



An
Bord
Pleanála

Board Order
ABP-312752-22

Planning and Development Acts 2000 to 2021

Planning Authority: Cavan County Council

Planning Register Reference Number: 21/565

Appeal by Leo Kearns of 4 Elm Drive, Ballyjamesduff, County Cavan of behalf of the Elm Drive Residence Association against the decision made on the 21st day of January, 2022 by Cavan County Council to grant permission subject to conditions to Kieran Callaghan and Pauric Smith care of Michael Fitzpatrick Architects Limited of Main Street, Butlersbridge, County Cavan.

Proposed Development: Construction of extension to existing housing development (planning register reference number 03/538) known as 'Elm Drive', comprising of 21 dwellings made up of five number four bedroom detached dwellings and 16 number three bed semi-detached dwellings, connection to existing services and all ancillary works and installation of temporary on-site wastewater treatment unit on site prior to discharge to existing foul sewer and all associated works at 'Elm Drive', Moodoge, Ballyjamesduff, County Cavan. The proposed development was revised by further public notices received by the planning authority on the 16th day of December, 2021.

Decision

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

Reasons and Considerations

1. Having regard to the zoning of the site for sport and recreation and the classification of residential use as “not permitted” under this zoning in the Cavan County Development Plan 2022 – 2028, the proposal to develop this site to provide 21 dwelling houses would contravene materially its zoning objective, which is to “Protect and provide for sporting and recreational areas.” The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the fact that, until the Ballyjamesduff Waste Water Treatment Plant is upgraded, the proposal would have to rely upon a private Waste Water Treatment Plant which would discharge into the Pound Stream, the assimilative capacity of which is unknown, the applicant has failed to demonstrate that this Waste Water Treatment Plant would be capable of operating without an unacceptable deterioration in the water quality of this stream and the River Mount Nugent into which it flows. In these circumstances, this proposal may result in the pollution of the river system with the attendant threat to public health that this would pose. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Mary Henchy

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



Dated this 19 day of *June* 2023