

An
Bord
Pleanála

Board Direction
BD-013950-23
ABP-313146-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/09/2023.

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

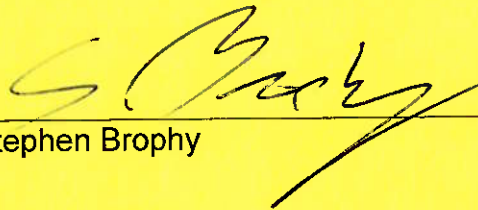
Reasons and Considerations

The site is located in an area zoned objective 'W', 'To provide for waterfront development and/or harbour related uses', in the current Dun Laoghaire Rathdown County Development Plan 2022 – 2028. The Board considers that the proposed development would materially contravene the zoning objective as set out in this Plan as 'Residential', is 'not permitted in principle' or 'Open for Consideration' within the 'W' zone at Bullock Harbour. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Note: The Board did not agree with the inspector's view that it was precluded from granting permission under S37(2)(b) of the Planning and Development Act 2000, as amended, and noted in that regard that the Local Authority had not refused the development on the basis of material contravention. The Board also did not agree with the Inspector that it would not be appropriate to locate a development of this type and scale in this area which has been identified as potentially liable to flood events and significant wave overtopping, as the Board considered that the proposed development was designed and detailed to take account of the provisions of the 'Planning System and Flood Risk Management, Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in November 2009 and noted that the inspector's rationale in recommending refusal for this reason is tied to the zoning objective on the site, which the Board has considered separately above. The Board also considered that the development was a high quality, mixed-use design which considered the site holistically and responded appropriately to

the unique character of Bullock Harbour and the context of the built and natural environment in which it would be located, noting that the proposed three storey houses are not out of proportion to developments in the immediate vicinity.

Board Member



Stephen Brophy

Date: 29/09/2023