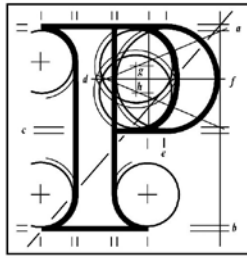


An Bord Pleanála



Inspector's Report

An Bord Pleanála Ref.: PL03.245643

Development: House, garage, treatment system and modification of entrance with associated site works at Shallee, Kilnamona, Co. Clare.

Planning Application

Planning Authority:	Clare County Council
Planning Authority Reg. Ref.:	15/415
Applicant:	Antoinette & Michael Guthrie
Type of Application:	Outline Permission
Planning Authority Decision:	Refuse Permission

Planning Appeal

Appellant(s):	Antoinette & Michael Guthrie
Type of Appeal:	First Party
Observers:	None
Date of Site Inspection:	21 st of January 2016
Inspector:	Angela Brereton

1.0 SITE LOCATION AND DESCRIPTION

The subject site is located on the southern side of the N85 (Lahinch Road) c.1.5km to the west of Fountain Cross. There is an existing access from the N85 and driveway serving the landholding from which the site is to be taken which also serves a dwelling (permitted under P00/2635) and a further dwelling to the west of this house. It is proposed that the access is to be via the existing access lane to the family home which is sited on a more elevated site further to the south. The ruins of Shallee Castle can be seen in the distance to the rear of this house.

The subject site is relatively flat and gradually slopes upwards from the road. The ruins of an old shed are located in the south eastern corner close to the access driveway. There is a timber fence along the south eastern site boundary (which runs along the entrance driveway serving the existing two storey dwelling to the south west of the subject site). There is a stone wall along the road side boundary and a hedgerow along the western site boundary.

There is a derelict bungalow and out buildings and entrance to the N85 on the opposite side of the road to the subject site. The sightlines from the subject site are somewhat restricted due to the nature of the entrance and roadside hedges. However they appear to be adequate in a westerly direction but are restricted to the east due to a bend on the road.

2.0 PROPOSED DEVELOPMENT

This proposal is for outline permission for the construction of a dwelling house and garage with effluent treatment system and to modify the existing combined entrance as a means of access to the site and all associated site works.

The application form provides that the site is 0.438ha in area and contains a derelict shed 47.5sq.m.

Details have been provided with the application outlining the applicant's local need and compliance with planning policy, site ownership and having regard to the entrance/visibility, dwelling design, effluent treatment system and water supply.

A letter has been submitted from Kilmaley-Inagh Group Water Scheme accepting the application for one house for connection to the water main.

A Site Location Map showing part of the landholding and the family home and a proposed Site Layout Plan has been submitted.

3.0 PLANNING HISTORY

There is no record of Planning History on the subject site.

Site to the west

- Reg.Ref.00/2635 – Permission granted subject to conditions by Clare Co. Co. to Bridget O’Keeffe at Shallee Kilnamona to construct a dwellinghouse, 3 stables and a private wwts.

Site further to the west

- Reg.Ref.05/2300 – Permission granted to Patrick O’Keeffe (Shalee House, Shalee, Kilnamona) subject to conditions by the Council to alter and extend the existing premises to include a first floor with dormers and conservatory. Details on the file note that this property is also served by an existing septic tank.

4.0 PLANNING AUTHORITY APPLICATION

Technical Reports

External

An Taisce

They suggest that a full application is made relative to local needs policy. They note that regard needs to be had to compliance for rural development with the County Development Plan including Design, Water Management, Archaeological and Public and Road Safety issues.

Transport Infrastructure Ireland

They consider that the proposed development is at variance with official policy in relation to control of development on/affecting national roads and they provide a detailed reason in relation to this i.e:

Official policy in relation to development involving access to national roads and development along such roads is set out in the DoECLG ‘Spatial Planning and Roads Guidelines for Planning Authorities’ (January 2012). Section 2.5 of the Guidelines states that the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kp/h apply. The proposal, if approved would result in the intensification of an existing direct access to a national road contrary to official policy in relation to control of frontage developments on national roads.

They subsequently acknowledge the F.I submitted but are concerned that this proposal will lead to intensification of the existing access onto/off a national road where a 100kph speed limit applies.

Internal

The **Road Design** Planning Report is concerned about sightlines and notes that works would be required to achieve the 215m sightline in the Ennis direction.

