



An  
Bord  
Pleanála

**Board Direction**  
**BD-016573-24**  
**ABP-317197-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/06/2024.

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

### **Reasons and Considerations**

1. It is considered that the applicants have not demonstrated sufficient justification for a house at this location, within the designated Rural Area Under Strong Urban Influence and Area of Special Control, consistent with Objective CDP4.14 of the Clare County Development Plan 2023-2029. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Taking into account the site suitability assessment, mottling evident at 0.8 metres and the ground conditions found on site, the viability of the proposed wastewater treatment system is questionable. It is considered that the proposed wastewater treatment system poses a pollution risk. Therefore, the Board is not satisfied, that effluent from the development can be satisfactorily treated and disposed of on site. The proposed development would, therefore, be prejudicial to public health.
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 be likely to have a significant effect on the Slieve Aughty

Mountains Special Protection Area (Site code 004168) and Old Domestic Buildings, Rylane Special Area of Conservation (Site code 002314) in view of the sites' conservation objectives.

**Board Member**

Eamonn James Kelly  
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**Date:** 13/06/2024

**Note**

The Board noted the Inspector's third recommended reason for refusal presented in their report, i.e., that the development would not comply with the stated objective CDP 14.3 Western Corridor Working Landscapes of the Development Plan in relation to minimising visual impact. However, in considering this to be a new issue, the Board decided not to seek further submissions in this regard in light of the substantive reasons for refusal set out above.