

An
Bord
Pleanála

Board Direction
BD-018951-25
ABP-318734-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/02/2025.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

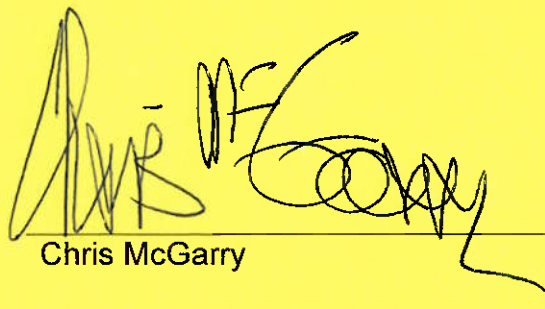
1. Having regard to the location of the site within the flood zones A and B in an area identified as being susceptible to flooding, to the nature of the proposed development which comprises a highly vulnerable use and for which there is no essential need to be located at the subject site, and to the 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 WN11-14, WM11-15, WM11-16, 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.

Note: the Board noted reason number 2 for refusal of the planning authority, wherein it is determined that the proposed development would materially contravene development plan objective X-01. While the Board noted and agreed with the overall decision of the planning authority with regard to the incompatibility of the specific proposed development by reference to objective X-01, and the Board shared the opinion of the inspector that the piecemeal nature of the proposed development would also be a relevant factor in considering non-compatibility with the objective, it was considered the overall language of the relevant specific objective might provide an allowance to consider the proposed development, such that the proposed development of itself did not automatically constitute a material contravention.

Board Member



Chris McGarry

Date: 18/02/2025