



An
Bord
Pleanála

Inspector's Report 15.248991

Development	Construction of 2 no. houses with entrances onto existing road to rear garden.
Location	36 Cluan Enda, Dundalk, Co. Louth
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	16/903
Applicant(s)	Conphil Developments Limited
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third party
Appellant(s)	May Buchanan
Observers	None
Date of Site Inspection	18 th October 2017
Inspector	Deirdre MacGabhann.

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1.0 Site Location and Description

- 1.1. The appeal site lies to the east of Dundalk town centre, within a residential housing estate 'Cluan Enda'. The site lies immediately south of the estate road and comprises the rear garden of no. 36 Cluan Enda, an end of terrace, two storey residential property.
- 1.2. To the roadside the appeal site is bounded by a rough plastered block wall of c.1.7m in height. To the east (rear) there is a block wall of a similar height, with gated vehicular access to the site. The site is separated from the adjoining rear garden to the south, by a block wall, again of similar height.
- 1.3. In the vicinity of the site, there is little off-street parking and hence car parking on the public roads within the estate. Opposite the appeal site there are three demarcated disabled parking spaces (see photographs).

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of two detached dormer style townhouses to the rear of no. 36 Cluan Enda, with two new separate vehicular entrances onto the existing public road, new boundary treatment (including dropped kerb at entrance) and all ancillary works. The dwellings share a similar ridge height (c.7.455m) and FFL (+1.04) to no. 36 Cluan Enda.
- 2.2. In response to the planning authority's request for further information, the applicant submitted:
 - a. A Flood Risk Assessment Report - Recommends an increase in FFL to 3.55m (from the original of 3.45m, section 3.9 of report) and additional flood resistant measures to be incorporated into the design/construction of each house.
 - b. Revised Surface Water Drainage Proposals – Indicates permeable soils below the site but ground water at a depth of 1.0m below ground level. It therefore recommends (a) a permeable paved area for each dwelling, and (b) directing all run off from each roof to the stone attenuation area beneath the permeable paving, and subsequently to the underlying soil. The proposed storage provision is stated to exceed the storage requirements for the 1 in 100-year rainfall event.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission for the proposed development (12th July 2017), subject to 7 conditions. Most of these are standard. Site specific conditions are as follows:

- No. 2 – Development charge.
- No. 3 – Design and external finish.
- No. 5 – Finished floor levels to be as outlined in Floor Risk Assessment Report. Other details in respect of roadways, footpaths, car parking spaces to comply with requirements of the planning authority.
- No. 7 – Boundary treatment.

3.2. Planning Authority Reports

3.3. There are two Planning Reports on file. The first considers the proposed development in the context of the planning history of the site, the current development plan and the submissions and technical reports made. It considers that the principle of the development, its design, scale, form, the provision of private open space and impact on adjoining properties (no windows overlooking private amenity spaces) is acceptable. It recommends further information with respect to sightline provision, flood risk assessment and details of soakaways. The subsequent report considers that the matters have been adequately addressed and recommends a grant of permission, subject to conditions.

3.4. Technical Reports

3.5. The following technical reports are on file:

- Infrastructure (25th January 2017) – Recommends further information in respect of sightlines, footpath details, Flood Risk Assessment, and design of soakaways (to comply with GDSDS).
- Infrastructure (10th July 2017) – No objections subject to conditions.

3.6. Prescribed Bodies

- Irish Water (18th January 2017) – No objections.

3.7. Observations

3.7.1. 16¹ observations have made in respect of the application for the proposed development. Issues raised are summarised as follows:

- Impact on character of the estate and property values.
- Overdevelopment of the site, removes informal open space, would be overbearing.
- Impact on amenity, including on views from properties, privacy (overlooking) and overshadowing.
- Development does not meet standards for public or private open space or car parking as set out in the Dundalk and Environs Development Plan, 2009-2015 and is inconsistent with policies in respect of piecemeal/backland development.
- Development would set an inappropriate precedent.
- Development would add to congestion in the estate.
- Development will exacerbate flooding which already occurs on the streets in the immediate area of the site and conflict with Policy EN 5 of the Development Plan.
- Inadequate details in respect of proposed soakaways. No use of SUDS.
- Foul water - Acute angles for connections to foul sewer, may result in less than satisfactory performance. The development needs its own separate and direct connection to the public sewer.
- Construction impacts - Noise, dirt and rodents, in particular, on elderly residents.
- Unclear how Policy HC12 (energy requirements) will be met.

