



**An
Bord
Pleanála**

**Board Direction
BD-009086-21
ABP-310221-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/09/2021.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. On the basis of the information provided with the application and the appeal, particularly in relation to the proposed servicing of the development by a private on-site wastewater treatment plant on a flood plain and on a site with poor percolation characteristics and shallow depth to bedrock, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of the Lower River Shannon Special Area of Conservation (Site Code: 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077) in view of the sites' conservation objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.
2. Having regard to the location of the proposed development in an area where flood protection measures for the River Shannon are in place to protect the site and other lands in the area, the site being in a low point in this area, the lack of any Justification Test undertaken for the proposed development in accordance with the Flood Risk Management Guidelines, and the necessity for the substantial filling of this site as a flood protection measure, it is

considered that the proposed development is at risk of flooding and would be contrary to the policies and objectives Limerick City Development Plan, in particular Policy WS.8, and the provisions of The Planning System and Flood Risk Management Guidelines for Planning Authorities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the site within an area zoned ZO.7 Agriculture in the Limerick City Development Plan, in a rural area under urban influence, and to National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements, it is considered that the applicant has not demonstrated an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would contravene the provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: The Board noted the concerns of the Inspector with regard to the siting of the proposed development on a flood plain, the evidence of ponding on the site, the shallow depth to bedrock, and the poor permeability of the soil on the site, and considered that the proposed disposal of effluent by means of an on-site effluent treatment system would be prejudicial to public health. Furthermore, considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive density of development served by private

effluent treatment systems in the area and would, therefore, be prejudicial to public health. However, as this would constitute a new issue within the context of the appeal and given the substantive reasons for refusal set out above, it was decided not to pursue this issue under the current appeal.

Board Member



Michelle Fagan

Date: 15/09/2021

