



Planning and Development Acts 2000 to 2021

Planning Authority: Meath County Council

Planning Register Reference Number: 21/76

APPEAL by Lynx Developments Limited care of Hanley Taite Design Partnership of Virginia Shopping Centre, Virginia, County Cavan against the decision made on the 28th day of October, 2021 by Meath County Council to refuse permission for the proposed development.

Proposed Development: To demolish existing dwelling and shed and to construct 58 number dwellings comprising of the following: (A) 10 number one bed single storey dwellings comprising of four number semi-detached units and two number blocks of three units, (B) 36 number two bed two-storey dwellings, comprising of six number semi-detached units, six number blocks of three units and three number blocks of four units, (C) 10 number three bed two-storey dwellings, comprising of six number semi-detached units and one number block of four units, (D) two number four bed two-storey semi-detached dwellings, (E) form new service roads and entrance onto public road from Connaught Street and (F) form connections to all public services, install foul sewer pumping station, together with all associated site works at Town Parks, Athboy, County Meath. Revised public notices were received by the planning authority on the 3rd day of September, 2021 as follows: To demolish existing dwelling and shed and to construct 50 number dwellings comprising of the following: (A) 10 number one bed single storey dwellings comprising of four number semi-detached units and two number blocks of three units, (B) 30

number two bed two-storey dwellings, comprising of six number semi-detached units, four number blocks of three units and three number blocks of four units, (C) eight number three bed two-storey dwellings, comprising of two number blocks of four units, (D) two number four bed two-storey semi-detached dwellings, (E) form new service roads and entrance onto public road from Connaught Street, and (F) form connections to all public services, install foul sewer pumping station, together with all associated site works.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. The majority of the site is zoned F1 - Open Space with a stated objective 'to provide for and improve open spaces for active and passive recreational amenities' under the Meath County Development Plan 2021-2027, which is the functional plan for the area. Housing development is not a use indicated as being either 'permitted' or 'open for consideration' under this zoning objective. The proposed development would constitute a material contravention of land use zoning policy set out under the Meath County Development Plan 2021-2027 and would be contrary to the Core Strategy of the development plan, which identified alternative land suitable for residential development in the area. The proposed development, would therefore, be contrary to the proper planning and sustainable development of the area.

2. The appeal site is located on lands that fall within both Flood Zone A (1% Annual Exceedance Probability flood event) and Flood Zone B (0.1% Annual Exceedance Probability flood event) in relation to fluvial flooding due to proximity to the Athboy River. The nature of the use proposed is identified as a highly vulnerable development (Table 3.1) on such lands under the Planning System and Flood Risk Management - Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government/Office of Public Works in November, 2009, and such development requires the carrying out of justification test (Table 3.2 of the Guidelines). The criteria for considering proposals for development, which may be vulnerable to flooding, and that would generally be inappropriate as set out in Table 3.2, is set out under Box 5.1 of the Guidelines. The proposal by virtue of the fact that the majority of the site falls within the F1 - Open space zoning would not meet the first criteria of a justification test, which requires that "the subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines". The proposal constitutes highly vulnerable and inappropriate type of development on lands within Flood Zone A. The proposal does not meet the criteria as set out under the Planning System and Flood Risk Management - Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government/Office of Public Works in November, 2009 that would justify the provision of housing development in an area subject to a high level of flood risk, would be contrary to national guidelines and would, therefore, be contrary to the proper planning and sustainable development in the area.

3. It is considered that the proposed development by reason of its layout, form and design, in particular the poor integration of public open space and the layout of internal roads within the development would result in a substandard form of residential development, which would fail to comply with the principles of the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in May, 2009 and the requirements of the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport. The Board, therefore, concluded that the proposed development would seriously injure the residential amenities of future occupants, would create an undesirable precedent for similar types of urban developments and would be contrary to the Ministerial Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *15th* day of *June* 2022.

