



## Board Direction

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**Ref: PL03.245643**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15<sup>th</sup> February 2016. The Board decided to refuse outline permission generally in accordance with the Inspector's recommendation, and in accordance with the draft reasons and considerations set out below.

### REASONS AND CONSIDERATIONS

1. The "Spatial Planning and National Roads - Guidelines for Planning Authorities" issued by the Department of the Environment, Community and Local Government (2012) seek in Section 2.5 "to avoid the...generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 km/h apply." The proposed development of a further house at this location would result in the intensification of use of a private access on to the N85 national road, close to a bend to the east, having restricted sightlines, with a continuous white line on the road, and where a speed limit of 100 km/h applies. It is therefore considered that the additional and conflicting turning movements generated by the proposed development would endanger public safety by reason of traffic hazard, would interfere with the free flow of traffic on this national road, would compromise the level of service and carrying capacity of the road at this location, and would fail to protect public investment in the national road network, both by itself and by the undesirable precedent it would set for similar such development. The proposed development would be contrary to the provisions of the said Guidelines, and would be contrary to the proper planning and sustainable development of the area.
2. The subject site is located within an "Area under Strong Urban Influence" as identified in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government (2005), and in an "Area under Strong Urban Pressure", where housing is restricted to persons demonstrating local need in accordance with the provisions of the Clare County Development Plan 2011-2017, as varied. On the basis of the documentation submitted in support of the application and the appeal, it is considered that the applicant has not adequately demonstrated that she comes within the scope of the housing need criteria as set out in the Guidelines or in the Development Plan for a rural house at this location. Furthermore, the Board is not satisfied that a justification has been made for an additional house on these lands. The proposed house, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Objective CDP 11.5 of the Clare County Development Plan 2011-2017, as varied, seeks to safeguard the safety, efficiency and carrying capacity of national roads, and development will not normally be permitted where direct access on to a national road is proposed; exceptional circumstances in relation to this objective are also set out. The Board is not satisfied that alternative access to the public road is not available to the west. These family lands are already served by two houses having direct access to the N85 national road, and the Board considers that exceptional circumstances do not exist to justify a further house that would intensify the use of this access. The Board, therefore, considers that the proposed development would exacerbate an existing traffic hazard, would further compromise the level of service and carrying capacity of the road at this location, would fail to protect public investment in the national road network, would contravene the stated objective of the Development Plan, and would be contrary to the proper planning and sustainable development of the area.

*Note:*

The subject site has soils that are both free-draining and shallow, and is located in an area characterised as having extreme groundwater vulnerability, and within the inner ground source protection area for the Drumcliff Spring, which is the main water supply for Ennis. No P-test was undertaken in respect of the subject site, as required under the Code of Practice issued by the Environmental Protection Agency on "Wastewater Treatment and Disposal Systems Serving Single Houses" (2010), where inadequate depths of soil are shown. Having regard to this concern, particularly on a site that is highly sensitive in respect of waste water disposal, and to the potential vulnerability of water supplies, the Board was not satisfied that it had been adequately demonstrated that foul effluent could be adequately treated on this site. However, it was also considered that this would constitute a new issue in the context of the appeal, and having regard to the substantive reasons for refusal, decided not to pursue this matter further. The Board shared the Inspector's concern on this matter, but did not concur that this matter, relating to the principle of the suitability of the site, could be addressed by details of design.

*Please issue a copy of this direction with the Board Order.*

Board Member: \_\_\_\_\_ Date: 22<sup>nd</sup> February 2016  
Fionna O' Regan