

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Clare County

Planning Register Reference Number: P14/589

An Bord Pleanála Reference Number: PL 03.245684

APPEAL by An Taisce of The Tailor's Hall, Back Lane, Dublin against the decision made on the 1st day of October, 2015 by Clare County Council to grant subject to conditions a permission to Michael Lynch Limited care of Healy Partners Architects of The Mill, Glentworth Street, Limerick.

PROPOSED DEVELOPMENT: A residential development comprising of 80 number dwellinghouses of various house types and combinations and the provision of a roundabout, located at the entrance/exit to the development site on the public road. The development will include other works to the Drehidnagower Road. the development will include all ancillary site development works, landscaping and boundary treatment, all at Drehidnagower Road, Lifford, Ennis, County Clare, as amended by the further public notice received by the planning authority on the 4th day of September, 2015.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. The Board considered that, having regard to its overall design, scale, layout and low density, the proposed development fails to provide for adequate variety of house type and fails to provide for a street form with a proper sense of enclosure as recommended in Paragraph 4.2,1 of the Design Manual for Urban Roads and Streets. It is, therefore, considered that the proposed development would provide for a poor living environment for future residents of the proposed houses and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided with the application and appeal and having regard to the screening for Natura impact statement submitted, the Board is not satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Lower River Shannon Special Area of Conservation (Site Code 002165) or any other European site, in view of the site's conservation objectives.
3. The site is located within and proximate to the flood plain of the River Fergus and is in an area at risk of flooding. On the basis of the submitted documentation, the Board is not satisfied that the applicant has provided sufficient information to demonstrate compliance with the Justification Tests in 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, November, 2009', or relative to the Strategic Flood Risk Assessment provided in Variation No.3 and to Policy W11 (Flood Risk Management) of the Ennis and Environs Development Plan 2008-2014 (as varied). The proposed development would, therefore, constitute an unacceptable risk of flooding, would conflict with the said Ministerial Guidelines and would be contrary to the proper planning and development of the area.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.