¹ A. Dowdall, A. and T. Dawe, D. Larkin and P. Murphy, L. and K. Finegan, J. and L. Burns, D. Byrne, K. Farrell, B. and M. Mathews, M. and E. Buchanan, C. Coe, F. and C. Duffy, B. G. and T. Thompson, C. Finegan, J. Byrne, Residents of Cluan Enda, B. Dullaghan, S. Gernon

- Building control – Concerns regarding the quality and acceptability of the completed development (given the constrained nature of the site, poor ground conditions, lack of detail in planning application, absence of resources for planning authority to monitor compliance).
- Planning notices do not refer to demolition of building in rear garden to facilitate development.
- Applicant has not dealt with the FI requirements of the previous application in respect of the site.
- Impact on biodiversity.

4.0 **Planning History**

4.1. The following planning applications have been determined in respect of the appeal site:

- PA ref. 1681 – Planning permission sought for 4 no. semi-detached town houses on the appeal site, in the rear garden of no. 36 Cluan Enda. The application was deemed incomplete.
- PA ref. 16244 – Planning permission sought for 4 semi-detached townhouses on the appeal site, i.e. in the rear garden of no. 36 Cluan Enda. The application was deemed withdrawn.

5.0 **Policy Context**

5.1. **Dundalk and Environs Development Plan 2009 to 2015**

- 5.1.1. The appeal site lies within the Town Centre development area which is prioritised for residential development in Variation No. 1 of the Plan, Core Strategy. The site is zoned for residential development, RES1, with the objective of the zoning to *'protect and improve existing residential amenities and to provide for suitable infill and new residential developments'* (see attachments).
- 5.1.2. In section 6.6.7 the Plan refers to residential development on backland sites and states that such development:

- Should match existing surrounding development in terms of design, scale, height and building line,
- Should not be detrimental to the local existing residential amenities in the area or cause unacceptable overbearing, overshadowing or overlooking of existing dwellings,
- Provide adequate private adequate private (50sqm town centre/brownfield sites) and public open space (14% of gross site area), suitable parking provision and adequate internal accommodation.
- Materials and form should respect those which are prevalent in the immediate area of the site.

5.1.3. At the discretion of the planning authority higher densities will be permitted, only if it is considered to be appropriate to the character of the area and not detrimental to the residential amenities of the existing adjoining properties.

5.1.4. In Policy EN 5 the Plan applies a presumption against permitting development in areas at risk of flooding and within flood plains subject to the application of the sequential test or justification test to site selection.

5.1.5. Policies in respect of car parking (HC 21), surface water drainage (EN 4) and energy performance of buildings (HC 12) are also set out in the attachments.

5.2. **Natural Heritage Designations**

5.2.1. The appeal site lies in a serviced area, c.1km to the south west of the Dundalk Bay SAC/SPA (see attachments).

6.0 **The Appeal**

Grounds of Appeal

6.1. The third party appeal refers to the Board to an attached petition against the proposed development and makes the following arguments in respect of it:

- Form of development – The proposed development is at odds with the long established nature of the existing residential development, Cluan Enda. Density is extreme and not in keeping with the generous open space and large gardens afforded to existing housing.

- Viability - The site is a difficult and expensive one to develop. It is constrained by its size and location (including flood prevention mitigation measures). The finished product will not command the priced required to make the development viable.
- Flooding – This end of Cluan Enda has suffered very badly from flooding on numerous occasions over the last few years. The Flood Assessment report fails to understand the nature of flooding in the estate and is seriously flawed. The public sewerage system in the Cluan Enda area is a combined system. The flooding in the estate results from a lack of available capacity in the existing system to cater for surface water generated by heavy periods of rain, particularly during high tide events. The proposed dwellings will discharge to this system, reducing its capacity even further. Global warming may well result in more frequent high rainfall events. The rear garden on which the development is proposed also suffers from flooding in periods of heavy rainfall. Raising the site may well have the effect of displacing the flood waters currently experienced onto adjacent properties. A solution to the pluvial flooding in the area is the provision of swales to allow excess rainwater to be drained away from road and footpaths during flood events. The logical place to put these is the rear gardens of houses that run on a north/south axis through the estate. If the principle of backland development is allowed it would not be possible to construct such swales. The garden on which the proposed development is proposed is the closest garden to the road area which floods.
- Impact of proposal to reduce footpath height along site frontage – The lowering of footpaths to facilitate vehicular access will make the footpaths, which are covered with water in periods of heavy flooding, impassable to pedestrians.
- Description of the site – The site is not a derelict site. It is the walled rear garden of a scale in keeping with its neighbours.
- Traffic hazard – The access road through the estate is very narrow. Vehicles will have to reverse out of the site. This will add to traffic congestion within the estate during construction and operation. Question how will the requirement for off road parking be enforced. It can be difficult for the Fire Service (and other vehicles) to access the street at this location.

