



An
Bord
Pleanála

Board Direction
BD-004796-19
ABP-304861-19

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

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

Reasons and Considerations

Having regard to the zoning objective for the subject site in the Waterford County Development Plan 2011 – 2017 as “Green Belt”, where the objective is to provide for a clear physical demarcation to the adjoining urban area, to reduce urban sprawl, and to safeguard the potential expansion of settlements in the future, it is considered the proposed development, by reason of its layout, building line and design would be out of character with the pattern of development in the vicinity and would constitute a visually discordant feature that would be detrimental to the distinctive coastal landscape of this area, which it is appropriate to preserve, and, by reason of the fact that the development in question does not comply with the provisions of the Development Plan, would contravene materially this zoning objective. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note 1: In reaching its decision, the Board concurred with the Inspector in her second recommended reason for refusal, but decided not to include it, as it would

represent a new issue in the context of the appeal, having regard to the substantive reason for refusal as set out in the Board Order.

Note 2: The Board further considered that, following the change in zoning from residential to Green Belt in 2011, and notwithstanding the prior existence of the development that had been granted under file register reference number 08/1042 (An Bord Pleanála reference number PL24.232127), the removal of the interim wastewater plant under planning condition 3 (e) of that permission could not provide any legitimate expectation that any further housing development could arise on the lands thus released, particularly since the approved layout for the scheme under that permission clearly showed that the lands containing the plant were to be open space. The same position applied under grant of planning permission register reference number 18/261, where the area concerned (following the removal of this plant) was also shown as open space. Accordingly, it is considered appropriate that the subject site should be laid out as open space, in accordance with the terms and conditions of these planning permissions.

[Please issue a copy of this Direction to the parties with the Board Order.]

Board Member

Date: 17th December 2019

Philip Jones