



An  
Bord  
Pleanála

## Board Order

**ABP-318734-23**

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 23/05947**

**Appeal** by Ion Renewables Limited care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork against the decision made on the 22<sup>nd</sup> day of November, 2023 by Cork County Council to refuse permission.

**Proposed Development:** (i) The construction of a stationary battery energy storage system which includes 154 number 20 foot containers and 22 number medium voltage transformers and connection to the existing onsite substation. (ii) The construction of a new internal access road, to connect to an internal road previously permitted under application register reference: 19/6783, which will connect to an existing internal road on the Marino Point site, with access from an existing entrance on the R624. (iii) Heating, ventilation and air condition units and all other associated site, boundary and development works at Belvelly Port Facility, Marino (Townland), Marino Point, Cobh, County Cork.

## Decision

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

## Reasons and Considerations

1. Having regard to the location of the site within the flood zones A and B in an area identified as being susceptible to flooding, to the nature of the proposed development which comprises a highly vulnerable use and for which there is no essential need to be located at the subject site, and to the relevant provisions of the, 'The Planning System and Flood Risk Management' Guidelines for Planning Authorities, published by the Department of Environment, Heritage and Local Government, in November 2009, including paragraph 3.5 which states with regard to Zone A, that 'development in this zone should be avoided and/or only considered in exceptional circumstances... or in the case of essential infrastructure that cannot be located elsewhere', and section 5 which states that, 'development within flood risk areas, that would be defined as inappropriate as set out in Chapter 3, but which are considered to be necessary to meet the objectives of proper planning and sustainable development, will be subject to the justification test', and having regard to the failure to adopt the sequential approach, and the absence of any information submitted with the application and appeal to demonstrate that there are no alternative locations at lower risk of flooding where the proposed development could be located, it is considered that the proposed development would be contrary to these Ministerial Guidelines. Furthermore the proposed development would be contrary to the relevant provisions of the Cork County Development Plan 2022-2028, including WN 11-14, WM 11-15, WM 11-16, WM 11-17 (relating to flood risk). On the basis of the information on file, there is no supporting argument by reference to the proper planning and sustainable development of the area, that the proposed development should be granted permission contrary to the provisions of the Development Plan and contrary to the Ministerial Guidelines.

The proposed development at this specific location would be prejudicial to public health by reason of flood risk and would, therefore, contrary to proper planning and sustainable development of the area.

2. The subject site is located within an area designated as a special policy area (Objective X-01) under Cork County Development Plan 2022-2028, where the overall objective is to facilitate the development of this site for port related industrial development. A consideration within this statutory objective is to confine development to activities which are port-related, or which use existing industrial installations. The Board is not satisfied that the proposed use is a specific port-related activity. Furthermore, having regard to the specific nature of the development as proposed and having regard to the nature of the development and absence of sufficient connection details to the grid network and reliance on upgrading works outside the proposed development site together with the proposed site configuration in the context of the overall lands, the Board is not satisfied that the overall orderly and sustainable development of the lands would be achieved in accordance with the relevant development plan objectives. It is considered that the proposed development constitutes piecemeal development, and the Board is therefore not satisfied that the proposed development would not undermine objective X-01 and TM 12.13 of the Cork County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

  
Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board

Dated this  day of  2025