



Planning and Development Acts 2000 to 2018

Planning Authority: Longford County Council

Planning Register Reference Number: 18/35

APPEAL by Patrick V. McEntee of Ratharney, Abbeyshrule, County Longford and by others against the decision made on the 6th day of November, 2018 by Longford County Council to grant subject to conditions permission to Lesa Casey care of Quaine Architectural Design of Cluain Cottage, Knockmartin, County Longford.

Proposed Development Proposed construction of two-storey type dwelling, detached garage, proposed entrance and boundary wall/fence, wastewater treatment system, percolation area and ancillary site works, all at Ratharney, Abbeyshrule, County Longford.

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 site of the proposed development is located within a designated development envelope of Ratharney as defined in the Longford County Development Plan 2015 – 2021, in which rural housing need has to be established. In the absence of information regarding the rural housing need of the applicant, the Board cannot be satisfied that the applicant meets the criteria for a house in this area as set out in the Development Plan and as such, the proposed development would materially contravene the objectives of the current Longford County Development Plan in relation to rural settlement and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the 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 November 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 be contrary to the proper planning and sustainable development of the area.

3. Having regard to the lack of an adequate flood risk assessment, 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 and would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2019.