



An
Bord
Pleanála

Board Direction
BD-007172-20
ABP-308155-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/12/2020.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

The proposed development is considered to be located on lands not zoned for release for development during the lifetime of the Meath County Council Development Plan 2012-2019, and as such to grant planning permission for this development would be contrary to the provisions of section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, in that the Board shall not grant permission where the proposed development contravenes materially the Development Plan 'in relation to the zoning of land'

The Board accepted the Inspector's assessment and recommendation in respect of the potential impacts of the proposed development and agreed in full with her assessment and recommendation in this regard (subject to conditions as recommended)

However, the Board, taking into account the findings in the judgement of Justice Denis McDonald delivered on 2nd December 2020, between Highlands Residents Association and Protect East Meath Ltd. (applicants) and An Bord Pleanála, Minister for Culture Heritage and the Gaeltacht and the Attorney General (respondents) and Trailford Limited and Meath County Council (Notice Parties) [2020 No:238 J.R.], considered that under the provisions of section 9(6) of the Planning & Development (Housing) and Residential Tenancies Act, 2016, it was precluded from granting permission for development on lands zoned Residential but with the caveat that it would not be 'released during the lifetime of the County Development Plan', as under the Strategic Housing Development legislative provisions section 37(2)(b) was not applicable to the Board 'in relation to the zoning of the land'..

Board Member

Date: 15/12/2020

Paul Hyde