

An  
Bord  
Pleanála

**Board Direction**  
**BD-015730-24**  
**ABP-314254-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/03/2024.

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

### **Reasons and Considerations**

The development as proposed is dependent upon connections to the public foul sewer network and the public surface water network which are located on third party lands which, while comprising consented foul and surface water sewer infrastructure, are located outside of the application boundary of the site for which permission is sought. Notwithstanding the written consent provided by the owner of the lands, the Board considers that there is an absence of certainty that the foul or surface water generated by the proposed development could be managed and disposed of appropriately within the context of the permission sought given the reliance on the delivery of infrastructure entirely outside the control of applicant and for which permission has not been sought as part of the subject application or which has not been included for within the boundary of the application. Furthermore, it is proposed to undertake works to upgrade the proposed carriageway to access part of the development on lands which are not in the control of the applicant, and which do not form part of the application boundary for which permission is sought. Therefore, if permitted, the development as proposed would be prejudicial to public health due to the absence of certainty in respect of connections to the public foul and surface water networks and would endanger public safety by reason of traffic hazard due to unsatisfactory and incomplete access arrangements within the application 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 did not agree with the Inspector that the arrangements proposed for the connection of the development to the public foul and surface water sewer systems was satisfactory as it relies upon connections to infrastructure which was not included in the application (red line) boundary and therefore could not be considered to comprise part of the development and while consented as part of an adjoining development, in the absence of the delivery of the third party scheme, this essential foul and surface water infrastructure is entirely outside of the applicants control to deliver within the confines of the application for which consent is sought.

Similarly while the Board agreed with the principle of accessing the rear of the site via the L85531 which it is noted is taken in charge, the works proposed to upgrade the laneway are not included within the red line boundary of the application boundary and while taken in charge no consent from the public authority has been provided and therefore uncertainty remains as to the ability of the applicant to deliver the extent of works proposed to appropriately access the development.

It is noted that the Board agreed with the Inspector that the principle of the development of residential units on the subject lands was acceptable particularly when considered in the context of the sequential development of the urban area. However, given the absence of certainty in respect of the proposals to service and access the development, the Board did not agree that the development as proposed would be appropriate.

**Board Member**

  
Una Crosse

**Date:** 06/03/2024