



An
Bord
Pleanála

Board Order
ABP-317650-23

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 23/245

APPEAL by Kevin McNamara and Emma Casey care of Town and Country Resources Limited of Breska, Clarina, County Limerick against the decision made on the 29th day of June, 2023 by Limerick City and County Council to refuse permission for the proposed development.

Proposed Development: The construction of a new two-storey dwelling (209 square metres) together with a new entrance, sewage treatment system and ancillary site works at Clondrinagh, Ennis Road, Limerick.

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 site of the proposed development being located in an area at risk of flooding, Flood Zones A, B and C, where flood protection measures for the River Shannon are proximate to protect the site and other lands in the area and the deficiencies in arrangements for safe access and egress from the proposed dwelling undertaken in the Justification Test contrary to the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), the element of risk associated with flooding is not adequately mitigated against in the design proposal. It is not considered that the proposed development for a highly vulnerable use has passed the justification test for an area which is at risk of flooding. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
2. It is considered that the applicant has not demonstrated sufficient justification for a house at this location, within the designated rural housing Category 1 Area under strong urban influence, consistent with Objective HO O20 of the Limerick Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information provided with the application and the appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Lower River Shannon Special Area of Conservation (Site Code: 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077), or any other European site, in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission.



Martina Hennessy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 25th day of March 2024.