



An
Bord
Pleanála

Inspector's Report ABP-302237-18

Development	Outline Permission to construct 2 no. houses, on-site wastewater pre-treatment, connections to public services, public road entrances and associated site development works on a site of 0.202 ha
Location	Holland Street, Liscannor, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	17761
Applicant(s)	John Vaughan.
Type of Application	Click here to enter text.
Planning Authority Decision	Grant Permission subject to conditions
Type of Appeal	First Party v Condition 2
Appellant(s)	John Vaughan.
Date of Site Inspection	1 st October 2018.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of .202 hectares and comprises a greenfield site located to the north of Holland Street within the settlement of Liscannor, Co Clare. Lisacannor is an attractive coastal village situated on the north shore of Liscannor Bay on the Wild Atlantic Way. It lies on the main route R478 between Lahinch and the Cliffs of Moher. The village has an operational harbour, church, public houses and visitor accommodation.
- 1.2 The appeal site is part of a larger field pattern and is relatively level with low level natural stone walls along field boundaries. St McCreehy's National School is located directly opposite to the south east of the site whilst residential development backs onto the site to the north.

2.0 Proposed Development

- 2.1. The proposal is outline permission to construct 2 no houses, on-site wastewater pre-treatment, connections to public services, public road entrance and associated site development works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 Following a request for additional information which issued on 27th November 2017, and a three-month extension of the period for response to same, Clare County Council issued notification of its decision to grant outline permission by order dated 6th July 2018. Nine conditions were attached which included the following:

Condition 2. (under appeal) *"The proposed dwellings shall be for permanent occupation only. Reason: In the interest of proper planning control having regard to the County Development Plan 2017-2023."*

Condition 3. Finished floor level as specified on site layout, Dwellings shall be single storey or single storey with attic accommodation and have regard to the character of the built environment in the vicinity of the site.

Condition 4. Existing road boundary to be retained save where removal required to construct entrance. Footpaths dish.

Condition 7. Wastewater treatment systems and percolation areas in accordance with EPA Code of Practice. Certification to be provided. Once the Municipal Wastewater Treatment Plant is upgraded and operational, the on-site treatment systems shall be removed and the lands around the same sterilised and a direct connection shall be made to the municipal sewer. Certification to be submitted.

Condition 9. Development Contribution.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Planner's report asserts that in order to achieve a greater balance regard between holiday homes and dwellings for permanent occupancy a condition should attach requiring dwellings for permanent occupancy only. Arising from concerns with regard to the capacity of the public sewer an initial request for additional information was recommended seeking confirmation of feasibility for connection from Irish Water. Other items requested included provision for maintenance of pedestrian connectivity, screen planting proposals and demonstration of compliance with separation distances of EPA Code of practice. Final report recommends permission subject to conditions.

3.3. Prescribed Bodies

3.3.1 Correspondence from Irish Water to the first party, submitted in response to the request for additional information, indicates that proposed connection to the Irish water network can be facilitated. Notes that a new wastewater treatment plant for Liscannor is on the current Irish Water Capital Investment Plan and this project is

currently being progressed. Upon the New WWTP being constructed and delivered, on-site pre-treatment can discontinue. Upgrade works to deliver additional capacity at the Ballymacravan WTP are required to accommodate the proposed watermain connection. This project is being progressed by the Irish Water Capital delivery team. It is envisaged that additional capacity will be delivered within approximately 18-24 months and the proposed connection could be completed as soon as possibly practicable after this date.

4.0 Planning History

4.1 00644 Refusal of permission for development of 28 houses, sewerage treatment system, connection to public services and associated site works. Refusal was on the grounds of prematurity pending provision of sewerage treatment facilities. Prejudice to public health by reference to the current loading of effluent to Liscannor Bay and scale and design out of character.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Clare County Development Plan 2017-2023 refers.

- The site is zoned LDR2 Low Density Residential development in the Clare County Development Plan 2017-2023.
- Liscannor is designated as a small village within the settlement hierarchy with a core strategy target increase in households of 19 in 2011-2023.
- At 4.3.12 Holiday Homes the development plan notes that holiday homes form an important part of the tourism infrastructure in County Clare and make a valuable contribution to the local economy particularly in the coastal areas of north and west Clare. However, large numbers of holiday homes in an area can also have negative impacts in terms of high numbers of vacant dwellings in the 'low season' and, in

some cases, associated issues with property maintenance during those times of vacancy. Kilkee and Liscannor are noted as having vacancy rates of 71% and 56% respectively.

- **CDO4.13 Development Plan Objectives Holiday Homes.**

“It is an objective of the development Plan

A To permit holiday homes in settlements where the developments are of a scale and location which contribute to sustainable communities ensuring an appropriate balance between the number of permanent homes and holiday houses.

B In settlements where an oversupply of holiday homes have been identified (settlements with >50% vacancy rates as per census 2011), namely Kilkee, Liscannor and Querrin, to permit new residential developments for permanent residential development only;

- Within the Settlement Plan for Liscannor, West Clare Municipal District Written Statement and Settlement Plan (Volume 3d Clare County Development Plan 2017-2023) it is noted that growth in tourism and significant population increases in peak holiday months place a considerable strain on village infrastructure. The village is connected to the Enistymon Public Water Supply. There is a public wastewater network in Liscannor. A new wastewater treatment plant is required and Irish Water is currently progressing a study to determine the options to provide for secondary treatment. It is Irish Water’s objective and target to provide this new wastewater treatment plant within the period 2016-2021.
- Any future residential, commercial or employment generating development will be subject to the provision of a public wastewater treatment scheme given the proximity to Lisacannor Bay and the impacts on water quality in line with the requirements of the Water Framework Directive.

