

**An
Bord
Pleanála**

**Board Direction
BD-010169-22
ABP-311255-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/03/2022.

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

Reasons and Considerations

Having regard to:

- the location of the site within a rural area identified as being under strong urban influence in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government 2005,
- National Policy Objective 19 of the National Planning Framework (February 2018) which 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,
- The provisions of the Limerick County Development Plan 2010-2016 (as amended) which facilitates the provision of rural housing for local rural people building in their local rural area (defined as within 10 kilometres radius of the where the applicant has lived or was living), and
- The documentation on the file,

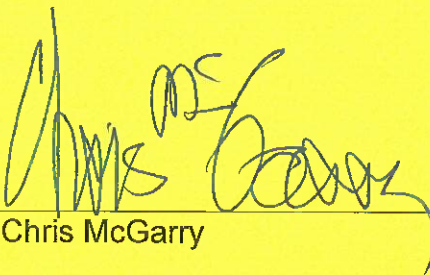
the Board is not satisfied on the basis of the information on the file that the applicants come within the scope of either economic or social housing need criteria as set out in the overarching National Guidelines or the definition of a local rural person in accordance with the relevant criteria of the development plan. The proposed development, in the absence of any identified locally based need for a house at this location, would result in a haphazard and unsustainable form of development in an unserviced area, 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 and undermine the settlement strategy set out in the development plan. The proposed development would be contrary to the Ministerial Guidelines and to over-arching national policy and having regard to the relevant provisions of the statutory development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

Note:

The Board noted the recommended reason for refusal of the Inspector which stated that, notwithstanding the proposal to use a proprietary domestic wastewater treatment system on the site, having regard to the high water table, the proliferation of domestic wastewater treatment systems in this rural area, and to the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government 2005, which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities, the Board could not be satisfied, on the basis of the information on the file, that the impact of the proposed development in conjunction with existing waste water treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper

planning and sustainable development of the area. The Board considered that, ordinarily this issue would warrant further consideration and possibly further information, however as this constituted a new issue within the context of the appeal and given the substantive reason for refusal set out above, it was decided not to pursue this matter under the current appeal.

Board Member



Chris McGarry

Date: 04/03/2022