- Precedent –Granting permission for the development would set an undesirable precedent in the estate (other properties have large rear gardens), ruin the character of the estate and place a strain on the already overstretched infrastructure (roads and drainage).
- Green space – Cluan Enda is served by a single green space to the front of the estate. The proposed development, and setting a precedent for similar proposals, would result in a significant increase in the number of dwellings and residents. There is no available land to provide the necessary additional green/open space that would be required by such additional building work.
- Building Control – Concerned regarding the quality and acceptability of the completed development if granted permission (lack of detail in planning application form), ability of the applicant to ensure due care to residents during construction and ability of planning authority to adequately supervise the construction of the development or enforce conditions.

Planning Authority Response

6.2. The Planning Authority make the following additional comments in response to the appeal:

- Flooding – Flood risk assessment carried out and the report from Infrastructure recommended a condition grant of permission. Irish Water did not object to the application.
- Density – Subject site is large for a domestic garden and it is considered that there is potential for infill development. Two dwellings will be provided on a site of 0.031ha, with gardens of 67sqm and 69sqm. The Dundalk and Environs Plan cites 50sqm for private amenity standards in central locations (Table 6.4). The appeal site is not a suburban site. The Planner's report on 16/244 did indicate that the proposal for 4 residential units was excessive and that at most 2 no. dwellings could be accommodated.
- Narrow estate roads – Assessed by Infrastructure section. Recommend a grant of permission.
- Precedent – The site is large and underutilised. Its development will not set an undesirable precedent for similar type developments.

Applicant's Response

6.3. The applicant makes the following comments in response to the appeal:

- Density/character – Development has been reduced since previous application (PA ref. 16/244) from four units to two. Relatively generous private outdoor spaces are provided (67sqm and 69sqm). An infill development that connects into existing infrastructure is more desirable and sustainable than a greenfield site. Development complies with core planning strategy for Dundalk, to renew and develop the urban form within the existing footprint.
- Flooding – Flooding that might threaten proposed houses would be from severe river or coastal flooding (but such an event would most likely also include pluvial flooding). Acknowledge that pluvial flooding does occur but whilst inconvenient does not pose a threat to property. Proposed dwellings will have a finished floor level of 3.55m which is 100mm higher than the FFL of the existing dwelling (36 Cluan Enda). Surface water will discharge to a system that comfortably exceeds the maximum attenuation storage requirement for a one in one-hundred-year rainfall event. There will be no impact from the proposed dwellings on the existing rainwater drainage system nor discharge onto the public road or adjoining properties. Surface water drainage system may alleviate more severe pluvial flood events (absorb some excess surface flood water from public roadway).
- Footpath height – Unclear how dish detail to provide vehicular access makes flood situation any worse. Numerous properties in the estate have obtained permission to provide off street parking (with lowered footpaths to allow access).
- Vehicular access – Each property has two off-street parking spaces and the addition of two dwellings on an estate of this size will have no real or material impact on traffic volumes in the area.
- Unsustainable precedent – The rear garden of 36 Cluan Enda is large and underutilised at present with road frontage to the north of the garden. There are many properties in Cluan Enda with large gardens but these are enclosed

and have no road frontage. Due to this layout the proposed development will not create a precedent for future piecemeal or discordant development.

- Green space – Cluan Enda benefits from a very large green space to the front of the estate and the density of houses to private open space is already very low. The proposed dwellings will not seriously injure the estate or the ratio of dwellings to green area.
- Fire safety/access and building control – Two additional dwellings will not have a material effect on traffic volumes/fire brigade access in the estate.
- Other issues – The proposed houses, as designed, are superior performing, more efficient and more sustainable dwellings when compared to any of the existing properties within the estate. If the development was refused on the grounds that the local authority was unable to police the construction of the development, then no new planning permissions of any description would be granted by the Council.

