



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318171-23

<b>Development</b>	Construction of 43 dwellings and associated site works.
<b>Location</b>	Holland Street/Holland Drive, Liscannor, Co. Clare
<b>Planning Authority</b>	Clare County Council
<b>Planning Authority Reg. Ref.</b>	22777
<b>Applicant(s)</b>	Patrick, Ellis, Padraig, Dara & Diarmuid Blake.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Spilt decision
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Susanne O'Donnell & others
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18 <sup>th</sup> April 2024
<b>Inspector</b>	Claire McVeigh

## **1.0 Site Location and Description**

- 1.1. The subject site, a stated area of 1.51 hectares, is located within the settlement boundary of Liscannor, west Clare. Liscannor is defined as a large village in the settlement hierarchy of Clare County Development Plan 2023-2029 located on the main route (R478) between Lahinch and the Cliffs of Moher.
- 1.2. The subject site is positioned to the south of main street directly abutting the boundary with the church and community centre. Liscannor National School and Liscannor Castle are south/southwest of the site. The existing access road to the residential area of Holland Drive adjoins the southern boundary of the site and the existing residential area of Holland Street to the west of the site.
- 1.3. The site itself is bounded by an attractive stone wall and hedgerow along Holland Street with a vehicle entrance close to the junction with Holland Drive. Principally the site is undeveloped and under grass with some rush growth evident and there is an existing single storey structure with a pedestrian access and vehicular access from Holland Street. A storage container is also positioned in front of the building and close to the boundary with the church. There are views across the subject site from Holland Street to the standing ruins of Liscannor Castle.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the construction of 43 no. dwelling units. The proposed dwellings comprise a mix of dormer storey and two storey houses and dormer two and a half storey apartment/duplexes with associated ancillary site works, and connections to public services.
- 2.2. There are two no. vehicular entrances proposed, one from Holland Street and the other from Holland Drive. One area of public open space is proposed measuring 1177 sq. metres. Pedestrian access pathways are proposed from Holland Drive and Holland Street with a pedestrian pathway internal in the site to link with lands to the east (Planning register reference 22/796 refers).

2.3. Schedule of proposed development as revised, following a request for further information, to a total of proposed 39 no. houses received on 28 July 2023:

House Type	House no.	No. bedrooms	Private open space	Height
A1 (terrace, semi-detached)	1, 2, 3, 4, 5, 31	2	Ranging between 49.28 -73.23	9.03
A2 terrace	29, 30,	3	55.20, 50.79	9.03
B semi-detached	10, 11, 12, 13, 14, 18, 21, 22, 25, 26	4	Ranging between 98.51-164.11	7.2
C incl. handed, semi-detached, detached	6, 7, 15, 16, 27, 28, 34, 35, 36, 37	3/4	Ranging between 83.39-129.82	7.2
D incl. handed detached semi-detached	8, 23, 24, 32, 33, 38, 39	3	Ranging between 101.59-142.25	6.9
E incl. handed (dormer) semi-detached, detached	9, 17, 19, 20	3	Ranging between 114.91-250.49	6.65

**Table 2.2**

- Total Number of car parking spaces – 79 spaces (including 10. Visitor spaces)
- Public open space – Area 1 (296 sq. metres) and Area 2 (1121 sq. metres) with a children's play area of (70 sq. metres).

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided on the 7<sup>th</sup> September 2023 to GRANT permission for 22 no. houses comprising nos. 1-13 and 27-35 on the western part of the site and REFUSE permission for 17 no. houses comprising numbers 14-26 and 36-39 inclusive.

Further information was sought in respect to the site layout, open space provision, surface water and a reduction in number of dwelling units.

The reason for the decision to refuse permission for the 17 no. houses was principally based on the zoning of part of the lands which changed to Strategic Residential Reserve (SRR) during the course of the consideration of the application with the adoption of the Clare County Development Plan 2023-2029.

3.1.1. The decision of the planning authority to grant permission for 22 no. dwellings, within the area of lands zoned 'residential' and refuse permission for the remaining 17 no. dwellings within the portion of the lands zoned as 'Strategic residential reserve' has resulted in a number of bespoke conditions that would require the submission of revised drawings for agreement with the planning authority, in summary:

- Condition 1 (c) requires the developer to submit to the planning authority a revised site layout plan indicating details of the layout for the 22 no. permitted houses together with details of the location and construction of the proposed new boundary treatment along the eastern extent of the lands zoned residential with the areas to be taken in charge shown.
- Condition 2 restricts the use of the dwellings for short-term lettings or overnight commercial accommodation.
- Condition 5 (a) and (c) retention of the existing stone walls along the northern boundary and where any boundary walls face onto the public open space areas, these shall be finished in natural local stone or capped and plastered.
- Condition 6 the finished floor levels of all permitted dwellings shall be as per revised site layout plan (drawing no. A 103.Rev C) received 28<sup>th</sup> July 2023.
- Condition no. 7 archaeological monitoring.
- Condition no. 13 the developer to submit a revised site layout plan incorporating a 'Type 2' turning bay in the vicinity of house no.28.
- Condition no. 14 (a) the developer to submit a revised layout plan for public lighting excluding the area of the site located on the lands zoned as strategic residential reserve.

