



Board Direction

Ref: 03.245684

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10th, March 2016.

The Board decided (by a majority of 2 : 1) to refuse permission generally in accordance with the Inspector's recommendation, for the reasons and considerations and subject to the conditions as set out below.

The Board made a determination to not award costs.

REASONS AND CONSIDERATIONS

1. The Board considered that, having regard to its overall design, scale, layout and low density, the proposed development fails to provide for adequate variety of house type and fails to provide for a street form with a proper sense of enclosure as recommended in Para. 4.2,1 of the Design Manual for Urban Roads and streets. It is, therefore, considered that the proposed development would provide for a poor living environment for future residents of the proposed houses and seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided with the application and appeal and having regard to the screening for Natura Impact Statement submitted the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European site *Lower River Shannon SAC 002165*, or any other European site, in view of the site's Conservation Objectives. In these circumstances the Board is precluded from giving further consideration to a grant of planning permission.

3. The site is located within and proximate to the flood plain of the Fergus River and is in an area at risk of flooding. On the basis of the submitted documentation, the Board is not satisfied that the applicant has provided sufficient information to demonstrate compliance with the Justification Tests in 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, November, 2009', or relative to the Strategic Flood Risk Assessment provided in Variation No.3 and to Policy W11 (Flood Risk Management) of the Ennis and Environs Development Plan 2008-2014 (as varied). The proposed development would, therefore, constitute an unacceptable risk of flooding, conflict with the said Ministerial Guidelines and be contrary to the proper planning and development of the area.

Board Member: _____ Date: 10th, March 2016
Paddy Keogh

Note: In coming to its decision in respect of Reason No. 2 above, the Board was not satisfied that the cumulative impact of the proposed development particular in respect of other floor relief works in the vicinity of the site had been properly addressed for the purposes of Appropriate Assessment.

[Please issue a copy of Board Direction with Board Order]