Observations

6.4. There are no observations on the appeal.

7.0 Assessment

7.1. I have read the appeal file, reviewed the statutory development plan for the site and I have carried out an inspection of it and the adjoining lands. Having regard to the zoning of the appeal site for residential development and policy RES 1, which seeks to protect and improve existing residential amenities and to provide suitable infill and new residential development, I consider that the proposed development is acceptable in principle on the site.

7.2. Key issues arising in respect of the proposed development are, therefore, confined to the matters raised in the course of the application and appeal and comprise:

- Impact on character of the area.
- Density of the development, overlooking, overshadowing and public open space provision.
- Precedent.

- Flooding.
- Traffic hazard.

7.2.1. In the course of the application and appeal, parties raise concerns regarding the viability of the development (cost to build), ground conditions, the ability of the applicant to carry out the development with due care to existing residents and the capacity of the planning authority to monitor construction. These matters are ones which are controlled by other legislation, or are directly regulated by other statutes or common law, and therefore fall outside the scope of this appeal. With regard to the statutory notices, I consider that these adequately describe the proposed development, have been sufficient to notify the public in respect of it and have been accepted by the planning authority in their validation of the planning application.

7.3. Impact on Character of the Area and Precedent

7.3.1. Cluan Enda comprises an established residential estate, where the pattern of development is one of two storey, terraced property with generous rear gardens, collectively set around a large area of public open space. No. 36 Cluan Enda comprises an end of terrace property with a large side and rear garden, with frontage onto the public road. When viewed from the public road, the walled garden with its overhanging vegetation is a strong feature of the road, but it does not provide a particularly attractive feature or create any sense of open space (either private or public) due to the height of the wall and the restriction this places on any view into the site.

7.3.2. The proposed development provides two additional residential units in the rear garden of the property. The proposed detached dormer style dwellings have a large plan area, relative to existing housing, and are generally inconsistent with the traditional pattern of two storey terraced development. However, I note that a number of properties within the Cluan Enda development have brought forward alterations to the property, to the front and rear. The proposed development would sit within this broader context. Further, the block of the proposed development would share important characteristics of the existing development, notably, a common ridge height and a similar set back to adjoining structures and to property on the northern side of the estate road. Having regard to these factors, I consider

therefore, that the proposed development, whilst different from the established form of development, could be accommodated on the site without adversely impacting on the character of the area.

7.4. Density, Overlooking, Overshadowing and Open Space Provision

- 7.4.1. The appeal site measures c.0.031ha and the proposed development, comprising two dwellings, would have a density of c.67 units per hectare. In its urban context, close to Dundalk town centre, this higher level of density is not, of itself, inappropriate. The proposed development with its large plan area extends deep within the site to leave a relatively short rear garden depth and little separation between the rear wall of the ground floor extension of no. 36 Cluan Enda (c.3.6m) and, to a lesser extent, the adjoining property (c.6m), which has two storey extension to the rear (see photograph no. 7).
- 7.4.2. Notwithstanding this, (i) no. 36 Cluan Enda, which is in the ownership of the applicant, has a large garden to the north and west of the building and the property could be reconfigured to address this space, (ii) the proposed development is lies to the north east of the existing terrace and would not, therefore, cause any substantial overshadowing of it, or overlooking (including of the rear gardens) given the proposal for Velux windows at first floor which will serve a landings and bathrooms, and (iii) given the dormer style nature of the accommodate, with the roof tapered away from the rear wall of the property, I do not consider that the development would be significantly overbearing on the existing adjoining property.
- 7.4.3. In addition to the above, the applicant has provided an adequate level of south facing private open space (67-69sq) to meet development plan standards (50sqm for town centre/brownfield sites). With regard to public open space, I note that the proposed development is very modest in size (two units) and is located in an existing housing estate which is already served by a large area of public open space. Within this context, I do not consider that any further provision of public open space is necessary.

7.5. Precedent

- 7.5.1. The appeal site is unusual (but not alone) in Cluan Enda in that it comprises a large rear garden that immediately adjoins the public road. However, Policy RES 1, provides in principle for 'suitable infill development' within the estate. As discussed above, it is not considered that the proposed development would detract from the amenity of the residential estate or the residential amenity of any individual property adjoining it, by way of overlooking, overshadowing or by being overbearing. I do not consider, therefore, that the proposed development would set an inappropriate precedent for future infill development within the estate (in terms of its impact on the character of the estate).

