

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/01/2023.

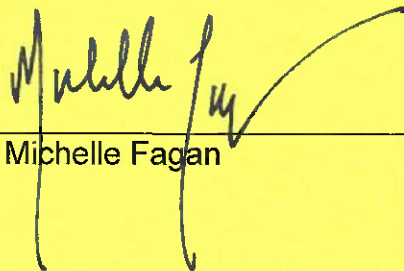
The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations**

1. On the basis of the information provided with the planning application and the appeal and in the 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 River Barrow and River Nore SAC (Site Code: 002162), or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.
2. Having regard to the category "K" land use zoning of the site, as set out in the Carlow County Development Plan 2022-2028, the objective of which is to provide for open space and recreation, and where residential use is neither permitted in principle nor open for consideration, it is considered that the proposed development would contravene materially the zoning objective and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the residential nature of the proposed development, the location of the subject site on lands zoned Open Space and Amenity under

the provisions of the Carlow County Development Plan 2022-2028 and the location of the site in an undefended area, primarily within Flood Zone A, the Board is not satisfied that the proposal would be in accordance with the provisions of 'The Planning System and Flood Risk Management Guidelines (DoEHLG/OPW, 2009)'. On the basis of the submissions made in connection with the planning application and the appeal and despite the Site Specific Flood Risk Assessment and Justification Test carried out, the Board concluded that the proposed development failed the Justification Test as set out in Box 5.1 of the Guidelines. Accordingly, the proposed development, would constitute an unacceptable risk of flooding would conflict with the Ministerial Guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.

**Board Member**



Michelle Fagan

**Date:** 09/01/2023