

An  
Bord  
Pleanála

**Board Direction**  
**BD-009567-21**  
**ABP-311007-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/12/2021.

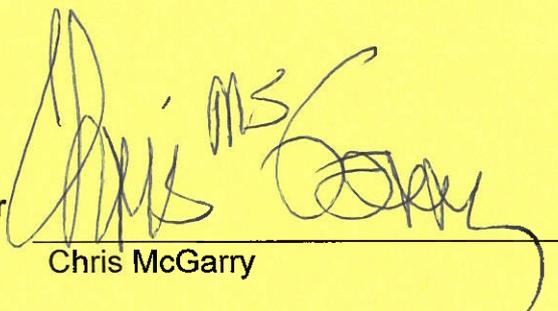
The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

#### **Reasons and Considerations**

1. On the basis of the submissions made in connection with the application and appeal, the Board is not satisfied that the applicant has sufficient legal estate or interest in the land on which the proposed access road is to be constructed, to serve the proposed development, or has the consent of the person/body who has such sufficient legal estate or interest. In these circumstances, it is considered that the Board is precluded from giving further consideration to the granting of permission for the proposed development.
2. Having regard to the location and configuration of the appeal site in the context of the adjoining undeveloped lands to the east and to the layout and design of the proposed development, including the disposition of buildings abutting the separate adjoining lands, and the layout of open space, the Board is not satisfied that the proposed development responds appropriately to the unique characteristics and context of the site, and considers that the proposal would lead to a disjointed and piecemeal form of development. The proposal would therefore seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

**Note:** The Board noted the reason for refusal recommended by the Inspector relating to prematurity pending the completion of Phase II of the Clash to Ballymullen Link Road. However, the Board considered, by reference to the potential traffic (including sustainable transport) generation of the proposed development, and noting the possibility of alternative access/egress options at the site (subject to consent from third parties) not incorporating the completion of the Phase II road project, that its completion, though desirable, would not necessarily be a requirement. On the basis of the information submitted with the application and appeal, the Board considered that this issue may benefit from further information and assessment but would not warrant a refusal of permission in itself. Given the substantive reasons for refusal set out above, it was decided not to pursue this matter further in the context of the current appeal.

Board Member



Chris McGarry

Date: 01/12/2021