



An
Bord
Pleanála

Board Order ABP-317197-23

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: 23/60082

Appeal by Ergo Kannikka and Ilze Santare of 205 Bru Na Gruadan, Castletroy, County Limerick against the decision made on the 16th day of May, 2023 by Clare County Council to refuse permission.

Proposed Development: Construction of a new entrance, a single storey dwelling with a wastewater treatment system and all associated site works, all at Tyredagh Upper, Tulla, County Clare.

Decision

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

Reasons and Considerations

1. It is considered that the applicants have not demonstrated sufficient justification for a house at this location, within the designated Rural Area Under Strong Urban Influence and Area of Special Control, consistent with Objective CDP 4.14 of the Clare County Development Plan 2023-2029. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Taking into account the site suitability assessment, mottling evident at 0.8 metres, and the ground conditions found on site, the viability of the proposed wastewater treatment system is questionable. It is considered that the proposed wastewater treatment system would pose a risk of pollution. The Board is not satisfied that effluent from the proposed development can be satisfactorily treated and disposed of on site. The proposed development would, therefore, be prejudicial to public health.

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 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 the Slieve Aughty Mountains Special Protection Area (Site Code: 004168) and the Old Domestic Buildings, Rylane Special Area of Conservation (Site Code: 002314) in view of the sites' Conservation Objectives.

Eamonn James Kelly

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Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this *17th* day of *June*, 2024.