



Planning and Development Acts 2000 to 2018

Planning Authority: Clare County Council

Planning Register Reference Number: P18/17

APPEAL by Pauline Allegre of Green Lawns, Ballygriffey South, Ruan, Ennis, County Clare against the decision made on the 25th day of July, 2018 by Clare County Council to grant subject to conditions permission to Leo and Deborah Hogan care of OBB Consulting Engineers and Surveyors of O'Briens Bridge, County Clare.

Proposed Development: Demolition of existing incomplete derelict structure and the construction of a new 1.5 storey detached dwelling, detached domestic garage, new entrance, proprietary wastewater treatment system, connection to necessary services, boundary treatments and all associated site works at Ballygriffey South, Ennis, County Clare.

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. On the basis of the evidence on file, the proposed development is in an area which is at risk of flooding. Having regard to the provisions of Objective 57 of the National Planning Framework 2018, and having regard to guidance as set out in 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in 2009, in relation to development proposals in areas at risk of flooding, it is considered that, in the absence of adequate information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk, the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the lack of an adequate flood risk assessment, and having regard to the evidence on file relating to previous flooding events in the area, the Board is not satisfied that the site is suitable for the treatment and disposal of domestic foul effluent in accordance with the "Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)", (2009) and subsequent clarifications issued by the Environmental Protection Agency, having regard to the potential contamination of flood waters resulting from an inundation of the site. The proposed development would, therefore, be prejudicial to public health.

Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.