



An
Bord
Pleanála

**Board Order
PL 91.249089**

Planning and Development Acts 2000 to 2017

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 17/529

Appeal by Bill Mooney of Bansha, Askeaton, County Limerick against the decision made on the 2nd day of August, 2017 by Limerick City and County Council to grant subject to conditions a permission to Brendan Boyce care of Adam Kearney Associates of Mill Road, Corbally, Limerick.

Proposed Development Construction of a detached split level dwelling with a standalone garage, served by packaged and tertiary wastewater treatment systems to include all associated site works, all at Ballyengland Upper, Askeaton, County Limerick.

Decision

REFUSE permission for the above proposed development in accordance with 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 subject site has very free-draining soils, does not have a significant depth of soil cover, and is located in proximity to a stream and its floodplain. The Board has concern in relation to the groundwater status of this area, the number of septic tanks in the general vicinity, and the hydrogeological conditions at the site. The Board considers that the combination of site conditions is not appropriate for the disposal of foul effluent, and that a high level of reliance on engineering design and on the operation and maintenance of the proposed system would not be sufficient to overcome these inherent difficulties. The Board also has serious concerns in relation to the precedent that would be set for similar such undesirable development at this sensitive location. The proposed development would, therefore, be prejudicial to public health, would give rise to an unacceptable risk of pollution of waters, and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the scale of roadside boundary and woodland required to be removed to facilitate a satisfactory vehicular entrance and the sightlines needed on this narrow road would, by itself and by the precedent it would set for similar such undesirable development in this vicinity, seriously injure the visual amenities of the area, and would contravene Objective EH O6 (Landscaping and Development) of the Limerick County Development Plan 2010–2016, which seeks to resist the removal of substantial lengths of roadside boundaries. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2018