



Planning and Development Acts 2000 to 2018

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 17/366

APPEAL by Martin Berkery care of Baxter Design 43 Aylesbury Lodge, Navan, County Meath against the decision made on the 11th day of January, 2018 by Limerick City and County Council to refuse permission to the said Martin Berkery.

Proposed Development Demolition of an existing dwelling and the construction of a storey and a half type replacement dwelling, effluent treatment system, new site entrance and associated site works at Boolaglass, 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 proposed development would result in the creation of a new vehicular access onto the R518, which is a Strategic Regional Road, which would generate additional traffic turning movements at a point in the road where sightlines are restricted in both directions due to the substandard road alignment and would necessitate the removal of substantial lengths of roadside boundaries and mature vegetation. The proposed development would, therefore, endanger public safety by reason of traffic hazard and obstruction of road users, would contravene Objectives IN 016 and EH 06 of the current Limerick County Development Plan 2010-2016 (as extended) and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the density of dwellings served by bored wells and individual wastewater treatment systems in the vicinity of the site, to the drainage characteristics and vulnerable nature of groundwater in the area, the Board is not satisfied on the basis of the documentation provided with the planning application and appeal, that the site can be drained satisfactorily by means of the wastewater treatment system proposed, or that safe and efficient water supply can be provided on site. The proposed development would, therefore, present an unacceptable risk of water pollution, would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on European Site Askeaton Fen Complex Special Area of Conservation (Site Code 002279), or any other European site, in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission.

Stephen Bohan

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

Dated this day of 2018.