



An  
Bord  
Pleanála

**Board Direction**  
**BD-002842-19**  
**ABP-302948-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/04/2019.

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

### **Reasons and Considerations**

1. On the basis of the information provided with the planning application and appeal, and in the Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on the integrity of the Boyne Estuary Special Protection Area (Site Code: 004080) and the Boyne Coast and Estuary Special Area of Conservation (Site Code: 001957), or any other European site, in view of the sites' Conservation Objectives. In such circumstances the Board is precluded from granting permission.
2. The site is located within and proximate to the flood plain of the tidal estuary of the River Boyne and, as shown on the OPW Flood Maps, is primarily in Flood Zone A in an area at risk of tidal and fluvial flooding. On the basis of the submitted documentation, the Board is not satisfied that the applicant has provided sufficient information to demonstrate compliance with the planning principles in Section 3.1 of 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, November 2009', to apply the precautionary approach and to show that alternative more reasonable sites are not available in areas at lower flood risk. The proposed development,

which is not water compatible in that it includes sleeping accommodation, would, therefore, constitute an unacceptable risk of flooding to future occupants and would conflict with the Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

**Note:** Having regard to Schedule 7 of the Planning and Development Regulations 2001, as amended, and notwithstanding the view of the Inspector, the Board was not satisfied that the proposed development should not be subjected to environmental impact assessment. However, given the substantive reasons for refusal of permission, the Board decided not to pursue this matter with the parties.

(Include the above note in the Board Order)

**Board Member**

**Date:** 17/04/2019

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John Connolly