



An
Bord
Pleanála

Board Direction
BD-006028-20
ABP-305576-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/06/2020.

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 1 in 100 year fluvial flood risk zone and Zone A as defined in the Flood Risk Management Guidelines for Planning Authorities, 2009, to the nature of the proposed use on the site which constitutes 'vulnerable development' as defined in the same guidelines, to the information submitted regarding potential flood levels on the site submitted as part of the Site Specific Flood Risk Assessment and design of the proposed development including finished floor levels which are below predicted flood levels, it is considered that the nature of the proposed use is inappropriate for a location such as the appeal site and is such that it is contrary to the principle set out in the guidance not to increase the level of vulnerability of use within flood risk areas and if possible to substitute uses that are less vulnerable within such locations. The proposed development would therefore be contrary to the justification test set out in the Planning System and Flood Risk Management Guidelines for Planning Authorities, would pose an unacceptable risk of environmental pollution which has not been adequately addressed in the submitted EIAR and would be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information provided with the application and appeal and in the absence of a 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 South Dublin Bay and River Tolka Estuary SPA (site code 004024), the South Dublin Bay SAC (site code 000210), the North Dublin Bay SAC (site code 000206) and the North Bull Island SPA (site code 004006) in view of the conservation objectives of these sites and the hydrological pathway between the appeal site and these identified European sites. In such circumstances, the Board is precluded from granting permission.

3. On the basis of the information submitted with the application, (including absence of attenuation area design and calculations) the Board is not satisfied that the proposed surface water drainage and attenuation system proposed is adequate to manage surface water on the site and to protect and enhance surface water quality. In the absence of such information, the proposed development is considered to be contrary to Policy IE2 of the South Dublin County Development Plan, 2016-2022, and contrary to the proper planning and sustainable development of the area.

Board Member

Date: 30/06/2020

Terry Prendergast