



An  
Bord  
Pleanála

## Inspector's Report ABP-321602-25

<b>Development</b>	Change of use of barn to dwelling house, construction of two storey extension to rear, conversion of shed to garage and all associated site works.
<b>Location</b>	Curra, Innishannon, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	245904
<b>Applicant(s)</b>	Bill & Charlotte Barrett
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Bill & Charlotte Barrett
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	18 <sup>th</sup> March 2025

**Inspector**

Jennifer McQuaid

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## **1.0 Site Location and Description**

- 1.1. The subject site is located in the townland of Curra on the northern side of regional road R589 and in close proximity to junction of R589 and L-2230. The site is approximately 1.2km east of Crossbarry and c. 3.7km west of Halfway. The site area is 0.018ha, there is a derelict barn and outbuildings on site.
- 1.2. The Owenboy River runs along the eastern boundary and the family public house known as Barrett's Bar is to the other side of the watercourse.

## **2.0 Proposed Development**

- 2.1. The proposed development will consist of:
  - Refurbishment and change of use of old stone barn to dwelling.
  - Alterations to elevations
  - New 2 storey extension to the rear, part demolition of sheds
  - Conversion of remainder of sheds to domestic garage,
  - Effluent treatment system
  - Flood relief works to adjacent stream.
  - Associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Refused for one reason.

1. The proposed development bounds the Owenboy River, is within Flood Zone A and is deemed to be at risk of flooding, as identified by the Cork County Development Plan 2022. Objective WM 11-16 of the County Development Plan states that development should avoid highly vulnerable development in these areas where there is a high probability of flooding (Flood Zone A). The proposed development currently under consideration is for a new residential housing unit to be constructed in Flood Zone A. The provision of an

engineered embankment and walls on either bank of the watercourse are not considered appropriate in this instance and the impact of these measures on the displacement of flood waters elsewhere within the catchment has not been assessed. The proposed development, if permitted, would be contrary to the recommendations outlined in “The Planning System and Flood Risk Management Guidelines 2009” and Objective VM 11-16 of the County Development Plan 2022 and would therefore be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The site is located in a rural area and within Flood Zone A and B. A Flood Risk Assessment was submitted, and it is proposed to carry out a number of measures within the site to defend it from flooding. This includes the provision of earthen banks, 18m of flood defence walls, culverting roadside drains, remove sediment from the western side of the bridge, fitting non return valves and providing a 20m grass swale.
- Objective WM 11-16 states “to avoid highly vulnerable development as described in Section 3 of the “Planning System and Flood Risk Management – Guidelines 2009”. The site is not within a town and the change of use will result in highly vulnerable use as residential. A similar application was submitted under 23/4913 and was refused due to flooding. The revised application includes an engineered embankment and walls on either bank of the watercourse and could result in flooding downstream of the site.
- It is further stated and underlined; The proposed development is in a Flood risk zone irrespective of whether flood defences are to be put in place. The proposal is for a new residential development within a Flood Risk area and the Flood Risk assessment has failed to go through the Avoid-Substitute-Justify process as per the Planning System and Flood Risk Management Guidelines for Planning Authorities.

- Given the location of the site in a rural area, the flood defences are not considered appropriate in this instance and refusal is recommended on flood risk grounds.

The Senior Executive Planner also completed a planning report. This report reiterated the initial planning report in terms of the location of the site in a Flood Zone A area. The following points are noted:

- It is possible the flood defence measures could lead to neighbouring land(s) being adversely impacted by such measures, as the susceptibility to flooding on neighbouring land could be increased as a consequence of the suggested flood defence/mitigation measures. The potential impact(s) of the flood defence measures outside of the site boundary has not been assessed.
- The proposed change of use will introduce a highly vulnerable development on the subject site. The proposal is contrary to 2009 section 28 Ministerial Guidelines “The Planning System and Flood Risk Management – Guidelines for Planning Authorities”, the requirements of the DECLG Circular P12/2014 and the EU Floods Directive.

### 3.2.2. Other Technical Reports

- Area Engineer: Refusal recommended on flood risk grounds and highlights several other issues in relation to sight distance, lack of a drainage impact assessment, compliance with EPA COP 2021, structural stability of the barn, disposal of stormwater from the site and removal of hazardous material from the site.

