



An
Bord
Pleanála

Board Direction
BD-015808-24
ABP-317650-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/03/2024.

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

Reasons and Considerations

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| 1. | Having regard to the site of the proposed development being located in an area at risk of flooding, Flood Zones A, B and C, where flood protection measures for the River Shannon are proximate to protect the site and other lands in the area and the deficiencies in arrangements for safe access and egress from the proposed dwelling undertaken in the Justification Test contrary to the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) the element of risk associated with flooding is not adequately mitigated against in the design proposal. It is not considered that the proposed development for a highly vulnerable use has passed the justification test for an area which is at risk of flooding. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area. |
| 2. | It is considered that the applicant has not demonstrated sufficient justification for a house at this location, within the designated rural housing Category 1 Area under strong urban influence, consistent with Objective HO O20 of the Limerick Development Plan 2022-2028. The proposed |

	development would, therefore, be contrary to the proper planning and sustainable development of the area.
3.	On the basis of the information provided with the application and appeal and in the absence of a 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 the Lower River Shannon Special Area of Conservation (SAC) Code: 002165 and the River Shannon and River Fergus Estuaries Special Protection Area (SPA) Site Code:004077, or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

Board Member



Martina Hennessy

Date: 12/03/2024