

An  
Bord  
Pleanála

## Board Order ABP-315543-23

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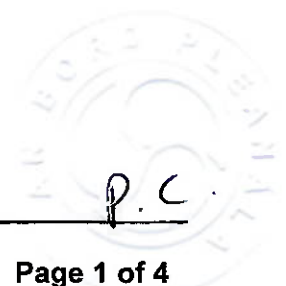
### Planning and Development Acts 2000 to 2022

**Planning Authority: Clare County Council**

**Planning Register Reference Number: 22/265**

**Appeal** by Michael Crowe of Ballinagun East, Cree, Kilrush, County Clare against the decision made on the 12<sup>th</sup> day of December, 2022 by Clare County Council to grant subject to conditions a permission to Joe Garry care of PND Building Consultancy Limited of Kilrush House, Frances Street, Kilrush, County Clare in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of an extension to an existing dwelling, relocation of the sewerage treatment unit, revision of site boundaries and the construction of a garage and planning permission to install the percolation area granted under planning register reference number 00/1309 and construction of the northern and part of the eastern site boundaries in sod and stone along with all associated works, all at Ballinagun East, Cree, County Clare, as revised by the further public notices received by the planning authority on the 2<sup>nd</sup> day of August, 2022 and the 17<sup>th</sup> day of November, 2022.



## 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.**

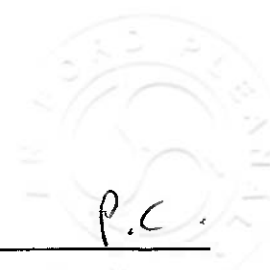
## Reasons and Considerations

Having regard to the rural location of the site in a 'Settled Landscape' as identified in the Clare County Development Plan 2023-2029, and the nature and scale of the proposed development and development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would not detract from the amenities or the archaeological heritage of the area, would not be prejudicial to public health, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 21<sup>st</sup> day of July, 2022, the 18<sup>th</sup> day of August, 2022 and the 8<sup>th</sup> day of November, 2022, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

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



2. (a) The proposed percolation area shall be in accordance with the standards set out in the document entitled “Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)” – Environmental Protection Agency, 2021.
- (b) Within three months of the installation of the percolation area, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the percolation area is constructed in accordance with the standards set out in the EPA Code of Practice.

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

3. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.



4. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operations relating to the proposed development,
  - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the planning authority considers is appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

5. The garage proposed to be retained shall be used solely for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for any commercial purpose or for human habitation.

**Reason:** In the interest of residential amenity and clarity.

**Patricia Calleary**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

**Dated this 31 day of January 2024.**