

An  
Bord  
Pleanála

## Board Order ABP-322010-25

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: 24/410**

**Appeal** by Donal O'Donoghue care of Ian Daniels (Danarch) of Ground Floor, Old Windmill Court, Lower Gerald Griffen Street, Limerick against the decision made on the 6<sup>th</sup> day of February, 2025 by Clare County Council to refuse permission.

**Proposed Development:** Demolition of existing cottage ruins and the construction of a storey-and-a-half dwelling. The development will also consist of a new wastewater treatment system, site entrance and all associated site works at Oatfield, County Clare.

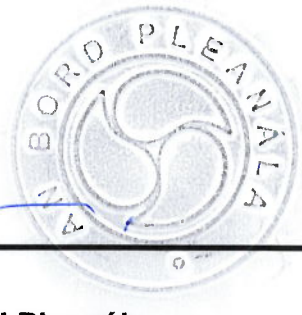
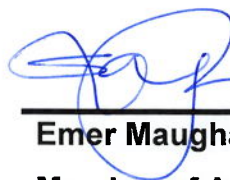
### Decision

**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 an Area Under Strong Urban Influence as identified in the Clare County Development Plan 2023-2029, and in an Area of Special Control where housing is restricted to persons demonstrating local need in accordance with Objective CDP 4.14 of the development plan, it is considered that the applicant does not come within the scope of the housing need criteria as set out in 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 be contrary to Objective CDP 4.14 of the Clare County Development Plan 2023-2029, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Notwithstanding the proposal to use a tertiary treatment system and infiltration area, and having regard to the location of a Regionally Important aquifer which the site overlies which has a High vulnerability classification, and in the absence of detailed information to clearly demonstrate that the ground conditions within the site are suitable for the safe and adequate disposal of effluent, and the discrepancies noted within the Site Characterisation Form, the Board is not satisfied, on the basis of the information on file, that effluent arising from the proposed development can be satisfactorily treated and disposed of on the site in accordance with the EPA Code of Practice for Domestic Wastewater Treatment Systems (PE <10) (EPA 2021), and that the impact of the proposed development would not give rise to a risk of groundwater pollution. The proposed development would be contrary to Objective CDP 11.32 of the Clare County Development Plan 2023-2029, would be prejudicial to public health, and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development would endanger public safety by reason of traffic hazard and obstruction of road users due to the substandard width, alignment and surface quality of the minor road serving the site, the capacity of which is sufficient to serve local agricultural traffic only. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



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**Emer Maughan**

**Member of An Bord Pleanála**

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

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