



An
Bord
Pleanála

Board Order
ABP-313018-22

Planning and Development Acts 2000 to 2021

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 21/1741

APPEAL by Philip Doyle care of HRA Planning of 3 Hartstonge Street, Limerick against the decision made on the 17th day of February, 2022 by Limerick City and County Council to refuse permission for the proposed development.

Proposed Development: Erection of a Primary Health Care Centre building consisting of four storeys, with part five storeys above undercroft carparking with raised entrance podium to include a pharmacy retail unit gross floor area 99 square metres at entrance level, internal access road, surface carparking, totem sign, associated building signage, roof mounted solar panels, boundary treatment, connection to public services and all ancillary and associated works, all at Caherdavin, Ennis Road, Limerick.

CAP 6

Decision

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

Reasons and Considerations

1. The subject site is located on lands zoned Agriculture under the provisions of the Limerick City and County Development Plan 2022-2028 which has the objective 'To protect and improve rural amenity and provide for the development of agricultural uses.' A Primary Health Care Centre is not permitted within lands zoned Agriculture. The proposed development would contravene materially the Agriculture development objective indicated in the development plan for the zoning of land and would, therefore, be contrary to the proper planning and sustainable development of the area.



2. Having regard to the nature of the proposed development, a Primary Health Care Centre, the location of the subject site on lands zoned Agriculture under the provisions of the Limerick City and County Development Plan 2022-2028, and the location of the site within Flood Zone A, the Board is not satisfied that the proposed development would be in accordance with the provisions of The Planning System and Flood Risk Management - Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government and the Office of Public Works in November 2009. On the basis of the submissions made in connection with the planning application and the appeal, and despite the Site Specific Flood Risk Assessment and Development Management Justification Test carried out as part of the planning application, the Board concluded that the proposed development failed the Justification Test as set out in Figure 5.1 of the aforementioned Guidelines. The proposed development would constitute an unacceptable risk of flooding, would conflict with the Ministerial Guidelines 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 9th day of January 2023.