

**An  
Bord  
Pleanála**

**Board Direction  
BD-015723-24  
ABP-316278-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/03/2024.

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

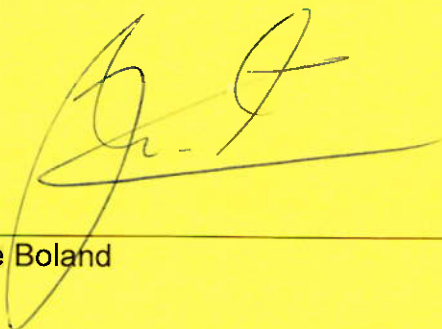
### **Reasons and Considerations**

1. Having regard to the location of the site within a rural area under strong urban influence as identified in the Clare County Development Plan 2023-2029, where housing is restricted to persons demonstrating local need, it is considered that the applicant does not come within the scope of the housing need criteria as set out in Objective CDP 4.14 of the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. In the absence of sufficient information with regards to the capacity and condition of the existing waste water treatment system on site, and the failure to demonstrate compliance with the EPA Code of Practice 2021 Domestic Waste Water Treatment Systems for PE 10, the Board is not satisfied, on the basis of the submissions made in connection with the application and appeal,

that the site can be drained satisfactorily by means of the existing waste water treatment system on site. Furthermore, the applicant has failed to demonstrate that the proposed development will be served by a public water supply and there is no information to show that a well can be accommodated on site, having regard to Table 6.2: *Minimum separation distances from the entire DWWTS* set out in the Code of Practice, should a public piped water supply be unavailable. The proposed development would, therefore, be contrary to the EPA Code of Practice 2021 Domestic Waste Water Treatment Systems for PE 10, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

3. On the basis of the information provided with the application and 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 result in adverse impacts on the integrity of the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (Site Code 004077) in view of the site's Conservation Objectives. The likely significant effects cannot be ruled out having regard to the precautionary principle and the lack of information submitted. In such circumstances the Board is precluded from granting permission.

**Board Member**



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Joe Boland

**Date:** 05/03/2024