

An
Bord
Pleanála

Board Direction
BD-008999-21
ABP-308423-20

The submissions on this file and the Inspector's report were considered at Board meetings held on 10/02/2021 and 26/08/2021.

At the meeting of the 10/02/2021, the Board decided to defer the case and to issue Section 132 and Section 137 notices to the parties.

At the meeting of the 26/08/2021 the Board considered the submissions received in response to the notices issued as well as the revised addendum report prepared by the planning Inspector and decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

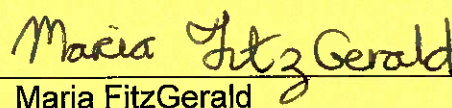
Reasons and Considerations

1. Having regard to the information provided with the application and appeal and the submissions received in response to the section 132 and 137 notices issued by An Bord Pleanála (including a revised Natura Impact Statement that was submitted by the applicant on the 29th day of March 2021), the Board was not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of Clew Bay Complex Special Area of Conservation (Site Code: 001482), in view of the site's Conservation Objectives. In particular, the Board noted that the proposed construction and extensive infilling works to mitigate potential flood issues were not detailed and assessed within the revised NIS and the Board therefore had reasonable doubt as to the actual effects of the proposed development on the adjoining SAC. In such circumstances the Board is precluded from granting approval/permission.

2. Having regard to the location of the site, in an area which is prone to coastal and fluvial flooding and on the basis of the submissions made in connection with the planning application, appeal and other responses received, it is considered that there remains an absence of adequate information relating to drainage on site, the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk, and that notwithstanding the flood design levels proposed, 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 locations are 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, which would be prejudicial to public health and safety, would conflict with the said Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

Note: The Board noted the applicant's proposal to erect a solid picket fence no lower than 4m high for a distance of c.50m along the southern boundary and notwithstanding the inspector's proposed recommendation that this could be reduced to 3m in height, the Board considered that this structure could potentially have a negative impact on the visual amenities of this scenic area.

Board Member


Maria FitzGerald

Date: 31/08/2021