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**Planning and Development Act 2000, as amended**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P23/506**

**APPEAL** by Philip Ryan and Lorna Hutchinson and others care of Michael J. Duffy of 1 Clós Na hEaglaise, Kilfenora, County Clare against the decision made on the 31<sup>st</sup> day of January, 2024 by Clare County Council to grant, subject to conditions, a permission to Callum Curtin care of MeKenna Consulting Engineers of Bank Place, Miltown Malbay, County Clare for the proposed development.

**Proposed Development:** Construction of a dwelling house and property wastewater treatment system along with ancillary site works at site number 8, Spanish Point, Legard South, Miltown Malbay, County Clare, as amended by the further public notices received by the planning authority on the 5<sup>th</sup> day of January, 2024.

## **Decision**

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations set out below.

## Reasons and Considerations

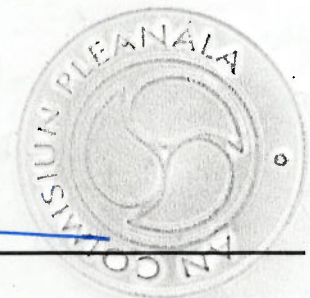
1. Having regard to the nature of the proposed development and its location within a Village Growth Area as designated in the Clare County Development Plan 2023-2029 and to the undeveloped nature of similarly designated adjoining lands, it is considered that, in the absence of an agreed overall layout plan for these lands (which would determine the need for and co-ordinate the provision of an appropriate range of house forms/finishes, public open spaces, access, wastewater and surface water infrastructure), the proposed development would represent a piecemeal and haphazard approach to the sustainable development of the area. The settlement statement for small villages and the associated village growth areas seeks to provide opportunities for small scale cluster type housing through brownfield redevelopment and regeneration of underutilised sites, it is considered that the proposed development does not achieve this objective. The proposed development would, therefore, be contrary to the proper planning and development of the area.

2. Having regard to the information contained on file, including the soil conditions on the subject site, the Board is not satisfied that the site is suitable to adequately accommodate an on-site wastewater treatment system. Particular concern arises in relation to the cumulative impact that may arise from a concentration of on-site proprietary wastewater treatment systems on adjoining lands to be developed within the designated Village Growth Areas. The proposed development in conjunction with other development in the area may be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.



**Paul Caprani**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**



Dated this 17<sup>th</sup> day of September 2025.