Having regard to the F.I submitted they consider that the existing entrance is substandard and that the proposed works will widen and improve this entrance. They note that the applicant currently lives in the family home and uses the existing entrance and consider that the proposed works will improve safety for vehicles using it in the future. They recommend that if permission is granted that the proposed works be completed to the entrance/exit before any construction work of the dwelling takes place.

Planner's Report

This has regard to the locational context, planning policy and guidelines. The site is located in an Area of Special Control (Strong Urban Pressure) as per the Clare CDP 2011-2017 as varied. It is also located along the N85 and details are provided of the relevant planning policies – CDP11.5 refers and they have regard to the 'Spatial Planning and National Roads Guidelines for Planning Authorities (Jan 2012)'.

They have regard to the applicant's local need and consider that the applicant has not submitted sufficient documentation to demonstrate compliance with objective CPD 11.15 as outlined in the CDP. They also considered that the applicant has not submitted sufficient documentation to comply with the guidelines as issued under Section 28 of the P&D Act 2000, as amended, and the 'Spatial Planning and National Roads Guidelines for Planning Authorities (Jan 2012)'. They provided that an AA is not required. They had concerns about traffic issues regarding access and sightlines onto the N85 and recommended that detailed Further Information be submitted.

The Planner noted that no Third Party Submissions were made, but that representations were made by Public Representatives in support of this application.

Further Information submitted includes the following:

- The applicant has not applied to use the existing entrance which is substandard but to modify and improve this.
- They provide details of how they propose to improve the sightlines to ensure than 215m of visibility of sightlines can be achieved.
- They propose to widen the existing entrance.
- They consider that the proposed modifications to the entrance will improve overall safety for road users.
- They will accept a condition stating that all works relating to the modifications of the entrance and roadside boundary be complete prior to work commencing on the construction of the dwelling.
- They have regard to speed limits in the area and it is their opinion that due to the road alignment in the area 100kph is not achievable.
- They provide a revised Site Layout Plan showing 215m sightlines available in either direction.
- They have included a map showing the family landholding outlined in blue.
- All alternative sites and access points have been considered prior to making the application and there is no more suitable site.
- They provide details of the family butchering business which is different to a conventional farm.
- The holding size is 10ha approx. and is for the most part classified as a sheepfarm. They provide their Herd no. and note that the farm buildings are located to the rear of the family home as shown on the site location map.

Planner's Response

They have regard to the F.I submitted, the Report from Road Design and the submission from the submission from Transport Infrastructure Ireland and do

not consider it appropriate to permit the proposed development. They consider that to do so would be contrary to official policy in relation to the control of development on/affecting roads. Having regard to the roads issue they recommend that planning permission be refused.

5.0 PLANNING AUTHORITY DECISION

On the 23rd of September 2015 Clare County Council refused outline planning permission for the proposed development for the following reasons:

- 1. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the intensification of use of the existing private access onto the heavily trafficked N85 National Secondary Route at a point where maximum speed applies where the horizontal alignment of the road is poor to the east and where sightings are restricted. The proposed development would therefore be contrary to Section 2.5 of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012), would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.*
- 2. Under objective CDP 11.5 of the Clare CDP 2011-2017(as varied), it is an objective of Clare Co.Co. to not normally permit proposals for development that include direct access onto any national primary or secondary road outside of the appropriate speed limit zone for towns and villages. An exception to this is where consideration will be given to development requiring direct access onto national or secondary roads for farmers and their sons and daughters who are actively engaged in farming the land, wishing to build a dwelling house for their own permanent residence on family land, and where it is demonstrated that there is a need for such a dwelling.*

The Planning Authority is not satisfied based on the details submitted to date that the applicant has demonstrated a genuine need for a dwelling and is actively engaged in farming the lands at this location in accordance with the requirements of Objective CDP 11.5. Accordingly to grant the proposed development would contravene objective CDP 11.5 of the CDP would constitute a traffic hazard and would thus be contrary to the proper planning and sustainable development of the area.

6.0 GROUNDS OF APPEAL

A First Party Appeal by the Applicants Antoinette and Michael Guthrie. The grounds of appeal include the following:

- The applicants and their family live on the family farm in the original family home, where she has lived for 40 years and is now owned by her brother. They use the existing access/exit off the N85 secondary national route on a daily basis. Their children attend local schools.
- Her main livelihood is the family farm which is directly linked to the family butchering business and details are provided of this. Antoinette is completely responsible for running the farm.

- The proposal to construct a new dwelling house for the family and to improve the existing vehicular access onto the National road would be a gain in traffic safety terms.

