



Planning and Development Acts 2000 to 2018

Planning Authority: Clare County Council

Planning Register Reference Number: P17/375

APPEAL by Transport Infrastructure Ireland of Parkgate Business Centre, Parkgate Street, Dublin against the decision made on the 3rd day of May, 2018 by Clare County Council to grant subject to conditions permission to Killian Mahon of Muckinish West, Ballyvaughan, County Clare.

Proposed Development: Construction of a dwellinghouse, garage, treatment system, creation of new entrance to public road and ancillary site works at Muckinish West, Ballyvaughan, County Clare as revised by the further public notice received by the planning authority on the 6th day of April, 2018.

Decision

REFUSE permission for the above proposed development in accordance with 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 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 European site Numbers 004031, 000268, 000054, or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

- 2 The proposed development would endanger public safety by reason of traffic hazard as the site is located alongside a narrow and poorly aligned section of the National Primary Road N67 at a point where a speed limit of 100 kilometres per hour applies and the additional traffic turning movements would interfere with the safety and free flow of traffic on the road. Furthermore, the proposed development, by itself or by the precedent which the grant of permission for it would set for other similar development, would adversely affect the use of the national road by traffic and would be contrary to national policy to protect the capacity of national routes. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 3 The site is located along a designated scenic route, which is part of the Wild Atlantic Way touring route, in a designated heritage landscape, where it lies between an indented coastal fringe and iconic Burren Landscape.

It is considered that the construction of a dwelling in this exposed location would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2018.