### 3.3. Prescribed Bodies

- Inland Fisheries Ireland (IFI): in the event of a grant, a condition shall be attached stating no interference with bridging, draining, cleaning, maintaining or culverting of the adjacent river or any watercourse, their banks or bankside vegetation to facilitate this development without prior approval of IFI.

### 3.4. Third Party Observations

- None

## 4.0 Planning History

**234913:** Permission refused for refurbishment and change of use of old stone barn to dwelling house, to include alterations to elevations, new 2 storey extension to the rear, part demolition of sheds and conversion of remainder to domestic garage, construction of effluent treatment plant and associated site works.

1. The proposed development is in an area which is at risk of flooding. The proposed development is for new residential development on lands which are not specifically zoned for such development, and which are located within Flood Zone A as illustrated in the current Cork County Development Plan 2022. Under objective WM 11-16 of the County Development Plan the policy is to avoid highly and less vulnerable development in these areas where there is a high probability of flooding (Flood Zone A). The proposed development would be contrary to “The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009”, would contravene materially objective WM 11-16 of the Cork County Development Plan 2022 and would therefore be contrary to the proper planning and sustainable development of the area.

### **Adjacent to the north:**

**215412:** Permission granted for dwelling house, effluent treatment system and associated site works.

## 5.0 Policy Context

### 5.1. Development Plan

#### Cork County Development Plan (CDP) 2022-2028

The site is located in Rural Area under Strong Urban Pressure, applicant must comply with RP5-4.

RP 5-31 relates to new uses for disused or derelict farm buildings.

Encourage the sensitive refurbishment and conversion of suitable disused or derelict traditional farm buildings, built using traditional methods and materials, and other

suitable historic buildings such as mills and churches, for residential purposes, community, or commercial uses (including social enterprise) where appropriate, subject to normal planning considerations, while ensuring that the re-use is compatible with environmental and heritage protection.

Section 16.3.33 relates to Vernacular Buildings.

Section 16.3.23 relates to The Built Vernacular Strategy

Objective HE 16-19: Vernacular Heritage

- (a) Protect, maintain and enhance the established character, forms, features and setting of vernacular buildings, farmyards and settlements and the contribution they make to our architectural, archaeological, historical, social and cultural heritage and to local character and sense of place.
- (b) Cork County Council encourages best conservation practice in the renovation and maintenance of vernacular buildings including thatched structures through the use of specialist conservation professionals and craft persons. Development proposals shall be accompanied by appropriate documentation compiled by experienced conservation consultant.
- (c) There will generally be a presumption in favour of the retention of vernacular buildings and encouragement of the retention and re-use of vernacular buildings subject to normal planning considerations, while ensuring that the re-use is compatible with environmental and heritage protection.

Objective WM 11-15 relates to Flooding.

To require flood risk assessments to be undertaken for all new developments within the County in accordance with The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009) and the requirements of DECLG Circular P12/2014 and the EU Floods Directive.

- For sites within Flood Zone A or B, a site-specific Flood Risk Assessment will be required.
- For sites within Flood Zone C, an examination of all potential sources of flooding, and consideration of climate change (flood risk screening assessment), will be required. In limited circumstances where the “Flood Risk



Screening Assessment” identifies potential sources of flood risk, a site-specific flood risk assessment may also be required.

- All proposed development must consider the impact of surface water flood risks on drainage design through a Drainage Impact Assessment. The drainage design should ensure no increase in flood risk to the site, or the downstream catchment.

## **5.2. National Guidelines**

- The Planning System and Flood Risk Management Guidelines for Planning Authorities, November 2009.

## **5.3. Natural Heritage Designations**

The subject site is not located within a designated site. The nearest designated sites are:

- Bandon Valley above Innishannon pNHA (site code: 001740) located 4.8km southwest.
- Lee Valley pNHA (site code: 000094) located 10km north.
- Cork Harbour SPA (site code: 004030) located 16km east.
- Owenboy River (site code: 001990) located 16km east.

