



An
Bord
Pleanála

Board Order
ABP-313013-22

Planning and Development Acts 2000 to 2022

Planning Authority: Offaly County Council

Planning Register Reference Number: 21/121

Appeal by Pat McCarthy of Ross Road, Screggan, Tullamore, County Offaly and by others against the decision made on the 8th day of March, 2022 by Offaly County Council to grant subject to conditions a permission to Morgan Byrne care of Murray Architectural Services of Pallas Park, Blueball, Tullamore, County Offaly.

Proposed Development: Retention of entrance and partially constructed driveway and outline permission to construct a house, garage, effluent treatment system and all ancillary services and works, all at Ross Road, Ross, County Offaly.

Decision

REFUSE permission for the above development for the reasons and considerations set out below.

Reasons and Considerations

1. Having regard to Policy BLP-24 of the Offaly County Development Plan 2021-2027 ('to support the protection and management of existing networks of woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character'), and to Objective BLO-16 of the development plan ('to encourage the preservation and enhancement of native and semi-natural woodlands, groups of trees and individual trees'), and the location of the proposed development and development proposed to be retained on a mature woodland site, it is considered that the applicant has not presented sufficient information to demonstrate that the development would not seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, and would militate against the preservation of the rural environment in the vicinity. The proposed development and development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the document titled Environmental Protection Agency Code of Practice Domestic Waste Water Treatment Systems published by the Environmental Protection Agency in March 2021, the underlying soil conditions and the abutting watercourse along the western site boundary, the Board is not satisfied that the applicant has provided sufficient information in accordance with the said guidelines demonstrating the required separation distances from an open drain. The proposed development would, therefore, be prejudicial to public health.

In deciding not to accept the recommendation of the Inspector with regard to the proposed retention of the entrance and partially constructed driveway, the Board had regard to Policy BLP-24 and Objective BLO-16 of the Offaly County Development Plan 2021-2027. The Board considered that the applicant had not presented sufficient information to demonstrate that the development proposed to be retained would not seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, and would militate against the preservation of the rural environment in the vicinity.



Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this ^{13th} day of ^{September}, 2023.