

An
Bord
Pleanála

Board Direction
BD-019900-25
ABP-321847-25

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/06/2025.

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 submitted with the planning application and the appeal, it is considered that the development of this site, as proposed, would be reliant on works, relating to both the management of surface water and flood risk management, which are on third-party lands outside of the application site (red line) boundary. In such circumstances, the Board cannot be satisfied that the relevant works can be implemented in full, and it is considered that to permit the proposed development, where such uncertainty exists, would be contrary to Meath County Development Plan 2021-2027, Section 6.10 Surface water and flood risk management, and to the proper planning and sustainable development of the area.
2. Having regard to the lack of detail in the information submitted with the planning application, the appeal documentation and the Natura Impact Statement as to the full nature, extent and scale of the works required to facilitate the development of this site, as proposed, and the associated effects of the works requiring mitigation measures to protect the integrity of the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area

(Site Code: 004232), the Board cannot be satisfied that the proposed development, individually or in combination with other plans and projects, would not be likely to have an adverse effect on the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232) in view of the sites' Conservation Objectives. There remains significant reasonable scientific doubt that the proposed development would not adversely impact on the integrity of the Special Area of Conservation and/or the Special Protection Area (downstream) and, in such circumstances, the Board is precluded from granting permission for the proposed development.

3. The development of this site, as proposed, is reliant on works (desilting/regrading) to the Athlumney stream, part of the Boyne River Catchment (Boyne_120, Code: IE_EA_G_002). Having regard to the lack of detail in the information submitted with the planning application and the appeal documentation as to the full nature and extent of the works required and the associated effects of the works requiring mitigation measures to protect the waterbody, the Board is not satisfied that the proposed development would facilitate compliance with Article 4(7) of the Water Framework Directive. In such circumstances, it is considered that to permit the proposed development would be contrary to the proper planning and sustainable development of the area.

Note:

The appellant appealed condition 15 (e) only. However, the Board considered the assessment of the initial application is warranted, as provided for by Section 139(1)(c) of the Planning and Development Act 2000 (as amended). The Board decided this is warranted for the reasons.

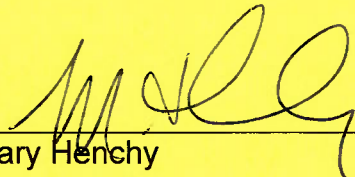
1. The works proposed outside the redline boundary are works that are integral to the management of surface water on the site and to flood risk management without design solutions, that can be implemented by the applicant, the proposed development does not accord with the Meath County Development

Plan INF Pol 16, and INF Pol 20 and therefore would not accord with the proper planning and sustainable development of the area.

2. Notwithstanding (1), neither does the Board have adequate information to determine that the works proposed would not adversely impact on the River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site code 004232) and, neither was the Board satisfied that the development would facilitate compliance with Article 4(7) of the Water Framework Directive.

The Board in its deliberation considered the totality of the file, noting that the Inspectors report focused on Flooding, Surface Water Drainage and environmental issues, the Board concurred with the Planning Authorities assessment of all other matters in particular that the proposed use accorded with the zoning of the site and did not detract from the residential amenity of adjoining property subject to appropriate conditions being attached.

Board Member



Mary Henchy

Date: 11/06/2025