

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Clare County**

**Planning Register Reference Number: P16/471**

An Bord Pleanála Reference Number: PL 03.247946

**APPEAL** by Wieger Oord care of Banner Consultants of Tinarana, Killaloe, County Clare against the decision made on the 16<sup>th</sup> day of January, 2017 by Clare County Council to refuse permission to the said Wieger Oord.

**PROPOSED DEVELOPMENT:** Erection of a log cabin style house, garage/workshop and installation of a wastewater treatment system and polishing filter and all associated site works at Cloonamirran, Mountshannon, County Clare.

## **DECISION**

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

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard due to the intensification of traffic movements on this narrow stretch of the R352, outside the speed limits of the settlement of Mountshannon at a point where the maximum speed limit applies and where visibility is currently restricted. Sightlines, as specified under A1.9.2 of the Clare County Development Plan 2017-2023, are only achievable if a large area of trees and hedgerows were to be removed along the front boundary and this would be contrary to Objective CDP 14.17 regarding the preservation and conservation of Woodlands, Tree and Hedgerows and Section 4.4 (access and removal of roadside boundaries) of the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the poor drainage characteristics of the site, within this forested and wetland area and on the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would not, therefore, be in compliance with Objective CDP 8.27 c) (waste water treatment and disposal) of the Clare County Development Plan 2017-2023, and would be prejudicial to public health.

3. It is considered that having regard to the forest and wetland nature of the site within Cloonmirran Wood proposed Natural Heritage Area (site code 001686) and the relative proximity to the Natura 2000 sites: Slieve Aughty Mountains Special Protection Area (site code: 004168) and the Lough Derg (Shannon) Special Protection Area (site code 004058) that sufficient documentation has not been submitted including relative to screening for Appropriate Assessment to rule out any likely significant impacts on the European sites and their qualifying interests. The proposed development would, therefore, be contrary to Objective CDP 14.2 (European sites) of the Clare County Development Plan 2017-2023 and to the proper planning and sustainable development of the area.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2017.**