

An  
Bord  
Pleanála

## Board Order

**ABP-315737-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Carlow County Council**

**Planning Register Reference Number: 22/188**

**Appeal** by Cieval Limited care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 13<sup>th</sup> day of January, 2023 by Carlow County Council to refuse permission.

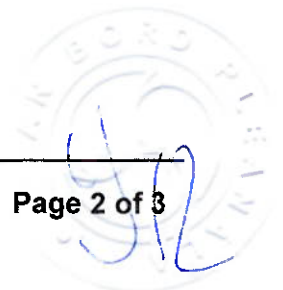
**Proposed Development:** Completion of an unfinished estate at Gort Na Gréine to include the construction of eight number semi-detached two-storey dwellings at sites 43-50, one number two-storey detached dwelling at site 42, plus the construction of 17 number two-storey detached dwellings (types A/A1/A2, B/B1, D/D1) all with detached single storey garages at sites 1-17, the construction of five number detached bungalows (types C1/C2) all with detached single storey garages at sites 18-22, plus all associated landscaping and site works. Sites 1-22 to be accessed via an existing site access and road network, all at Gort Na Gréine, Ballinabrannagh, County Carlow.

## Decision

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

## Reasons and Considerations

1. It is considered that the proposed development would be premature by reference to the existing capacity deficiencies in the Ballinabrannagh Wastewater Treatment Plant to which connection is proposed and the period in which the constraint may reasonably be expected to cease. The proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.



2. On the basis of the information provided with the planning application and the appeal, and particularly having regard to the absence of an examination of the likely significant effects the proposed development would have on the Conservation Objectives of the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) in relation to the proposed connection to the Ballinabrannagh Wastewater Treatment Plant, which is deficient in capacity and which discharge from the plant flows into the River Barrow and has a hydrological connection to the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), the Board is not satisfied that the proposed development, individually or in combination with other plans and projects, would not result in adverse effects on the integrity of the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.



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**Tom Rabbette**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 7<sup>th</sup> day of FEB 2024.