## **5.4. EIA Screening**

- 5.4.1. The proposal relates to the change of use of barn to residential accommodation within the rural area of County Cork. The proposal includes an on-site wastewater treatment system with connection to public water and provision of an on-site soakaway for disposal of surface water. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Please refer to Form 1 as per Appendix 1 below

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal have been submitted from the applicant. The concerns raised are:

#### Flooding

- Planning Authority did not give consideration to the positive aspects which revitalise an existing structure and significantly reduce overall local flood risk.
- A detailed hydraulic modelling has identified flooding mechanisms and allowed suitable and simple defence layouts to be determined. The mechanisms will be beneficial in potentially preventing flooding of two residential buildings to the south of the R589, the R589 will be protected, and access will be maintained to other nearby properties during the extreme events.
- A detailed and comprehensive Site-Specific Flood Risk Assessment (SSFRA) has been submitted. The SSFRA has shown that in the undefended scenario (i.e. existing with no river defences) the proposed dwelling finished floor level (FFL) at 37.7mOD is 0.35m above the predicted 1%AEP\_MRFS flood level. Modelling has also shown that even with two of the three R589 road bridge arches blocked, an effective 60% reduction in cross-sectional area, conveyance of the 1%AEP\_MRFS peak flow can be maintained without an excessive increase in water levels and the dwelling will still not flood.
- The flood level is likely to be above the FFL during the more extreme 0.1%AEP\_MRFS event. However, the risk associated with this rare event is very low and can be further mitigated by the inclusion of additional flood resilience (i.e. Flood proof doors) at the construction stage.
- The proposed flood defence crest level is 38.6m OD adjacent to the building. This will safely contain the 0.1%AEP\_MRFS peak flood but would likely to be overtopped should the two smaller bridge arches become fully blocked. The modelling data shows that at the commencement of overtopping the main bridge arch will be conveying 19.5m<sup>3</sup>/s of the 21.3m<sup>3</sup>/s 0.1%AEP\_MRFS peak

flow, ensuring that at most only 1.8m<sup>3</sup>/s of floodwater would transit through the site and therefore not pose any material flood risk to the building.

- The proposal will not increase flood risk elsewhere. There are no dwellings in the immediate area downstream of the old railway embankment. In an extreme event the volume of flood water potentially in storage around the two dwellings to the south of the R589 equates to less than 0.1% of that available in the natural flood plain extending to Halfway Village.
- Other sites have been granted in Flood Zone A&B where it is shown that the FFL is above the 1% AEP flood level and flood resilience design is incorporated into the construction.
- The proposal is in accordance with CCC objectives and sustainability goals namely: RP5-31, HE 16-19c, paragraph 17.7.14. and the proposal is in accordance with Climate Action Plan 2024 to 2029, Goal 4.8.3.1 & Goal 4.8.5.
- Cork County Council Engineer recommended a refusal but also stated if the proposal was being considered, further information shall be requested. The applicant has addressed each of the proposed further information queries.
  - Drainage Impact Assessment – the building footprint decreases and the impermeable surfaces within the site are reduced. There are no changes in drainage within the site.
  - Modelling in scenario of blockages to bridge – The 0.1% AEP\_MRFS event will be contained by the defences the blockage scenario is likely to lead to above 1.8m<sup>3</sup>/s floodwater overtopping. Modelling indicates that the defence crest level would need to be raised to about 38.9m OD to contain this event. Provision of the flood resilience measures are a more cost-effective approach.
  - Agreement from Inland Fisheries – agreement is only required in the event of a grant.
  - Details of earth bunds and schedule of maintenance – The embankments will be constructed in accordance with OPW specifications for flood defences. Maintenance inspections will be undertaken on a yearly basis.

- Cross sections – Cross sectional data is available for 21 sections shown in Figure 3.2 of the SSFRA document. All of these sections will be presented to the CCC. Data for the 8 most relevant sections adjacent to the development are included in the report.
- Detailed topographical survey – A detailed topographical survey will be submitted; structural assessment of all works will be completed by a chartered structural engineer and design calculations submitted to the CCC Area Engineer.
- Confirm flood defence will not impede sight distance – The flood defences will not impact the sightlines as the crest level will be some 0.5m below the bridge parapet wall at the point of intersection.

