



Planning and Development Acts 2000 to 2018

Planning Authority: Louth County Council

Planning Register Reference Number: 18865

APPEAL by Colin Fee care of McNamee Chartered Building Surveyors Limited of Excelsior House, Jocelyn Place, Dundalk, County Louth against the decision made on the 13th day of December, 2018 by Louth County Council to refuse a permission and outline permission to the said Colin Fee.

Proposed Development: The development consists of outline permission for nine number new dwellinghouses and all associated site works and planning permission for site development works associated with the above nine number new dwellinghouses: all at Southend, Blackrock, County Louth.

Decision

REFUSE permission and outline permission for the above proposed development in accordance with 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. On the basis of the submissions made in connection with the application and the appeal, including the Natura Impact Statement, and having regard to the potential for effects from the proposed development, including the construction of coastal protection works and the coastal walkway, and having regard to the location of the site, adjacent to the Dundalk Bay Special Area of Conservation (Site Code 000455) and the Dundalk Bay Special Protection Area (Site Code 004026), the Board is not satisfied that adequate information has been provided within the Natura Impact Statement to confirm that the proposed development would not adversely affect the integrity of these European sites, in view of the sites' conservation objectives. In such circumstances the Board is, therefore, precluded from granting permission.

2. Under the Dundalk and Environs Development Plan 2009-2015 (as extended) and having regard to Variation No.1, Core Strategy, adopted on the 29th day of August, 2011, specifically policy CS2, the site is located in an area which is not designated as Phase 1 for the purposes of new residential development. It is not considered that the proposed development would constitute infill or brownfield development as set out under policy CS1 of the Core Strategy. It is, therefore, considered that the proposed development seeking outline permission for the provision of nine number dwellings on the site would be premature by reference to the order of priority for development indicated in the current development plan for the area, 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.

3. The site is located along the coastline of Dundalk, proximate to Dundalk Bay and part of the site is in an area at risk of coastal flooding. On the basis of the submissions made in connection with the application and the appeal, which includes a Flood Risk Assessment confirming that part of the subject site falls within either Flood Zone A or Flood Zone B, the Board is not satisfied that the developer has provided sufficient information, to demonstrate that the specific proposed layout shows 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) as set out in 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.

4. Having regard to the objectives of the current development plan for the area, in particular Policy HC 9 and to the relevant provisions of Ministerial Guidelines, “Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities”, issued by the Department of the Environment, Heritage and Local Government in May, 2009, in relation to quality urban design, it is considered that, by reason of the inappropriate layout and orientation of the five number detached dwellings and absence of sufficient integration and potential for overlooking of the communal amenity space, the proposed development in its current proposed layout, would militate against an attractive environment, and would seriously injure the residential and visual amenities of the area. The proposed development would, therefore, conflict with the policy set out in the Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.