



An
Bord
Pleanála

Board Direction
BD-003046-19
ABP-303485-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/05/2019.

The Board decided to refuse outline permission and 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 application and appeal, including the Natura Impact Statement, having regard to the potential for effects from the proposed development, including the construction of coastal protection works and the coastal walkway, and having regard to the location of the site, adjacent to the Dundalk Bay candidate Special Area of Conservation (Site Code 000455) and the Dundalk Bay Special Area of Protection (Site Code 004026), the Board is not satisfied that adequate information has been provided within the Natura Impact Statement to confirm that the proposed development would not adversely affect the integrity of these European sites, in view of the sites' conservation objectives. In such circumstances the Board is therefore precluded from granting permission.

2. Under the Dundalk and Environs Development Plan 2009-2015 (as extended) and having regard to Variation No.1, Core Strategy, adopted on the 29th August 2011, specifically policy CS2, the site is located in an area which is not designated as Phase 1 for the purposes of new residential development. It is not considered that the proposed development constitutes infill or brownfield development as set out under policy CS1 of the Core Strategy. It is, therefore, considered that the proposed development seeking outline permission for the provision of 9 no. dwellings on the site would be premature by reference to the order of priority for development indicated in the current development plan for the area, which is integral to the planning authority's approach to managing the growth of the Dundalk and Environs area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The site is located along the coastline of Dundalk, proximate to Dundalk Bay and part of the site is in an area at risk of coastal flooding. On the basis of the submitted documentation, which includes a Flood Risk Assessment confirming that part of the subject site falls within either Flood Zone A or Flood Zone B, the Board is not satisfied that the developer has provided sufficient information, to demonstrate that the specific proposed layout shows compliance with the Justification Tests set out in 'The Planning System and Flood Risk Management Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in November, 2009', or relative to the Strategic Flood Risk Assessment provided in Variation Number 1 and to Policy EN5 (Flood Risk Management) of the Dundalk and Environs Development Plan 2009-2015 (as extended). The proposed development would, therefore, constitute an unacceptable risk of flooding and would be contrary to the said Ministerial Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Having regard to the objectives of the current development plan for the area, in particular Policy HC 9 and to the relevant provisions of Ministerial Guidelines, '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*', May 2009, in relation to quality urban design, it is considered that, by reason of the inappropriate layout and orientation of the 5 no. detached dwellings and absence of sufficient integration and potential for overlooking of the communal amenity space, the proposed development in its current proposed layout, would militate against an attractive environment, and would seriously injure the residential and visual amenities of the area. The proposed development would, therefore, conflict with the objectives of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: The Board noted that the application as lodged included elements for which full permission was sought and elements for which outline permission was sought. The application was accompanied by a Natura Impact Statement and in this regard The Board considered the content of article 236 of the Planning and Development Regulations 2001, as amended, which states that an outline application may not be made in respect of development which requires an NIS. Notwithstanding this and noting that the elements of concern which led to reason no. 1 for refusal above, formed part of the proposal for permission, rather than outline permission, The Board determined that the decision to refuse permission be made.

Board Member

Date: 15/05/2019

Chris McGarry