- Condition no. 21 the developer to submit a comprehensive scheme of landscaping and timescale for implementation.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

*Planner's initial report dated 21 October 2022 in summary:*

- The proposed development would not detract from the established amenity of nearby dwellings by way of overlooking. Concerns raised with respect to noise nuisance and disturbance during construction can be addressed by conditioning a CEMP.
- Vehicular access proposed from both Holland Street and Holland Drive is not favoured by Road Design Office and third parties on Holland Drive. Further information requested with respect to overall roads layout and parking provision.
- Notes that the site is located outside of flood zone A and B. Third parties have raised concerns about flooding in the vicinity of the site and that surface water from Holland Drive drains to the subject site. Further information required in relation to surface water and flood risk management.
- Volume 10 Strategic Flood Risk assessment states that a strategic coastal erosion plan is to be developed and that redevelopment of the town centre should be considered premature until the findings of this assessment are available. Capital projects office clarify that the 'Liscannor Bay Coastal Erosion and Flood Risk Management Study' has been completed and updated since 2017. Coastal erosion works have been carried out in the vicinity of the R477 near Liscannor and works are planned at Clahane and Ballyellery. The Senior Executive Engineer advises further that Liscannor village, including the subject site is not considered to be at risk from coastal erosion and flooding given the rock cliff face and the works carried out to date.
- Notes the change in zoning from LDR1 lands (Low Density Residential) to Residential in the western portion of the site and Strategic Residential

Reserve in the eastern portion as contained in the draft Clare County Development Plan 2023-2029.

- Density assumptions for the purposes of the core strategy do not equate to a density standard for the subject site. There is no prescribed density for the site. Given the definition for low density housing makes specific reference to detached family dwellings it is considered that the number of dwellings on the site will require to be reduced overall and the number of family dwellings to be increased with a reduction in the number of terraced properties.
- The consolidation of the urban form along Holland Street would provide a sense of enclosure and visual definition to the streetscape, noting no protected views to the sea from Holland Street or Holland Drive.
- Further information sought with respect to separation distance (approx., 15m) between house in the central section of the site (house numbers 42/43, 40/37 and 39/38 and the cluster of houses at 32, 36, 33, 34 and 35.
- The estate team advise that the configuration of the open space in the centre may not be suitable for ball playing adjacent to the front and sides of proposed dwellings. Further information sought in respect to proposals for public open space.
- Upgrade works to the wastewater plant are underway in Liscannor at the time of determining this application. Further information sought on an existing sewer that traverses the site.
- No development has taken place for 17 years due to lack of adequate municipal wastewater treatment system to accommodate development. The rural area around Liscannor is designated as being under strong urban pressure and in such context the location of housing within a serviced village would be in the interest of proper planning and sustainable development.
- Notes that the DAU requested that an archaeological impact assessment be carried out at further information stage given the size of the site. Given the separation distance from the outer limit of the zone of notification associated with monument CL015-078002 this issue can be addressed by archaeological monitoring condition.

- Environmental Impact Assessment screened out at preliminary examination stage and no screening determination is required.
- No likely significant effect individually or in combination with other plans and projects on the Natura 2000 network and appropriate assessment is therefore not required.

*Planners report following receipt of further information on 28 July 2023 (Time extension was sought and agreed up to and including the 1 August 2023)*

- Notes that the newly adopted Clare County Development Plan 2023-2029 came into effect on the 20 April 2023 and the zoning changed from low density residential to 'residential' and strategic residential reserve' Approximately half of the site now falls within strategic residential reserve.
- Notes the site-specific objective R2 applicable to the subject site and other CDP objectives of relevance (please see as detailed in section 5.0 of this report).
- The applicant have satisfactorily addressed further information (FI) items 1(a) to (d) inclusive in terms of the proposed density, house type and mix, plot boundary, plot sizes, potential for expansion/adaptability, access road, parking bays and layout of the shared surface, dual frontage design, the omission of four houses from the layout and omission of the duplex/apartments units and replacement with type A1 and A2 to fulfil Part V requirements. The development will consolidate and enhance the centre of the village on lands zoned for 'residential'.
- Acknowledge the pedestrian connection between Holland Street and Main Street is outside the scope of the application in that the applicant's ownership does not extend into the church grounds. The original footpath which ran parallel to the church boundary was surfaced over by Clare County Council and appears as if it forms part of the carriage way. The provision of a new pedestrian footpath inside of the existing dry-stone wall which forms a boundary with Holland Street is welcomed as it will reduce the length of Holland Street that pedestrians have to walk along the main carriage way and provide better walkability to the school and preschool further south.

