

An
Bord
Pleanála

Board Direction
BD-014540-23
ABP-311809-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/11/2023.

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

Reasons and Considerations

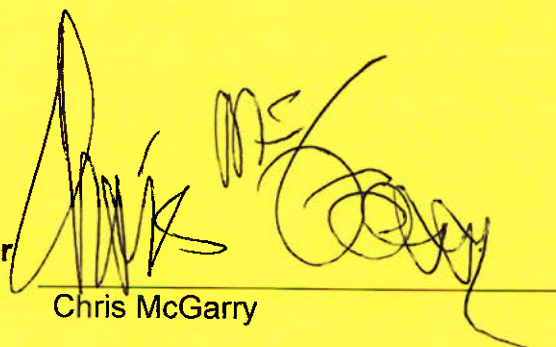
Having regard to the relevant provisions of the current Development Plan in relation to development proposals in areas at risk of flooding, in particular Section 5.3 of Appendix 15 (Strategic Flood Risk Assessment) which notes that for sites within flood zone C but adjoining or in close proximity to a watercourse, 'there could be a risk of flooding associated with factors such as future scenarios (climate change) or in the event of a failure of a defence, blocking of a bridge or culvert'. Having regard to the specific site characteristics and location, the Board cannot be satisfied, in the absence of adequate information relating to the factors as outlined in Appendix 15 of the current Development Plan, that there would not be a risk of flooding either onsite or upstream or downstream, nor that an analysis of such risk, and appropriate mitigating measures to address any risk are comprehensively addressed in the application and appeal. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note:

The Board noted the two recommended reasons for refusal as set out by the Inspector, relating broadly to scale, massing of the proposed development and failure to integrate into the public realm or enhance the character of the area. The Board considered the totality of the documentation submitted with the application and appeal and while the Board shared the concern of the Inspector that there may be an issue related to height and massing relative to adjoining properties, it was considered that this matter could ordinarily be resolved by condition, for example by requiring the removal of a floor from the scheme and/or by requiring potential alterations to set backs. However, given the substantive reason for refusal set out above, it was decided not to pursue this matter in the context of the current appeal.

The Board also noted that while the Inspector did not recommend a reason for refusal relating to flooding, the original report of the Inspector clearly states at para. 7.4.16 that in the absence of further information *'it is not prudent to state that the flood risk of the proposed development on the subject site has been robustly and comprehensively resolved.'* The Board shared this view and sought Further Information. The Board noted the second report of the Inspector which recommended that the flood risk issue had been addressed. However, the Board did not share this view and determined that it could not be satisfied as to the acceptability of the proposed development by reference to flood risk having regard to the relevant provisions of the current Development Plan.

Board Member



Chris McGarry

Date: 10/11/2023