



An  
Bord  
Pleanála

**Board Order**  
**ABP-313734-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 224558**

**APPEAL** by John Gerard O'Connor care of Tony O'Sullivan Architects of 64 The Glenties, Macroom, County Cork against the decision made on the 9<sup>th</sup> day of May, 2022 by Cork County Council to refuse a permission.

**Proposed Development:** Two-storey dwelling, domestic garage, sewerage system, site entrance and all associated works, at Monaparson, Mourneabbey, Mallow, County Cork.

## Decision

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

## 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 and, the Board is, therefore, 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.



*Eamonn James Kelly*

**Eamonn James Kelly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *12<sup>th</sup>* day of *April*, **2024.**