## **6.2. Applicant Response**

- As Above

## **6.3. Planning Authority Response**

- All relevant issues have been covered in the technical reports already forwarded to the Board. No further comments to make.

## **6.4. Observations**

- None

## **6.5. Further Responses**

- None

## **7.0 Assessment**

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Flooding
- Appropriate Assessment

## 7.2. Flooding

- 7.3. The subject site is directly to the west of Owenboy River and located within Flood Zone A and B. The flood areas extend to the north of the site and to the south. The applicant is seeking a change of use of a derelict barn to residential use. The Planning Authority refused permission for one reason due to flooding. The Planning Authority did not consider the provision of an engineered embankment and walls on either bank of the watercourse are appropriate and these measures could displace flood water elsewhere within the catchment. The proposed development is therefore contrary to Objective WM 11-16 of the CDP which states that development should avoid highly vulnerable development where there is a high probability of flooding (Flood Zone A). In addition, the proposal contravenes “The Planning System and Flood Risk Management Guidelines 2009”.
- 7.4. The grounds of appeal state the Planning Authority did not appropriately consider the revitalisation of an existing structure and significant overall flood reduction measures for two residential properties to the south of the R589 and the R589 as per the detailed hydraulic modelling. The Site-Specific Flood Risk Assessment (SSFRA) has shown that the flood level is likely to be above the finished floor level (FFL) during the more extreme flood event. However, the risk associated with this rare event is very low and can be further mitigated by the inclusion of additional flood resilience (i.e. Flood proof doors) at the construction stage. The applicant has also submitted details in relation to a possible further information request if the Area Engineer refusal was not considered.
- 7.5. I have reviewed the Site-Specific Flood Risk Assessment (SSFRA) submitted with the planning application. The report concluded that with flood defence measures including:
- construction of a 180m low earthen embankment along the western bank of the river,
  - construction of c. 18m of reinforced concrete flood wall along the western side of the channel adjacent to the building where space is restricted,

- construction of c. 16m of flood wall on the eastern side of channel at rear of Barrett's Bar,
- replacement of the existing roadside drainage channel with a piped culvert and extend is through the embankment to the river,
- fit a non-return valve,
- provision of a 20m long grassed swale over a soakpit on approach to the culvert inlet to limit discharge volume and enhance water quality before discharge to river,
- remove approx. 2-3m<sup>3</sup> of sediments obstructing the approach to the western bridge arch,
- point and seal the existing walls on Barrett's Bar building to secure against potential water ingress during the extreme event.
- In addition, the applicant proposes to raise the finished floor level of the proposed dwelling to 37.7m ODM. The existing ground levels are 37.2-37.4m ODM.

7.6. The applicant has also modelled for three separate scenarios; 1. Flooding as per the existing terrain, 2. Flooding on the defended terrain and 3. Defended terrain, bridge blocked. The modelling has shown that the existing eastern bank is a sufficient height to contain the river waters and defend the site with the exception of adjacent to the R589 bridge where backflow out of the river via the roadside drainage channel is possible. The partial blockage of the bridge will cause upstream water levels to increase significantly, but the defence proposed will offer adequate protection to the proposed dwelling. The report further outlines that as no changes are proposed to the building footprint or the terrain and the works proposed to prevent flooding on this site will have no direct impact on nearby dwellings. And that any flood event will be contained within the flood defence measures.

7.7. I note the Engineers Report from CCC, and I note the concerns raised in regard to the flood defence measures proposed which may not be taken into account in the context of flood zones as per The Planning System and Flood Risk Management Guidelines for Planning Authorities (Flooding Guidelines). The Flooding Guidelines refer to the uncertainty in relation to the potential effects of climate change, and

therefore a precautionary approach should be adopted. Examples of precautionary approaches include ensuring that the levels of structures designed to protect against flooding, such as flood defences, land-raising or raised floor levels are sufficient to cope with the effects of climate change over the lifetime of the development. In this regard I have concerns the proposed measures are not sustainable or appropriate for the unpredictability of climate change.

