

Planning and Development Acts 2000 to 2022

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 24/60360

APPEAL by Seán McMullan of Barleyfield, Castlewarren, Kilkenny against the decision made on the 17th day of October, 2024 by Kilkenny County Council to refuse permission.

Proposed Development: A single storey dwelling on a partially developed residential site permitted under planning permissions P03/629 and P14/589, to include for ancillary garage/storage, completion of site entrance works, internal access drive, site boundary treatments, site drainage and all associated site development works at Canal Walk, Dukesmeadows, Kilkenny.

Decision

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

Reasons and Considerations

Notwithstanding the zoning of the site (Existing Residential) and previous approvals (now expired) to construct a dwelling on the site, the Board concurs with the inspector and the planning authority that the proposed development is a highly vulnerable residential use to be located within fluvial flood zone A, where the probability of flooding from the river is greater than 1% or 1 in 100.

Section 10.2.6.1 (Flood Management) of the Kilkenny City and County Development Plan, 2021-2027, states that the avoidance of development in areas where flood risk has been identified shall be the primary response. Section 10.2.6.2 (Development Management Requirements) requires that a site specific flood risk assessment for sites in flood zones A and B, to be undertaken in accordance with 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, and the Strategic Flood Risk Assessment accompanying the City and County Development Plan.

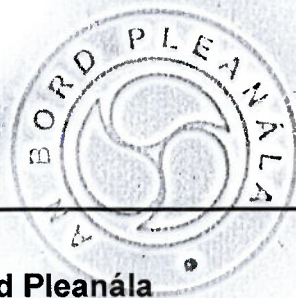
The proposed development fails the Development Management justification test provided for in the 'Planning System and Flood Risk Management Guidelines for Planning Authorities', the Board is therefore not satisfied, on the basis of submissions made in connection with the planning application and the appeal, that the subject site is an appropriate location for the scale and type of development proposed. It is considered that the proposed development, in an area which is at risk of flooding, would negatively impact on the flood regime of the surrounding area and the amenities of surrounding properties and would, therefore, be contrary to the proper planning and sustainable development of the area.



Declan Moore

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**



Dated this 24th day of MARCH 2025