General objectives include

- To ensure that the village maintains and increases its existing permanent population levels;

- To provide for residential development to cater for permanent population in the area.

6.0 Natural Heritage Designations

6.1.1 The site is not within a designated area. Designated sites in the vicinity include

- Inagh River Estuary SAC is located 1.6km to the east
- Cliffs of Moher SPA is 5km to the west
- Mid Clare Coast SPA 10km to the south
- Black Head Poulsallagh Complex SAC 9km to the north
- Inisheer Island SAC 15km to the west

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1 The appeal submitted by Brendan McGrath and Associates on behalf of the applicant John Vaughan and relates solely to condition 2. Grounds of appeal are summarised as follows:

- The proposal is for dwellings either for permanent occupation or as holiday homes. Imposition of condition 2 would seriously affect the commercial viability of the site.
- Current Development Plan is the third detailed statutory plan for Liscannor. The first adopted in 2005. In all the plans the site lies within the designated settlement and in the 2005 and current plan is zoned to enable residential development.¹
- Council is mistaken in its decision to apply a permanent occupancy condition to a permission on the site in response to the general plan objective “to provide for residential development to cater for permanent population” and the adverse commentary on holiday home development in the plan.
- The plan specifically identifies zone LDR1 as a space for permanent housing development. If the intention of the plan was to effect a blanket ban on holiday home development in the village it would stipulate the other zoned residential areas LDR1, LDR3, LDR4 and LDR5 rather than singling out one area.
- While the number of holiday homes in coastal villages is a legitimate concern, it does not justify the indiscriminate restriction on development in settlements, achieved by development management means, unless supported by a clear planning policy statement to that effect.
- Small scale residential development of the type proposed on land zoned for residential development is in accordance with development plan policy. The

¹ Notably the site was zoned community in the 2011-2017 plan.

imposition of condition 2 is not supported by plan policy and in fact runs contrary to it.

7.2. Planning Authority Response

7.2.1 The response by the planning authority notes that Liscannor has experienced a significant amount of development pressure in recent years, primarily in the form of holiday home developments. It is therefore important to ensure future development is balanced and contributes to a thriving village community which can support a range of services which are viable year round, whilst retaining its distinctive village character. The Planning Authority notes that in 2016 census there were 59 occupied dwellings in Liscannor and 160 unoccupied holiday homes. There were also a further 13 vacant dwellings. Having regard to the high level of holiday homes in Lisacannor relative to dwellings of permanent occupancy it is considered that to achieve a greater balance between holiday homes and permanent residences that these dwellings rare for permanent occupancy is required in this instance. Therefore, the Planning Authority respectfully requests that should permission be granted by An Bord Pleanála that condition 2 should be retained.

8.0 Assessment

8.1 Having regard to the submissions on file and the nature of the appeal I consider it appropriate to confine consideration to the matters raised in the appeal namely the condition 2. The First Party appeal asserts that the condition is unduly restrictive and threatens the viability of the proposal. The first party further alleges that such a restriction is not supported by development plan policy. However, I note that the development plan clearly provides for such a restriction in terms of CDP4.13 which relates to Development Plan Objective Holiday Homes and provides that

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A To permit holiday homes in settlements where the developments are of a scale and location which contribute to sustainable communities ensuring an appropriate balance between the number of permanent homes and holiday houses.

B In settlements where an oversupply of holiday homes have been identified (settlements with >50% vacancy rates as per census 2011), namely Kilkee, Liscannor and Querrin, to permit new residential developments for permanent residential development only;”

- 8.2 The origin and justification for such an approach is clearly set out within the plan in respect of Liscannor which demonstrates a large proportion of holiday homes within the settlement. Reference is made to census 2011 figures which indicate a vacancy rate of 56%. The need to address this imbalance by way of settlement policy is clearly justified in the interest of proper planning and sustainable development. Indeed, the restraints pertaining with regard to wastewater and watersupply infrastructure lends further weight to the merits of such an approach.
- 8.3 Having considered the detail of the application I conclude that the condition 2 is reasonable is supported by the policies and objectives of the development plan and is in accordance with the proper planning and sustainable development of the area. On this basis I consider that the Board should refuse the appeal. On this basis I recommend that the decision of the Planning Authority to impose condition 2 be upheld for the reasons set out below.
- 8.4 Having regard to the nature and scale of the proposed development and the nature of the receiving environment, and proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.
- 8.5 On the issue of Environmental Impact Assessment screening having regard to the nature and scale of the development, the nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude

that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required.

Recommendation

Uphold the decision of the planning authority to impose condition 2

Reasons and Considerations

Having regard to the Objectives CDP4.13 of The Clare County Development Plan with regard to Holiday Homes, it is an objective that “In settlements where an oversupply of holiday homes has been identified, namely Kilkee, Liscannor and Querrin, to permit new residential development for permanent occupancy only, the Board considers that condition 2 is necessary and in accordance with the objectives of the development plan and in accordance with the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector

22 October 2018