



Planning and Development Acts 2000 to 2019

Planning Authority: Clare County Council

Planning Register Reference Number: P19/102

APPEAL by Concerned Ballynacragga Residents care of Michael J. Duffy, Consulting Chartered Civil Engineer of 1 Clós na hEaglaise, Kilfenora, County Clare against the decision made on the 23rd day of January, 2020 by Clare County Council to grant subject to conditions a permission to Woodhaven Developments Limited care of Cyril O'Reilly Design Limited of Parting Glass, Quin, County Clare.

Proposed Development: Construction of 41 number two-storey and 10 number single storey dwelling houses, including ancillary site works, connection to public services and a new storm water sewer to overflow to Lough Gash at Ballynacragga Townland, Newmarket-on-Fergus, County Clare as revised by the further public notices received by the planning authority on the 7th and the 21st days of November 2019.

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. It is considered that the proposed development would be premature by reference to the existing deficiencies in the Newmarket-on-Fergus wastewater treatment plant to which connection is proposed, and the period within which this constraint may reasonably be expected to cease. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided with the application and appeal, the Board cannot be satisfied that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of European Site: Lough Gash Turlough Special Area of Conservation (Site Code: 000051), or any other European site, in view of the sites' Conservation Objectives. In such circumstances the Board is precluded from granting permission.

John Connolly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2020