- Removal of the second vehicular access and replacement with a pedestrian /cycle access only is acceptable onto Holland Drive and notes that the layout and design ensure satisfactory passive surveillance/ overlooking of these pedestrian access points.
- No objection from West Clare MDO for the collection and disposal of surface water including surface water from Holland Drive. In addition to on-site attenuation, permeable surfaces on the roads are proposed which comply with CDP Objective 2.11 Storm water management.
- 46 no. car parking spaces to serve 22 no. dwellings. The spaces provided exceeds the CDP requirements. The Roads Design Office have requested a turning head be provided in the vicinity of house no. 27 [sic] to take account of the issue that the roadway would not continue into the strategic residential reserve portion of the site, this will result in the reduction of visitor parking spaces, and this is acceptable.
- Cross section drawings along the eastern site boundary including the proposed dwellings under planning register reference 22/796 submitted.
- CEMP noted and to be conditioned.
- Taking into account the strategic residential reserve zoning considers open space 2 acceptable on the basis that any future development of the strategic residential reserve includes active recreation space as originally proposed.

### 3.2.2. Other Technical Reports

#### *Housing Department*

- Part V has been agreed in principle for this application and letter regarding same should have been submitted with the planning application.

#### *Road Design Office*

- Initial report in summary, noting the detailed road design comments, recommends that the estate is accessed by a single entrance to reduce junctions onto existing roads. The volume of residential parking located within shared surfaces not directly off a road may present a safety risk to people

using the shared surface. Ownership of the proposed footpath to the front of the site should be dedicated to the council upon completion.

- Report following submission of FI
  - the allocation of car parking does not meet the requirements of the development plan (2023-2029).
  - The vehicle tracking drawing with refuse truck indicates the truck reversing in the shared surface area which is a safety concern.

#### *Estates Team*

- Issues raised in respect to the proposed open space design and relationship with the proposed dwellings surrounding it, recommend providing a footpath from north to south to facilitate connectivity through the development.
- Road layout request a taking in charge drawing, and road signage and line marking drawing as further information.
- Visitor spaces identified on the site layout drawing, EV charging points to all visitor parking and each dwelling. The location of parking adjacent to units 8 & 23 should be reviewed as parking manoeuvres could prove difficult.
- Clarification on the suitability of the location of the attenuation sought, a site-specific cross section should also be provided through the attenuation tank showing finished ground levels. Confirmation on suitability of existing storm water sewer to cater for discharge of surface water from this proposed development.
- All footpaths to be minimum 2m wide.
- Construction management plan should include wheel washing facilities and any road base material used for construction/access road should be constructed of clean broken stone and assurances sought that all such areas will be kept clean and restoned as required.
- All aspects of the development must comply with the latest version of Clare County Council's Taking in Charge Policy and Recommendations for Site Development works, a bond required as per Clare County Council's standard rate, a condition restricting the conversion of attic space should be

considered, details of the name plaque and any house number plaques should be submitted for agreement.

#### *Senior Executive Technician WCMD North*

- Clarification sought of the route of the proposed storm water/surface water outfall and if it is a combined sewer will need to obtain permission from Irish Water for connection.
- Concerns about implication of future management of the proposed pedestrian laneways, applicant should be requested to submit proposals to address these concerns.

#### *Public lighting*

- The lighting design is acceptable subject to condition, the lights used should be reprogrammable and set at ESB burn profile U14 for residential areas and ESB burn profile U15 on distributor roads.

#### *Fire Authority*

- No objection to the proposed development subject to compliance with the Building Regulations 1997 and latest amendments.

### **3.3. Prescribed Bodies**

#### *Uisce Eireann*

- No objection
- Ballymacravan WTP is currently over capacity
- Water networks in this location are prone to bursts and low pressures (AC network) resulting in water outages. PCE required for 43 no. dwelling houses.

#### *Development Application Unit (DAU)*

- The proposed development site is large in scale, encompassing an area of 1.51ha. Given the scale, extent and location of the proposed development, it is possible that subsurface archaeological remains could be encountered during the construction phases that involve ground disturbance. An

Archaeological Impact Assessment (including Archaeological Test Excavation) be carried out as part of a further information request.

### 3.4. Third Party Observations

Third party observations were received from the following: Henry Taylor, Sasha Taylor, Martin Walsh, Suanne O'Donnell and others - including signed petition by Liscannor and Holland Area Community Group, William D Stockbridge, Paul and Ann Godfrey, Sara Foust, Michael and Mary Looby, Peg Quinlan, Paul Gilson, Tony Dolan, Paul and Gill Cohen, Stephen Haigh and Kieran Crowley.

Request by Senator Roisin Garvey to be placed as representative on this planning application.

I have summarised and grouped the key issues as follows:

- No masterplan submitted, no housing quality assessments or landscaping plan to support the application, insufficiencies in information submitted and description of development does not include demolition of the existing structure on the site.
- Development premature until the findings of the coastal protection scheme and strategic coastal erosion plans are developed.
- Excessive density relative to the character of the rural village contrary to the low-density residential zoning of the Clare County Development Plan (CCDP) 2017-2023. The CCDP Core Strategy population targets for zone 3 (Ch 2 p33) Liscannor has a target increase of 19 no. households for the period 2017-2023. This application and the adjoining 22/796 equate to 54 households alone not taking into account other recently constructed houses in the village.
- Impact on residential amenity of existing residents and proposed residents due to the lack of amenity space/playing pitches, climbing frames etc. being provided and small rear gardens proposed.
- Design at variance with the general character of buildings and not in keeping with the coastal and seascape character of the area. