



**An
Bord
Pleanála**

**Board Direction
BD-016013-24
ABP-313734-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/04/2024.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. The subject site is located on lands that are designated as being within Flood Zone A in the Cork County Development Plan 2022-2028. Notwithstanding the submission of a Flood Risk Assessment and having regard to the lack of clear details relating to the bunding which exists on the site, for which no planning permission or Appropriate Assessment has been identified, the Board is not satisfied that the site can appropriately be considered as being within Flood Zone C as indicated. Given the presence of flood prevention measures, the Board is satisfied that the site has been susceptible to flooding in the past and future flooding cannot be ruled out. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the proposed site partially within the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170), the proposed development would be contrary to policy Objective BE 15-2 of the Cork County Development Plan 2022-2028 which requires the protection of all natural heritage sites which are designated or proposed for designation under European Legislation, National Legislation and

International Agreements, including Special Areas of Conservation. Having regard to the lack of clear details, including inter alia in relation to the bunding which exists on the site for which no Appropriate Assessment has been undertaken, the mitigation measures outlined in the Natura Impact Statement do not provide adequate protection of the Special Area of Conservation, with direct impacts and loss of habitat arising, the Board is unable to ascertain that the proposed development will not adversely affect the integrity of a European Site. It is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member Eamonn James Kelly **Date:** 09/04/2024
Eamonn James Kelly

Note

The Board noted the Inspector's assessment and recommendation for refusal in relation to the applicant's need for a house at this rural location which it considered a new issue.

The Board also noted the Inspector's assessment in relation to the site's suitability for the treatment and disposal of wastewater arising from the proposed development.

However, in light of the substantive reasons for refusal set out above, the Board decided not to pursue these matters further at this time.