They comment on each of the Council's reasons for refusal to include:

Reason 1

- They have not applied to use the existing entrance as is, but to modify the existing entrance as a means of access to the site.
- The proposed modifications address the weaknesses of the existing entrance and bring it up to standard and improve the safety of the entrance.
- They provide details of the sightlines and note the 215m standard in either direction is met.
- They recommend that a condition be included stating that works be completed on the entrance/exit prior to any construction works on the dwelling.
- No additional traffic movement will be generated as a result of this proposal.
- The proposed modifications to the entrance even with the additional dwelling will reduce the overall risk for road users.
- They acknowledge that it is national policy to restrict accesses onto National Roads and note the merits of these guidelines.
- They contend that in refusing to grant permission that TII and Clare Co.Co. are not taking the opportunity at zero cost to bring an existing substandard entrance/exit onto a national road up to standard.
- They consider that this is in direct conflict with the guidelines.

Reason no.2

- They have regard to the documentation they have submitted with the application and at F.I stage and consider that they have demonstrated a genuine need for a dwelling on the farm.
- Antoinette is actively engaged in farming the land and they provide details of the butchering business. They note that the main outlet of the business is Donie O'Keefe Champion Meats, Turnpike Road Ennis. Her brother runs this part of the farm business.
- They consider her critical role in this somewhat unconventional farm operation has been misunderstood and provide further details of this having regard to the dry aging process.
- She organises cares for and feeds the animals on the farm and is responsible for transporting of the finished animals to the abattoir.
- These duties mean that for all intensive purposes the farming is a full time job for Antoinette and that it is essential she lives on the farm.
- They attach letters from her brother Donal and from Philip Farley & Associates to show her involvement in the farm.
- They provide details as to why Antoinette is classed as being a rural person and note her long period of residence at the family farm. They include documentation in support of this, including that her children now attend the local school.
- The family do not own a house as that is presently owned by her brother Pat.

- They ask the Board to consider the appeal positively having regard to (A) their compliance with Clare Co.Co. planning policy as set out in CDP 11.5 of the current Clare CDP and (B) that the proposed development is in compliance with National policy in that it helps to achieve and maintain a safe and efficient network of National roads. The latter is particularly demonstrated by their proposal to significantly improve an existing sub-standard access onto a National secondary road at zero cost to the Council.

7.0 RESPONSES

Clare County Council response to the Grounds of Appeal includes the following:

It is considered that the proposed development would result in the intensification of use of an existing private access onto a heavily trafficked National Route, where site lines are restricted. The Planning Authority considers that the proposed development would result in a traffic hazard and would be contrary to Spatial Planning and National Roads Guidelines for Planning Authorities.

8.0 PLANNING POLICY

8.1 Clare County Development Plan 2011-2017 (as varied)

The subject site is located within an Area of Special Control (Strong Urban Pressure) and along a National Route. Objective CDP3.11 New Single Houses in the Countryside within 'Areas of Special Control' (Map 3B refers) - regard is had to addressing the criteria in categories A-C relevant to demonstration of Local Need.

Objectives CDP11.4 (Strategic Development of the National Road Network – Access onto National Roads) and CDP 11.5 (Direct access onto National Routes) are applicable. CDP 11.6 refers to access to Strategic Regional Roads.

Chapter 16 has regard to Heritage Landscapes and Scenic Routes – (Map 16A - Appendix 7 refers). As shown the site is located within a Working Landscape proximate to Ennis and not on a scenic route.

Appendix 1 provides the Development Management Guidelines – A1.7.2 refers to Sight Distances.

Appendix 2 has regard to Heritage Sites in CO. Clare Ref:(57)R292797 refers to Shallee Castle.

Appendix A1.2.1 addresses rural residential development and it refers to the County Clare Rural House Design Guide.

8.2 The Sustainable Rural Housing Guidelines 2005

This seeks to encourage and support appropriate development at the most suitable locations. Section 3.2.3 concerns Rural Generated Housing and gives an example of Persons who are an intrinsic part of the rural community and Persons working full-time or part-time in rural areas. It is considered that as per Appendix 3 of the Guidelines that the proposed site is located in a Stronger Rural Area.

Section 3.3 is concerned that the consideration of individual sites will be subject to normal siting and design considerations. These include the following:

- Any proposed vehicular access would not endanger public safety by giving rise to a traffic hazard.
- That housing in un-serviced areas and any on site wastewater disposal systems are designed, located and maintained in a way, which protects water quality.
- The siting of the new dwelling integrates appropriately into its physical surroundings.
- The proposed site otherwise accords with the objectives of the development plan in general.

