



An
Bord
Pleanála

Board Direction
BD-003938-19
ABP-302727-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on August 29th, 2019.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

Having regard to the inadequacy of the road network serving the subject site, in terms of width, gradient and structural condition, and the lack of adequate evidence that the applicants have sufficient legal title in order to enable these deficiencies to be rectified, it is considered that the existing road network serving the subject site is not suitable to cater for traffic movements generated by the proposed development. The proposed development would therefore endanger public safety by reason of traffic hazard. Furthermore, having regard to the condition of the existing road network serving the site, it is considered that, without significant improvement, including surfacing of the laneway where it adjoins existing residential properties, the proposed development would seriously injure the residential amenities of these properties by reason of the generation of noise and dust from the heavy commercial vehicles associated with the proposed land reclamation works, and it is considered that the applicants have not demonstrated sufficient legal title in order to carry out such improvements and surfacing, as proposed. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board had regard to the detailed submissions made by the appellants, including evidence of title, and considered that the applicants had not demonstrated sufficient legal title to enable them to carry out the improvement works and surfacing of the road network serving the site. In the absence of these works, the development is unacceptable, as outlined in the reasons set out in the Board Order. In the circumstance of this case, it is not considered that the issue can be left to future resolution under Section 34 (13) of the Planning and Development Act, 2000, as amended, given the necessity of these works to the acceptability, or otherwise, of the subject development.

Board Member

Date: 2nd September 2019

Philip Jones