



An  
Bord  
Pleanála

Board Order  
ABP-310889-21

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P21/402**

**Appeal** by Jim Grady of Cappaduff, Mountshannon, County Clare against the decision made on the 18<sup>th</sup> day of June, 2021 by Clare County Council to grant subject to conditions a permission to Declan White and Ann Gitte Oerbaek care of Denis Sheehy Architect of Mountshannon, County Clare in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (A) Retention of lean-to sunroom extension on the south elevation of the existing studio building to the north/front of the site, (B) retention of kitchen extension to east elevation of the existing dwelling house, (C) retention of converted lean-to structure from storage to bathroom and dressing room with extension to existing sun room on the west elevation of the existing dwelling house, (D) retention of rainwater storage tank and associated structure located to the south/rear of the existing dwelling house, (E) retention of terraced area and glass balustrade over rainwater storage tank, (F) retention of new road entrance onto R352 road and associated wing walls, (G) retention of upgraded farm roadway from new road entrance to dwelling house and polytunnel, (H) retention of upgraded wastewater treatment system, (I) retention of storage areas located to the south and east of the existing dwelling house, (J) retention of 38 square metres sunroom

extension to the rear of the existing dwelling house constructed under exempted development including all ancillary site works and services at Morgan's Lane, Cappaduff, Mountshannon, County Clare.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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**

Having regard to the provisions of the Clare County Development Plan 2017-2023 and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenity of the area or the amenities of adjoining properties, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites – the Slieve Aughty Mountain Special Protection Area (Site Code: 004168) and the Lough Derg (Shannon) Special Protection Area (Site Code 004058) and taking into account the nature and scale of the proposed development, the Inspector's report, and the submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other plans or projects, the proposed development would not be likely to have significant effects on any of the aforementioned European sites, in view of the sites' conservation objectives. The Board considered that an Appropriate Assessment and the submission of a Natura Impact Statement is not, therefore, required.

## Conditions

1. The development shall be retained and carried out in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and no surface water from the proposed development shall be allowed to discharge onto adjoining properties or the public road.

**Reason:** In the interest of public health.

3. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 27<sup>th</sup> day of April 2021, and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses", Environmental Protection Agency (current edition). Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the date of this Order, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months of the date of this Order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



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Michelle Fagan

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

Dated this 20<sup>th</sup> day of December 2021.