



An  
Bord  
Pleanála

**Board Direction**  
**BD-015433-24**  
**ABP-316136-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/02/2024.

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 site is located within the settlement boundary of Mallow as defined in Volume 3, North Cork of the Cork County Development Plan 2022-2028. The proposed development is located on land zoned under land use objective MW-RR-04 (Residential Reserve) which is the subject of certain criteria including not being available for development prior to May 2025. Therefore, the development on said lands, would not be in accordance with local, regional or and national planning policy which seeks to consolidate urban development within identified settlements in accordance with adopted Core Strategies. Furthermore, a portion of the site is located on lands zoned MW-GC-16 (Green Infrastructure) where residential development is not permitted.

The Board considers that the proposed development would materially contravene the land use zoning objective MW-RR-04 (Residential Reserve) in Volume 3, North Cork and objective ZU-18-12 volume 1 of the Cork County Development Plan 2022-2028 and land use zoning MW-GC-16 (Green Infrastructure) and objective ZU-18-13 volume 1 of the Cork County Development Plan 2022-2028 MW-GB1-2 (Greenbelt) on Mallow Land Use Zoning map Volume 3, North Cork, pursuant to the provisions of section 37(2)(b) of the Planning and Development Act, 2000, is precluded from the granting of

planning permission for the proposed development as the provisions of section 37(2)(b) of the said Act apply in this case. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2) On the basis of the information submitted, the Board is not satisfied that the applicant has demonstrated that the arrangements provided for dealing with wastewater disposal from the proposed development, including the pump station, are adequate to cater satisfactorily for the development and that the proposed development would not contribute to water pollution at this location or that it would not be prejudicial to public health. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

**Note:**

The Board noted the “***Sustainable Residential Development and Compact Settlements Guidelines***” introduced by the Department of Housing, Local Government and Heritage in January 2024. These guidelines provide guidance regarding settlements, area types and density ranges relevant to residential developments. The Board considered this a new issue in the context of this appeal. While ordinarily this would warrant further consideration, given the substantive reasons for refusal above, it was decided not to pursue this matter under the current appeal.

**Board Member**

  
Martina Hennessy

**Date:** 14/02/2024