Section 4.4 is concerned with Access and restriction of such on National Primary and Secondary Roads. Regard is also had to Roadside Boundaries Section 4.5 is concerned with Protecting Water Quality and Site Suitability issues.

- 8.3 Spatial Planning and National Roads Guidelines for Planning Authorities 2012
 The Minister for the Environment, Community and Local Government has issued these guidelines under section 28 of the Planning and Development Act 2000 (as amended). Planning authorities and An Bord Pleanála are required to have regard to the guidelines in the performance of their functions under the Planning Acts. The guidelines set out planning policy considerations relating to development affecting national roads (including motorways, national primary and national secondary roads) outside the 50/60 kmh speed limit zones for cities, towns and villages.

Section 1.4 refers to need to ensure the strategic traffic function of national road network is maintained and Section 1.5 provides that proper planning is central to ensuring road safety.

Section 2.5 provides the following policy approach for 'Lands adjoining National Roads' to which speed limits greater than 60 kmh apply: *The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.*

Section 2.6 provides the criteria for Exceptional Circumstances and it is not considered that the proposed development onto this busy stretch of the N85 with restricted sightlines to the bend to the east would comply with these categories.

Chapter 3 relates to the Development Management of Roads and notes that this is the Key to Plan Implementation. Section 3.6 refers to Road Safety Audits for a new or significant changes to an existing access.

Chapter 4 concerns Implementation of these guidelines including by ABP.

9.0 ASSESSMENT

9.1 Principle of Development

The area in which the site is located is shown in the Clare County Development Plan 2011 – 2017 (CDP) as lying to the west of the Ennis and Environs Development Plan Area in a rural area under strong urban pressure. Under Objective 3.11, this area is an area of special control for single houses in the countryside. The Criteria provide that the applicant must come within the definition of a 'Local Rural Person', the proposed site must be situated within their 'Local Rural Area' and the applicant must have a 'Local Rural Housing Need'. Therefore regard is had to the documentation submitted to establish the applicant's local need to reside on the subject site.

CDP 3.11 also provides: *Where the proposed site is accessed from a National and certain Regional Routes, the proposal must in addition to compliance with this objective, also be subject to compliance with objectives CDP11.5 and 11.6.* As the site is accessed via a driveway off a National Secondary Route (N85) objective CDP11.5 applies to Direct Access onto National Roads. Regard is had to the documentation submitted as to the implications of the modification on the existing access relevant to intensification of the use of the access and impact relative to road safety issues on this section of the N85.

Regard is had to the principle of development on this site rather than a more detailed design and layout of the proposed house type in this outline permission. Details submitted provide that it is the applicant's intension to construct a two storey dwelling on the site, however the merits of such are not relevant at outline permission stage. It is noted that An Taisce considers that relative to the issues concerned that an application for full permission should have been submitted. This Assessment below has regard to the impact of this proposal on the proper planning and sustainable development of the area, in particular relative to compliance with the local needs and roads policy and road safety issues.

9.2 Land Use and Local Need

Under the CDP, the site is located within a rural area under strong urban pressure. Under Objective CDP 3.11, this area is an area of special control for single houses in the countryside. The applicant has thus applied for the proposed dwelling house on the basis that she has a local rural housing need. To substantiate a local rural housing need, the applicant must demonstrate that she is a local rural person who is from a local rural area and that she "does not or has not ever owned a house in the surrounding rural area (except in exceptional circumstances) and has the need for a dwelling for their own permanent occupation."

With respect to the first of these requirements, the applicant has submitted her birth certificate, which states that she was born in 1972 and a letter from Kilnamona National School to say that she was a student there from 1976 to 1985. This also states that her children also now attend this school. The documentation submitted provides that Antoinette Guthrie formally O'Keeffe has lived all her life in the family home in this farm in Shallee, where the proposed development is located, with the exception of a period of 4 years when she lived in rented accommodation. The family home is presently owned

by her brother Pat and that the farm has been transferred to him. It is provided that the applicants do not own a house.

In the completed Part 2 application form, this address is given as the applicant's address between her birth and 2010. Then the applicants lived in various rented accommodations between 2010 and 2015 and have been living back at the family home from March 2015 to the present. Between 2010-2014 they lived at various addresses in Dublin and Cork. Antoinette is described as being self-employed on the family farm. Michael Guthrie occupation is given as an I.T Consultant, who works in the Midwest area with IBM Ireland within a radius of 100km from the site, and whose employer's office is based in Ballsbridge in Dublin.

