

An
Coimisiún
Pleanála

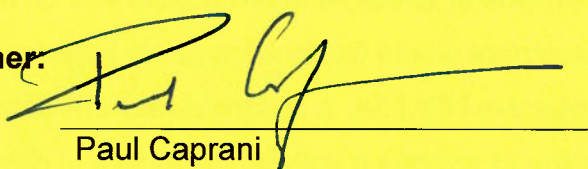
Direction
CD-020173-25
ABP-322222-25

The submissions on this file and the Inspector's report were considered at a meeting held on 09/07/2025.

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

Planning

Commissioner:


Paul Caprani

Date: 09/07/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. A significant portion of the proposed development is in an area which is deemed to be at risk of flooding by reference to the Louth County Development Plan 2021-2027 ('the Development Plan') and the documentation submitted with the application and appeal. The provisions of the Development Plan follow the key principles of 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' issued by the Department of Environment Heritage and Local Government and Office of Public Works in 2009 ('the Flood Risk Management Guidelines') by firstly aiming to avoid flood risk where possible, which is considered reasonable. It is considered that the proposed development of highly vulnerable residential use in areas of flood risk would be contrary to the precautionary approach outlined

in the Flood Risk Management Guidelines, would materially contravene Development Plan Policy Objective IU 33, and would be contrary to Development Plan Policy Objectives IU 26 and IU 27. The proposed development would, therefore, result in an increased flood risk both within the proposed development and on surrounding lands, would be prejudicial to public health and safety, and would be contrary to the proper planning and sustainable development of the area.

2. Policy Objective HOU 24 of the Louth County Development Plan requires the provision of high quality areas of public open space in new residential developments that are functional spaces, centrally located and passively overlooked. Having regard to the absence of any dedicated communal amenity space to serve proposed Blocks C & E; the substandard size of the space proposed to serve Blocks A & B; and the substandard design quality and functionality of the proposed space to serve Blocks F & G; it is considered that the proposed development would fail to adequately address, and would be contrary to Policy Objective HOU 24. It is considered therefore that the proposed development would provide a substandard form of development for future occupiers in terms of residential amenity, would give rise to a poor standard of development, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Note 1: The Commission noted the inspectors 3rd reason for refused and considered that while the proposal constituted a class of development for which EIA was required, the development in this instance was sub-threshold. And while Schedule 7A information may have been appropriate in the context of the application due to the potential environmental impacts associated with water, flooding and archaeology; rather than constituting a reason for refusal, may have merited a further information request. However having regard to the substantive issues raised in the reason for refusal the Board decided not to pursue this matter.

Note 2: The Commission noted the various references to the Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities issued by the DHLGH 2023 in the inspectors report. The Commission noted that at the time of determining this application the above Guidelines had been revoked.