7.6. Flooding

Guidelines

- 7.6.1. The government's Guidelines for the Planning System and Flood Risk Management (2009) state that, in the first instance, development should be directed to land where there is a low risk of flooding (sequential approach – avoid, substitute, justify, mitigate). However, the guidelines recognise that in established cities and town centres, which are identified in development plans for growth and development, that there will continue to be a risk of flooding which requires assessment by way of the justification test (section 3.7). (The guidelines also refer to minor proposals in areas of flood risk and state that such development is unlikely to raise significant flooding issues unless they obstruct important flow paths or introduce a significant additional number of people to flood risk areas (section 5.28). Minor proposals are described as small extensions to houses and changes of use of existing buildings and I do not consider that the proposed development of two new properties fall within the meaning of the term).
- 7.6.2. The government's justification test (Box 5.1) requires that:
1. The site has been zoned for the proposed use.
 2. The development has been subject to flood risk assessment which demonstrates that (i) it will not increase flood risk elsewhere, (ii) includes measures to minimise flood risk to people and property, (iii) includes

measures to ensure that residual risks are managed to an acceptable level and (iv) the development addresses these matters in a manner which is compatible with good urban design.

Flood Risk Assessment Report

- 7.6.3. The appeal site is situated in a serviced urban area which is subject to fluvial and coastal flooding and is susceptible to fluvial flooding under a 0.1% AEP flood event and to coastal flooding under a 0.1% AEP Flood Event (i.e. Flood Zone B). The Dundalk Bay and South Blackrock Final CFRAM Maps (attached) indicates that fluvial and coastal flooding appears to affect the public road in the vicinity of the site and part of the site itself, with flood depth predicted to range from 0-0.25m on the site and 0.25-0.5m on the public road (see attachments). The proposed development, therefore comprises a vulnerable land use within Flood Zone B, requiring a justification test.
- 7.6.4. The applicant's Flood Risk Assessment Report calculates that in order to minimise the risk of flood, taking into account the requirements of climate change, ground levels should be raised to 3.52m and FFL to be a minimum of 4.02m (see section 3.6 of report). However, in order to tie the development into the existing ground levels and estate road and to comply with Part M of the Building Regulations (gradient of access road to house) it is considered that it would be possible to raise FFL to a maximum of 3.55m (from the 3.45m proposed in the plans submitted with the application), with ground levels (excluding the drive) raised to 3.4m. The applicant states that at this FFL the house will not flood at the 0.5% AEP flood event, but that the freeboard available (0.3m) is less than that recommended in the GSDS (i.e. 0.5m). In view of this, a number of detailed design measures are proposed to be included in the design/construction of each house (section 3.11 of Flood Risk Assessment Report).

Application of the Justification Test

a. Zoning

- 7.6.5. The appeal site is situated in a serviced urban area, which is zoned for residential development in the Dundalk and Environs Development Plan. Further, it is located within the Town Centre development area which is prioritised for residential development.

b. Impact on Flooding Elsewhere

7.6.6. The applicant proposes raising the level of the appeal site. The site is very small and such works are unlikely to have a significant impact in the town, but it is likely that there would be a local effect arising from water being displaced from the site onto adjoining land. These effects are not considered in detail by the applicant and the development may result in local impacts on the public road and private property and may impact on vehicular/pedestrian movements, for example extending flooding along the pavement and hindering access to property.

c. Measures to Minimise Flood Risk

7.6.7. From the information on file, the applicant has indicated that the proposed houses would not themselves be flooded in the event of an extreme flood event and that, consistent with the pattern of flooding in the area, any flooding occurring within the remainder of the site would be relatively shallow, allowing emergency services to pass. However, given the absence of the recommended freeboard, additional flood resilient and resistant construction measures are proposed to mitigate the risk of damage to the property in the event of a flood (section 3.11 of Flood Risk Assessment). These include means to construct foundations etc. and provision of a proprietary floodgate for each external door. (The development would also be connected to the public sewer and public water supply and cause no adverse environmental impacts in this regard).

d. Measure to Minimise Residual Risks

7.6.8. As argued by the applicant, the main measures to minimise risks to the proposed development is the raising of the level of the site and the two houses and incorporation of appropriate construction measures. I would accept that these are not dependent on any future flood risk management measures that may also be carried out in Dundalk, following the publication of the Final Flood Risk Management Plan for Dundalk, which may alleviate flooding in the town.

e. Urban Design

7.6.9. The ridge height of the proposed development was originally designed to tie into that of adjoining housing. However, the Flood Risk Assessment Report recommends raising FFL by 0.07m i.e. a relatively small increase over existing houses. I do not consider, therefore, that any urban design issues, in this regard.