Therefore the local need is based on Antoinette being a local rural person who is involved in the family run butchering business. It is provided that the lands are constantly used for stock holding and that stock are moved to and from the farm on a daily basis to serve the business. Also that it is critical that the applicant lives on the farm and for this reason she now wants to set up her permanent place of residence on the farm close to family and friends. The information provided with the First Party grounds of appeal provides further details on her role in the family business and need to reside on the farm. Details are given relative to the dry aging finishing process for stock. Antoinette is responsible for the intake and management of the animals on the farm and for transporting the finished product to the abattoir. It is provided that these duties mean that for all intensive purposes that farming is a full time job for Antoinette and that it is essential she lives on the farm. Letters have been attached from her brother Donal and from Philip Farley & Associates regarding her involvement at the farm and it is provided that she is 'actively involved in farming'. The business has now expanded and Pat is now involved in the butchering end of the business and Antoinette has taken on the operation of the farm end of the business.

Having regard to the information submitted it is considered that Antoinette is a local rural person and that the site is situated in her local rural area. It has not been established that she previously owned a house. In view of the nature of the farming butchering business it has also not been established that she needs to live on this specific site on this landholding. Therefore it is considered that she has a local need but not necessarily a site specific need.

9.3 Access and Traffic

The site is located on the southern side of the N85 National Secondary Road. This proposal involves the use of the existing access to the landholding and the creation of a new entrance onto the access driveway to the family farm, which already serves two houses on this 10ha landholding. So the proposal would mean that the driveway would now serve three properties. The driveway access is onto the N85 National Secondary route at a point where maximum speed limits apply. The sightlines are somewhat restricted at the entrance to the N85 due to the substandard nature of the existing access, and the location of hedgerows and stone walls. There is also a bend to the east which restricts visibility. While the site is within the 100km/h speed limit there are 80km/h speed restriction signs to the west of the site. There is a white line

and a broken white line along the site frontage area which would only allow passing in a westerly direction. There are a number of bends along this relatively busy stretch of the N85. Of note also is the substandard access to the derelict cottage and outbuildings on the opposite side of the road to the subject access.

Regard is had to Appendix 1, Section A1.7.2 of the current Clare CDP which provides the Entrance Sight distances i.e for a design speed of 85kph this is 160 and 100kmp it is 215kph. It is noted that the Council's Road Design Planning Report is concerned that sightlines are short in the Ennis direction (to the east) and that works will need to be carried out to ensure 215m sightlines in either direction along the N85. However in relation to the F.I submitted they note that the applicant is proposing to widen the existing access and also to improve the sightlines to the east and west. Also that the applicant currently lives in the existing home and currently uses the existing entrance. While the existing entrance is substandard they consider that the proposed works will improve the safety for vehicles using it in the future.

Transport Infrastructure Ireland (established through a merger of the NRA and the Railway Procurement Agency under the Roads Act 2015, with effect from 01/08/15) consider that the proposed development is at variance with official policy in relation to control of development on/affecting national roads as outlined in the DoECLG '*Spatial Planning and National Roads Guidelines for Planning Authorities*' (January 2012) as it would by itself or by the precedent which a grant of permission it would set, adversely affect the operation and safety of the national road network and they provide a reason for this which is quoted in the Planning Application Report Section above. This has regard to Section 2.5 of the Guidelines which provides the policy approach is to avoid the creation of new accesses or intensification of existing accesses for 'Lands adjoining National Roads' to which speed limits greater than 60 kmh apply and includes: *This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.*

These Guidelines are concerned in the interests of retaining the strategic road network and road safety to avoid a proliferation of roadside developments accessing national roads to which speed limits greater than 50-60km/h apply. They are concerned to avoid the creation of new accesses and intensification of existing accesses to national roads where a speed limit greater than 50km/h applies. It is noted that the while the current proposal would not create a new access it would intensify the use of the existing albeit modified access onto the N85. Section 2.6 provides the criteria for Exceptional Circumstances none of which would particularly apply to the stretch of road proximate to the application site.

Transport Infrastructure Ireland acknowledge the F.I submitted but consider that the provision of an additional house at this location will inevitably increase the turning movements onto/off the national road at the location concerned where a 100kph speed limit applies. They provide that such intensification of access to the national road network is at variance with the provisions of official policy as per the Guidelines.

