An Coimisiún Pleanála

Commission Direction
CD-001474
PL-500315-SO-25

The submissions on this file and the Inspector's report were considered at a meeting held on 29 October 2026.

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

Planning Commissioner: Declan Moore

Declan Moore

Date: **29th day of October 2026**

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. Having regard to the location of the site, the nature of the proposed development, the adjacent River Moy Special Area of Conservation (Site Code: 002298), the watercourses alongside site boundaries and the central north-south drainage channel, to the OPW's CFRAM mapping, the flood risk information submitted by the applicant to the planning authority and to the Commission at appeal, to the information submitted by the third party appellant and the applicant's response to that information, to the placement of elements of drainage infrastructure within lands in Flood Zones A/B, and the proximity of the hydrocarbon interceptor to that mapped flood zone, to the relevant provisions of The Planning System and Flood Risk Management Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in November 2009, and noting the significant flood event on the site in November 2024, notwithstanding the findings of the submitted Site Specific Flood Risk Assessment and other supporting documentation, the applicant has failed to definitively confirm the precise extent of the flood risks across the site. In the absence of such information, which should be informed by a suitably scoped and robust site-specific hydraulic flood model (Stage 3 Flood Risk Assessment), taking account of the previous flood event, the Commission cannot be satisfied that the proposed development would not be prejudicial to public health by reason of a risk of flooding. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the information set out in the Natura Impact Statement submitted with the planning application, and its reliance on accurate flood information when considering potential impacts on the SAC, it is considered that it cannot be clearly ascertained that the proposed development, individually or in combination with other plans or projects, notwithstanding the implementation of proposed mitigation measures, would not adversely affect the integrity of the River Moy Special Area of Conservation (Site Code: 002298) in view of the site's Conservation Objectives. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Notes

The Commission noted the location and orientation of the duplexes (numbers 5 – 18), immediately adjacent to and overlooking an operational Waste Water Treatment Plant, and considered that the proximity might seriously injure the amenity of prospective residents by reason of potential for odour and noise nuisance.The Commission also considered that the location of the bike/bin store, at a remove from the duplexes and (essentially) within an area of public open space and the proximity of development (bin/bike store, unit numbers 17/18 and 31) to the Open Space zoning, required review. However, given the substantial reasons for refusal, the Commission decided not to pursue these matters in the context of the current appeal.