Summary

7.6.10. In summary, I accept that the site lies within the town centre of Dundalk, is zoned for residential uses and falls within the area which is prioritised for development (core strategy). However, I have the following concerns:

- It introduces two additional residential properties into an area where flooding already occurs.
- Consistent with government guidelines, the risk of flooding has been managed through design however it has not been possible to design in the required levels to meet best practice (0.5m freeboard) and additional mitigation measures are proposed, including a proprietary floodgate for each external door.
- The applicant has not examined the likely local effects of displacing flood water from the site on adjoining lands and any flood event may affect a greater area, than hitherto on nearby lands.

7.6.11. Government guidelines on flood risk clearly set out a requirement to avoid development in areas at risk of flooding, unless there are proven wider sustainability grounds that justify appropriate development and where risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere.

7.6.12. In this instance, there are many alternative sites for infill housing development in Dundalk town that are not affected by flooding (see attachments), the applicant is unable to design to best practice given the limitations of the site (tie in with public road levels), is therefore, by definition, somewhat dependent on further mitigation measures and has not examined the local impact of raising site levels on flooding of adjoining land. Whilst I accept the sustainability arguments for developing land within the urban core, and in particular of providing infill development, I do not consider that an adequate justification for the proposed development has been put forward by the applicant for the proposed development, which is sited on land which is clearly affected by flooding, to recommend a grant of permission for the development on this site.

7.7. Traffic Hazard

- 7.7.1. The Cluan Enda development appears to have been originally designed with no or few in-curtilage car parking spaces. Consequently, there is substantial on-street car parking in the area which has the effect of narrowing the public road and slowing down traffic speeds. Three dedicated spaces are marked out in the vicinity of the appeal site for those with mobility difficulties.
- 7.7.2. The proposed development comprises a modest development of two residential properties. I do not consider that these would therefore add significantly to the vehicle movements occurring within the estate or substantially to traffic congestion. Further, adequate sightlines are proposed at the entrance to each property (at least c.27m to the west and c.45m to the east), having regard to the location of the development within the residential estate where speeds are low. (Similar sightlines are available at other properties in the immediate area that have now incorporated a parking space into their site).
- 7.7.3. In excess of development plan standards (1.0 brownfield site), each of the proposed dwellings is provided with two off-street car parking spaces. Whilst I accept that it will be difficult to manage where any occupant actually parks, given the absence of ready on street parking, they are most likely to utilise the in-curtilage spaces provided. Whilst I accept that the arrangements for car parking may require reversing manoeuvres this would only arise if two cars are parked simultaneously in the driveway and would not be unusual in an urban area (or indeed for other properties within the estate). Again, given the low speed levels observed, I do not consider that this would give rise to a significant traffic hazard.

8.0 Appropriate Assessment

- 8.1. The proposed development comprises the construction of two dwellings within an existing serviced urban area. Further, the development is substantially removed from any nearby Natura 2000 sites (see attachments). Consequently, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on any European site.

9.0 Recommendation

9.1. Having regard to my comments above, I recommend that permission for the development be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to:

- i. The government's guidelines on The Planning System and Flood Risk Assessment and policies of the Dundalk and Environs Development Plan which seek to steer development to sites which are not affected by flooding and which require a justification test for highly vulnerable development in flood zones,
- ii. The highly vulnerable nature of the proposed development and its location on lands which are liable to flood,
- iii. The availability of alternative sites within the town centre for residential and infill development, and
- iv. The detailed design of the proposed development which fails to provide an adequate FFL and which is therefore dependent on further mitigation measures to manage flood risk,

It is considered, that the applicant has not adequately demonstrated the proposed development satisfies the justification test for the development of the site or adequately considered the consequential risk of flooding arising on adjoining land. The proposed development would, therefore, conflict with the government's guidelines on Flood Risk Assessment and policies of the County Development Plan and would be contrary to the proper planning and sustainable development of the area.

Deirdre MacGabhann
Senior Planning Inspector
7th November 2017