- 7.8. I also refer to Section 3.5 of the Flooding Guidelines which refers to the planning implications for each of the flood zones, the site is located in Zone A meaning a high probability of flooding. Most types of development would be considered inappropriate in this zone. Development in this zone should be avoided and/or only considered in exceptional circumstances, such as in city and town centres, or in the case of essential infrastructure that cannot be located elsewhere, and there the Justification Test has been applied. Only water-compatible development would be considered appropriate in this zone. A dwelling would be considered as a highly vulnerable development and therefore a Site Justification Test may be required. I note section 5.28 does state that “most changes of use of existing buildings” are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. In the context of this site, where the change of use from less vulnerable to highly vulnerable (residential) and the introduction of people into a flood risk area, I consider a Justification Test is required for this site as the proposed residential use is considered highly vulnerable and inappropriate for flood zone A area.
- 7.9. I note the applicant has stated the change of use of an existing building to residential is a more sustainable approach rather than building a new dwelling. However, I consider this needs to be balanced against the potential flood risk issues and unpredictability of climate change. The change of use is considered a highly vulnerable use and therefore there is a risk to human safety in terms of flooding.
- 7.10. Section 11.11.2 Flooding of the CDP states “a key function of floodplains and wetlands subject to flooding is to hold excess water until it can be released slowly back into the river system or seep into the ground as a storm surge subsides. Floodplains or wetlands subject to flooding should, therefore, be recognised and preserved to the maximum extent possible, in both urban and rural areas as green

infrastructure which provides a natural defence against flood risk”. Objective WM 11-15 relates to Flooding and requires all new developments to carry out a flood risk assessment in accordance with The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009) and the requirements of DECLG Circular P12/2014 and the EU Floods Directive. The objective also outlines that all proposed development must consider the impact of surface water flood risks on drainage design through a Drainage Impact Assessment. The drainage design should ensure no increase in flood risk to the site, or the downstream catchment. The applicant has not carried out a Drainage Impact Assessment. I do not consider that the applicant has demonstrated that the proposed flood defence measures are justified at this location as they may cause flooding elsewhere. The SSFRA assessment submitted does not assess the potential impact of the defence measures elsewhere on site as outlined in Box 5.1, section 2(i) of the Flooding Guidelines and as per Appendix A of the Flooding Guidelines. In accordance with the Flooding Guidelines, given the uncertainty of climate change, the full impact of the proposed defence measures may not be enough to protect the proposed dwelling or properties elsewhere along the river.

- 7.11. Having regard to the Flooding Guidelines, objective WM11-15 of the CDP, I do not consider that the proposed change of use from less vulnerable to highly vulnerable on a Flood Zone A can be considered acceptable.

## **8.0 AA Screening**

- 8.1. Having regard to the change of use of barn to residential with two storey extension within the rural area of County Cork with connection to onsite wastewater treatment system and connection to public mains and discharge of surface water to the onsite soakaway. The nearest European site is Cork Harbour SPA (Site Code: 004030) is located approximately 16km east of the site. It is considered that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant impact individually or in combination with other plans or projects on a European site.



## 9.0 Recommendation

I recommend that planning permission should be refused for the reason and consideration as set out below.

## 10.0 Reasons and Considerations

1. Having regard to the location of the site directly adjacent Owenboy River, and within Flood Zone A area which is prone to flooding as identified by the Cork County Development Plan 2022-2028 and on the basis of the submissions made in connection with the planning application for a highly vulnerable use as a dwelling and appeal, the Board is not satisfied that the proposed development and provision of an engineered embankment and walls on either bank of the watercourse are considered appropriate and would not give rise to an increased risk of flooding of the site or of property in the vicinity. The proposed development would, therefore, be contrary to the recommendations outlined in “The Planning System and Flood Risk Management Guidelines 2009” and prejudicial to public health and safety and would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Jennifer McQuaid  
Planning Inspector

25<sup>th</sup> March 2025.

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-321602-25		
<b>Proposed Development Summary</b>	Change of use of barn to dwelling house, construction of two storey extension to rear, conversion of shed to garage and all associated site works.		
<b>Development Address</b>	Curra, Innishannon, Co. Cork		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			
<b>No</b>	X		No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			
<b>No</b>	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_