

An
Bord
Pleanála

Board Order
ABP-319231-24

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: 2360343

APPEAL by Kaye and Stephan Maahs of Killeen, Corofin, County Clare against the decision made on the 14th day of February 2024 by Clare County Council to grant, subject to conditions, a permission to The Red Gates Desmond Tully) care of Andrew Hersey Planning of 3 Atlantic View, West End, Kilkee, County Clare.

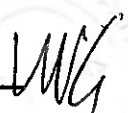
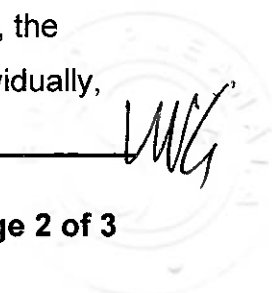
Proposed Development: Permission for the installation of a new wastewater treatment unit and soil polishing filter to serve existing short term tourism accommodation on site, The Red Gates, Killeen, Corofin, County Clare.

Decision

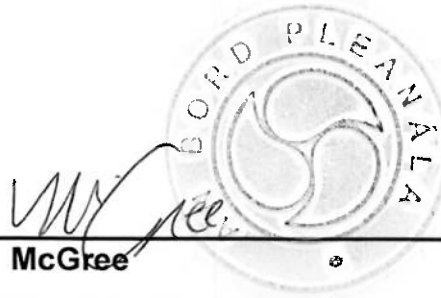
REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. It is considered that the exclusion of certain structures and works from the proposed development, but which are intrinsically linked to the proposed wastewater treatment unit and soil polishing filter, represents piecemeal development that would be contrary to the proper planning and sustainable development of the area. Furthermore, having regard to the nature of the proposed development, to the design capacity of the proposed wastewater treatment unit, to the planning history of the site and on the basis of the information provided with the application and appeal, it is considered that there is uncertainty on the wider development proposals which the wastewater treatment unit is intended to serve, and that a grant of planning permission in the absence of a comprehensive plan for the development of the subject property, and the servicing requirements of same, would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the proximity of the proposed development to the Burren East Complex Special Area of Conservation (Site Code 0019626), to uncertainty regarding the planning status of other development proposals that the proposed wastewater treatment unit is intended to serve, to the characteristics of Lough Atedaun and its sensitivity to eutrophication, to uncertainty regarding the direction of groundwater flow in the area on the basis of the information provided with the application and appeal, and to the nature and extent of the mitigation measures set out in Table 1 of the Screening Report for Appropriate Assessment submitted in support of the application, the Board cannot be satisfied, that the proposed development, individually,

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or in-combination with other plans or projects, would not be likely to have a significant effect on the Burren East Complex Special Area of Conservation (Site Code 0019626), in view of the site's conservation objectives. In such circumstances, the Board is precluded from giving further consideration to a grant of planning permission.



Liam McGree

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

Dated this 24 day of FEBRUARY 2025.