

An
Bord
Pleanála

Board Direction
BD-016306-24
ABP-317826-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/05/2024.

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

Reasons and Considerations

1. Having regard to the provisions of the Leitrim County Development Plan 2023-2029 and in particular policy TOUR INF POL4 which facilitates tourist accommodation at suitable locations throughout the county, it is considered that the location of the site, outside the settlement envelope of Kinlough within open countryside and at a remove from existing tourism/recreation facilities within Kinlough, would not comprise a suitable location and would be contrary to the provisions of this policy. Furthermore, the proposed development would be contrary to objective TOUR INF OBJ 2 of the Plan which facilitates the development of tourist accommodation along established walking/hiking routes and adjacent to existing tourism/recreation facilities, subject to satisfying normal planning criteria. The proposed development would therefore be contrary to the provisions of the Leitrim County Development Plan 2023-2029 and would set an undesirable precedent for further developments of this nature in unsuitable locations. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The development as proposed is dependent upon connections to the public foul sewer network, public surface water network and the public watermain which are located on third party lands and within the control of a third party which, while comprising existing foul and surface water sewer infrastructure, are not taken in charge and the consent to connect to same has not been provided. The Board considers that there is an absence of certainty that the foul waste and surface water generated by the proposed development could be managed and disposed of appropriately, or that water to service the development could be provided within the context of the permission sought given that connection to same is within the control of a third party who has not provided the requisite consent. 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 waste network, surface water and public watermain. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note

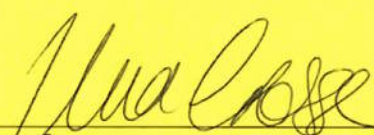
The Board is not satisfied on the basis of the information on file that it would be appropriate to condition agreement on a revised surface water design having regard to the absence of any details to demonstrate that there is sufficient gradient between the proposed attenuation chamber and the existing storm water sewer. However, having regard to the substantive reasons for refusal above, it was decided not to pursue this matter further as part of the subject proposal.

In deciding not to accept the Inspector's recommendation to grant permission, the Board did not agree with the Inspector that the principle of the proposal would be acceptable based on the proposal to provide a pedestrian connection to facilitate access to the village centre. The provision of pedestrian connectivity is one consideration in establishing the suitability or otherwise of the site for such a use. The Board noted that the site is at a considerable remove from the main village centre and from the shores of Lough Melvin which are the primary tourist facilities and assets in the settlement and also noted the extent of zoned and undeveloped lands within the settlement which would be suitable for a development of the type

proposed. The Board also considered that the site is not located along established walking/hiking routes or adjacent to existing tourism/recreation facilities. The Board concluded, contrary to the opinion of the Inspector and the Planning Authority that the principle of the proposed development on the site would not be acceptable.

Furthermore, the Board did not agree with the Inspector that the arrangements proposed for the future connection of the development to the public foul and surface water sewer systems was satisfactory as it relies upon connections to infrastructure which requires the consent of third parties which has not been demonstrated. The Board did not agree with the Inspector that these matters relating to the ownership of the infrastructure were civil matters and not matters which the Board can consider. The ability of a development to be serviced is a central planning consideration and if a development has not been provided with consent to connect to services which can be delivered then the absence of certainty in this regard is a material consideration in the decision making process. The Board disagreed with the Inspector and the Planning Authority in their belief that that there is no reason to assume that consent for connection to public infrastructure will not be forthcoming on the basis that concern was provided to connect to the existing footpath. Again, the absence of certainty in this regard is a central consideration and cannot be addressed by condition as proposed by the Inspector and Planning Authority. The Board did however agree with the Inspector that the inclusion by the Planning Authority within condition 6 of the potential installation of a wastewater system by condition was entirely inappropriate as such would require a separate grant of permission.

Board Member


Una Crosse

Date: 15/05/2024