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**Planning and Development Acts 2000 to 2021**

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

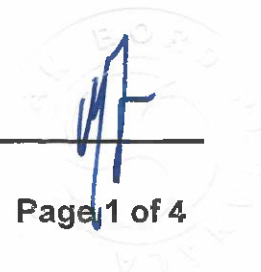
**Planning Register Reference Number: 21/1093**

**APPEAL** by Lynsey Kavanagh care of MacMahon and Hardiman Consulting Engineers Limited of 8 The Grove, Dooradoyle Road, Limerick against the decision made on the 22<sup>nd</sup> day of September, 2021 by Limerick City and County Council to refuse permission to Lynsey Kavanagh.

**Proposed Development** Construction of a detached bungalow with a waste water treatment plant and percolation area, using existing entrance Cloghadoolartry North, Fedamore, Co. Limerick.

## **Decision**

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations set out below.

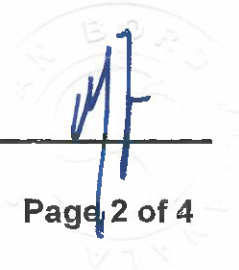


## Matters Considered

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. Having regard to:
  - (a) the location of the site within a rural area identified as being under strong urban influence in accordance with the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005;
  - (b) the National Policy Objective 19 of the National Planning Framework (February 2018) which seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements;
  - (c) the provisions of the Limerick County Development Plan 2010 - 2016 (as amended) which facilitates the provision of rural housing for local rural people building in their local rural area (defined as within 10 kilometres radius of the where the applicant has lived or was living); and

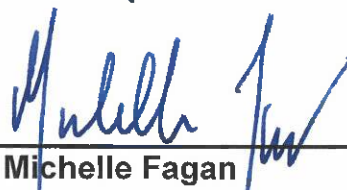


- (d) the lack of documentation on the file including details of the applicant's economic need to reside in this area,

the Board could not be satisfied, on the basis of the information on the file, that the applicant comes within the scope of either economic or social housing need criteria, as set out in the overarching National Guidelines or the definition of a local rural person in accordance with the relevant criteria, as set out in the current Development Plan for the area. It is considered that the proposed development, in the absence of any identified locally based need for a house at this location, would result in a haphazard and unsustainable form of development in an unserved area, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and undermine the settlement strategy, as set out in the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

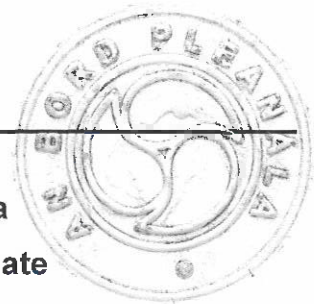
2. Notwithstanding the proposal to use a proprietary domestic wastewater treatment system on the site, having regard to the poor soil conditions and high water table in the area, to the proliferation of domestic wastewater treatment systems in this rural area, and to the "Sustainable Rural Housing Guidelines for Planning Authorities", issued by the Department of the Environment, Heritage and Local Government in April, 2005, which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities, the Board could not be satisfied, on the basis of the information on the file, that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The site is located on a minor road which is seriously substandard in terms of width and alignment. It is considered that the traffic generated by the proposed development would, therefore, endanger public safety by reason of traffic hazard and obstruction of road users.



**Michelle Fagan**

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



Dated this *24<sup>th</sup>* day of *February* 2022.