The First Party provide that a key issue is that the applicant has not applied to use the existing access but to modify the existing entrance as a means of access to the site. Their plans submitted at F.I stage show that the 215m standard for sightlines can be achieved in both directions. They ask is it not better to have 3 dwellings using a safe entrance/exit which fully complies with the standard, rather than 2 dwellings using the existing substandard entrance/exit. They consider that this point is key to the whole application and was missed or at least misunderstood by TII and Clare Co.Co. who are not taking the opportunity at zero cost to the Council to bring an existing sub-standard entrance/exit onto a national road up to standard. In this respect they consider that the proposal complies with the Guidelines relative to maintaining a safe and efficient network of national roads.

Having regard to these issues, while it would be of benefit to improve the existing entrance, both for the existing users and in terms of safer access/egress and it is provided that the applicants already reside in the family home, it has to be considered that this proposal would increase the intensification of the use of the driveway and the comings/goings, turning movements etc associated with the site. In view of the information submitted I am not convinced that this proposal is in accordance with policy in relation to control of development on/affecting national roads as outlined in the DoECLG 'Spatial Planning and National Roads Guidelines for Planning Authorities' (January 2012). It could also be seen to set an undesirable precedent relative to the intensification of the use of other such entrances onto national roads. As such it would also not be in accordance with Policy 11.5 of the Clare CDP 2011-2017 (as varied).

9.4 Other issues

Drainage: The site slopes gradually upward from the road, being highest around the south eastern corner (location of the current derelict shed). The Site Layout Plan submitted indicates the site contours. It is proposed to site the effluent treatment system and soil polishing filter in the lower level north western part of the site. Details submitted with the application provide that the effluent treatment will be by means of a mechanical aeration system. They have included an EPA Site Characterisation Report (as per EPA Code of Practice 2009 – Wastewater Treatment Systems for Single Houses) which includes photographs, and a section showing the proposed levels through the treatment plant and polishing filter/percolation area. In summary the Report provides that the location of the site is in an area of free draining soil with a groundwater protection response SI/E:R³. Soil cover over bedrock was 2.3m, no water table was encountered. An advanced system is proposed with pumped discharge to a mounded polishing filter.

Water supply is to be by means of a new connection to the Inagh/Kilmaley Group Water Scheme and they include a letter of consent.

The information submitted on the Site Characterisation form has not been clearly presented eg. the copy of the Report submitted is not particularly legible and they refer to the effluent treatment system being located in the north east when in fact it is shown located on the north western part of the

site. It is noted that groundwater is the main potential risk on the basis of the indicated extreme vulnerability. It is also noted that the location of the site within the Inner Source of the Drumcliff Spring is a critical factor. It is realised that this is an outline application and it is considered that further details relative to Site Characterisation and pwwts are necessary before it could be ascertained that the ground is suitable for the disposal of effluent.

9.5 Appropriate Assessment

A Habitats Directive Project Screening Assessment has been completed by the Council. This provides that there is no impact on habitats in SACs or SPAs. It concludes that significant impacts can be ruled out. Having regard to the NPWS website there are no Natura 2000 in close proximity to the site. There are no watercourses seen on or in proximity to the site.

Having regard to nature and scale of the proposed development and the nature of the receiving environment and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 CONCLUSION AND RECOMMENDATION

Having regard to the documentation submitted, planning policy in the Clare CDP and in the Guidelines relevant to development alongside and in proximity to National Roads, I would consider that this proposal would not comply with policy in that it would lead to an intensification of the use of an entrance onto this stretch of the busy N85 at a point where maximum speed limits apply.

In the light of my assessment, I recommend that the outline permission for the construction of a dwelling house, garage, a proprietary waste water treatment system and ancillary site works at Shallee, Kilnamona, Co. Clare, be refused for the reasons below.

11.0 REASONS AND CONSIDERATIONS

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard because the site is located alongside the National Secondary Road N85, involving the intensification of use of an existing access onto this road, at a point where the horizontal alignment to the east is poor and the general speed limit of 100kph applies and the traffic turning movements generated by the development would interfere with the safety and free flow of traffic on the public road. As such it would be contrary to Policy CPD 11.5 of the Clare County Development Plan 2011-2017 (as varied) and to Section 2.5 of the Department of the Environment, Community and Local Government 'Spatial Planning Guidelines and National Roads Guidelines for Planning Authorities', January 2012. It would therefore be contrary to the proper planning and sustainable development of the area.

Angela Brereton,
Planning Inspector,
29th of January 2016