.
- (b) Any utility poles shall be positioned outside the sight distance triangle.

Reason: In the interest of traffic safety.

3. The developer shall submit, within two months of the date of this Order, details of all compensatory planting to be undertaken on site, for the written agreement of the planning authority. Such planting shall be undertaken within a period of twelve months of the date of this Order.

Reason: In the interest of the environment.

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. The developer shall submit, within 3 months of the date of this Order, details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

5. The entrance hereby permitted is for agricultural use only.

Reason: In the interest of clarity.

6. The development, as approved, shall be completed to the satisfaction of the planning authority within 12 months from the date of this Order.

Reason: In the interest of public safety.



MaryRose McGovern

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 11 day of February 2025.