

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: 23/60009

APPEAL by Ben Moloney care of Noel Kerley Associates Limited of 6 The Crescent, Limerick City against the decision made on the 22nd day of March, 2023 by Clare County Council to refuse permission.

Proposed Development: Construction of a detached dwellinghouse, detached shed, vehicular entrance and piers in existing splayed wall, connection to existing wastewater treatment system and all ancillary site works, all at Roo West, Ardnacrusha, County Clare.



Decision

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

Reasons and Considerations

1. Having regard to the location of the site within a rural area under strong urban influence, as identified in the Clare County Development Plan 2023-2029, where housing is restricted to persons demonstrating local need, it is considered that the applicant does not come within the scope of the housing need criteria as set out in Objective CDP 4.14 of the development plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. In the absence of sufficient information with regards to the capacity and condition of the existing wastewater treatment system on site, and the failure to demonstrate compliance with the EPA Code of Practice 2021 Domestic Waste Water Treatment Systems for PE 10, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the site can be drained satisfactorily by means of the existing wastewater treatment system on site. Furthermore, the applicant has failed to demonstrate that the proposed development will be served by a public water supply and there is no information to show that a well can be accommodated on site, having regard to Table 6.2: Minimum separation distances from the entire DWWTS set out in the Code of Practice, should a public piped water supply be unavailable. The proposed development would be contrary to the EPA Code of Practice 2021 Domestic Waste Water Treatment Systems for PE 10, would be prejudicial to public health, and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information provided with the planning application and the appeal, and in the absence of a Natura Impact Statement, the Board is not satisfied that the proposed development, individually or in combination with other plans or projects, would not result in adverse impacts on the integrity of the Lower River Shannon Special Area of Conservation (Site Code: 002165) and the River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077) in view of the sites' Conservation Objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.



Joe Boland

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

Dated this 19TH day of March 2024.