

An
Bord
Pleanála

Board Direction
BD-013156-23
ABP-313153-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 31/07/2023.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. Having regard to the information on file and as set out in the Site Characterisation Report submitted with the application and its Appendix, including discrepancies identified within that information, and the information provided in the appeal, the Board cannot be satisfied that the proposed development, taken in conjunction with existing development in the vicinity, would not significantly and negatively impact on the environment including both ground and surface waters in the area and would result in an excessive proliferation and concentration of developments in the area served by individual wastewater treatment systems. It is considered, therefore, that the proposed development would be prejudicial to public health.
2. The site of the proposed development is located within a 'Heritage Landscape' as set out in the Clare County Development Plan 2023-2029 as varied, where Objective CDP 14.5 of the plan requires that all proposed developments demonstrate that every effort has been made to reduce visual impact and that such developments demonstrate that site layouts avail of existing vegetation to minimise visibility from roads. Furthermore Section 4.4 of the Sustainable Rural

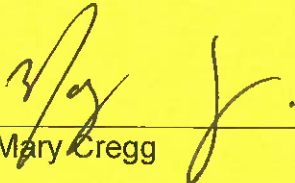
Housing Guidelines for Planning Authorities issued by the (Department of Environment, Heritage and Local Government), 2005 encourages the retention of roadside boundaries to assist in absorbing new rural housing into its surroundings. Having regard to the proposed removal of a substantial length of existing roadside boundary across the frontage of the site and public road and the proposal to reinstate a new boundary ditch set back from the existing road edge, it is considered that the proposed development would have a negative visual impact on the area when viewed from the public road, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the 'Heritage Landscape', would militate against the preservation of the rural environment and would set an undesirable precedent for other such development in the vicinity. The proposed development would, therefore, be contrary to Objective CDP14.5 of the development plan, the provisions of the statutory guidelines and the proper planning and sustainable development of the area.

3. On the basis of the information provided in connection with the planning application and the appeal, the Board is not satisfied, that the proposed development demonstrates, that it, 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). In such circumstances, the Board is precluded from granting permission for the proposed development.
4. It is considered that the proposed development would endanger public safety by reason of a traffic hazard because of the traffic turning movements the development would generate on a public road at a point where proposed sightlines have not been adequately demonstrated and without the unacceptable removal of a substantial length of existing roadside boundary that would seriously injure the visual amenities of the area.

5. National Policy Objective 19 of the National Planning Framework facilitates the provision of single housing in the countryside in rural areas considered 'elsewhere' from those under urban influence, based on siting and design criteria for rural housing in statutory guidelines and plans. In this regard, the location of the proposed development is 'sited' in an area specifically identified as an 'Area of Special Planning Control', that is, within a designated 'Heritage Landscape' as per Objective CDP 4.14 of the Clare County Development 2023-2029, as varied. It is considered that the proposed development, by reason of this siting and proposed boundary treatment involving removal of hedgerows, and having regard to the viability of smaller towns and rural settlements, would be contrary to National Policy Objective 19 of the National Planning Framework, contrary to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities issued by the (Department of Environment, Heritage and Local Government), 2005 and contrary to Objective CDP 4.14 of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: The Board noted the criteria which now apply in respect of rural housing policy in the County Clare Development plan 2023-2027. The Board also noted that the Inspector's report indicated that, based on the limited information on file the applicant may well meet the criteria for rural-generated housing (that is for those with a demonstrable social need to reside in a specific rural area), but the applicant had failed to demonstrate this on the file by provision of typical documentary evidence. While this could have been followed up by means of an additional information request, given the other substantive reasons for refusal, the Board decided not to pursue this at this time.

Board Member


Mary Cregg

Date: 04/08/2023

