



An
Bord
Pleanála

Board Direction
BD-010856-22
ABP-312047-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/06/2022.

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

Reasons and Considerations

1. The majority of the site is zoned F1-Open Space with a stated objective 'to provide for and improve open spaces for active and passive recreational amenities' under the Meath County Development Plan 2021-2027, which is the functional plan for the area. Housing development is not a use indicated as being either 'permitted' or 'open for consideration' under this zoning objective. The proposed development would constitute a material contravention of land use zoning policy set out under the Meath County Development Plan 2021-2027 and would be contrary to the Core Strategy of the development plan, which identified alternative land suitable for residential development in the area. The proposed development, would therefore, be contrary to the proper planning and sustainable development of the area.

2. The appeal site is located on lands that fall within both Flood Zone A (1% AEP flood event) and Flood Zone B (0.1% AEP flood event) in relation to fluvial flooding due to proximity to the Athboy River. The nature of the use proposed is identified as a highly vulnerable development (Table 3.1) on such lands under the Planning System and Flood Risk Management – Guidelines for Planning Authorities" (DoEHLG/OPW, 2009) and such development requires the carrying out of justification test (Table 3.2 of the Guidelines). The criteria for considering proposals

for development, which may be vulnerable to flooding, and that would generally be inappropriate as set out in Table 3.2, is set out under Box 5.1 of the Guidelines. The proposal by virtue of the fact that the majority of the site falls within the F1-Open space zoning would not meet the first criteria of a justification test, which requires that “the subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines”. The proposal constitutes highly vulnerable and inappropriate type of development on lands within Flood Zone A. The proposal does not meet the criteria as set out under the Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG/OPW, 2009) that would justify the provision of housing development in an area subject to a high level of flood risk, would be contrary national guidelines and would, therefore, be contrary to the proper planning and sustainable development in the area.

3. It is considered that the proposed development by reason of its layout, form and design, in particular the poor integration of public open space and the layout of internal roads within the development would result in a substandard form of residential development, which would fail to comply with the principles of the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), Guidelines for Planning Authorities 2009 and the requirements of the Design Manual for Urban Roads and Streets (Department of Transport, Tourism and Sport). The Board therefore concluded that the proposed development would seriously injure the residential amenities of future occupants, would create an undesirable precedent for similar types of urban developments and would be contrary to Ministerial Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member

Maria FitzGerald
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Date: 10/06/2022