

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Louth County**

**Planning Register Reference Number: 16/154**

An Bord Pleanála Reference Number: PL 15.246674

**APPEAL** by Brian McDonnell care of EHP Services of 154 Riverside Drive, Red Barns Road, Dundalk, County Louth against the decision made on the 6<sup>th</sup> day of May, 2016 by Louth County Council to refuse outline permission and permission.

**PROPOSED DEVELOPMENT:** Outline permission for 11 number new dwellinghouses and all associated site works and planning permission for site development works associated with the above 11 number new dwellinghouses at South End, Blackrock, County Louth.

## **DECISION**

**REFUSE** outline permission and permission for the above proposed development based on the reasons and considerations set out below.

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

1. Under the Dundalk and Environs Development Plan 2009 – 2015 (as extended), and having regard to Variation Number 1 Core Strategy adopted on the 29<sup>th</sup> day of August, 2011, the site is located in an area to the south of the Village Centre zoning of Blackrock which is not designated as a Residential 1 or Phase 1 development area. It is not considered that the proposed development constitutes infill or brownfield development and the policy of the planning authority, as set out under Policy CS2 of this Plan is to apply the phasing of new residential development as per the phasing strategy set out and to refuse such developments where they would not be located in such areas. It is, therefore, considered that the proposed development involving the provision of 11 number dwellings on the site would be premature by reference to the order of priority for the development indicated in the said development plan and would materially contravene an objective indicated in the said development plan, which is integral to the planning authority's approach to managing the growth of the Dundalk and Environs area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided with the planning application and the appeal and having regard to the Stage 1 Appropriate Assessment Screening Report and Addendum submitted, the Board is not satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Sites - Dundalk Bay Special Protection Area (Site Code 004026) and Dundalk Bay Special Area of Conservation (Site Code 000455), or any other European site, in view of the sites conservation objectives. In these circumstances, the Board is precluded from giving further consideration to a grant of planning permission.

3. The site is located within and proximate to Dundalk Bay and is in an area at risk of tidal flooding. On the basis of the submitted documentation, the Board is not satisfied that the developer has provided sufficient information to demonstrate compliance with the Justification Tests set out in 'The Planning System and Flood Risk Management Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in November, 2009', or relative to the Strategic Flood Risk Assessment provided in Variation Number 1 and to Policy EN5 (Flood Risk Management) of the Dundalk and Environs Development Plan 2009-2015 (as extended). The proposed development would, therefore, constitute an unacceptable risk of flooding and would be contrary to the said Ministerial Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                    day of                    2016.**