

An
Bord
Pleanála

Board Direction
BD-013496-23
ABP-314425-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 31/08/2023.

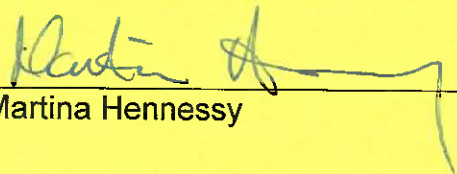
The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. Having regard to the land use zoning objective of the appeal site for 'Open Space and Recreation' under Section 12.3 of the Limerick Development Plan 2022-2028 where it is policy to protect, provide for and improve open space, active and passive recreational amenities, it is considered that the proposed development would materially contravene this zoning objective in the Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009) and the Strategic Flood Risk Assessment prepared to inform the Limerick Development Plan 2022-2028, it is considered that the proposed development would represent a highly vulnerable land use at a location identified to be within Flood Zone A and B under the Development Plan. It is further considered that the proposed development would conflict with the Guidelines and the Development Plan where the guidance and policy seek to avoid the development of vulnerable land uses in areas at risk of flooding and, therefore, would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the lack of up-to-date baseline data, and the indication that no field survey was carried out, in particular, for the presence of otters (*Iutra Iutra*) and Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation on the appeal site in the submitted Natura Impact Statement, it is considered that further assessments are required with regard to Appropriate Assessment. The Board, therefore, is not in a position to conclude that the proposed development individually, or in combination with other plans or projects, would not adversely affect the integrity of the Lower River Shannon Special Area of Conservation (Site Code: 002165), in view of the site's conservation objectives, and the Board is precluded from granting permission for this proposed development.

Board Member


Martina Hennessy

Date: 31/08/2023