



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 17/07004

APPEAL by Diamond Rock Developments Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 23rd day of January, 2018 by Cork County Council to refuse permission to the said Diamond Rock Developments Limited.

Proposed Development Construction of 15 number dwellinghouses, all associated site works and connection to public services at Lybe, Belgooly, County Cork.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to:

- (1) The location of the site within the floodplain of the Belgooly River/Mill Stream and which is liable to flooding.
- (2) The location of the site within Flood Zone A, as delineated for the Village of Belgooly in the Bandon Kinsale Municipal District Local Area Plan 2017.
- (3) Objective IN-01 of the said Local Area Plan which states that all proposals for development within the areas identified as being at risk of flooding need to comply with Objectives WS 6 -1 and WS 6-2, as detailed in Chapter 11, Volume 1 of the Cork County Development Plan, 2014, as appropriate.
- (4) Objective WS 6-1 of the County Development Plan, 2014, which requires the avoidance of development other than 'water compatible development' in Zone A.
- (5) "The Planning System and Flood Risk Management Guidelines for Planning Authorities" issued by the Department of Environment, Heritage and Local Government in November 2009 which state that development with Zone A – High Probability of Flooding should be avoided and/or only considered in exceptional circumstances.
- (6) The undeveloped lands not within designated Flood Zones A and B within the development boundary delineated for the key Village of Belgooly in the Bandon Kinsale Municipal District Local Area Plan, 2017,

it is considered that the proposed residential development, which is designated as a vulnerable use, would not constitute such an exceptional case for development on this site. Notwithstanding the development provisions of the Local Area Plan, and the mitigation measures proposed, it is considered that the proposed development would materially contravene the objectives addressing flood risk, as set out in the Local Area Plan and County Development Plan, which are considered reasonable, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Stephen Bohan

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.