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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 19/369**

**APPEAL** by Bill Mooney of Bansha, Askeaton, County Limerick against the decision made on the 4<sup>th</sup> day of July, 2019 by Limerick City and County Council to grant subject to conditions a permission to Michael O'Flaherty care of Design and Drafting Solutions of Unit 3 Saint Mary's Terrace, Askeaton, County Limerick.

**Proposed Development:** A dwelling, garage, entrance, effluent treatment system and all associated site works 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**

Having regard to the site conditions of the proposed development that include the presence of fractured limestone at shallow levels and an aquifer of regional importance and extreme vulnerability, and having regard to the advice on water quality contained in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, it is considered that the proposed reliance upon a highly engineered wastewater treatment system to service the proposed dwellinghouse would not be sufficient to overcome the risk to water quality that would be posed. The proposed development would, therefore, pose an unacceptable risk of pollution of waters and a potential corresponding loss of water quality that would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Dated this            day of            2019.**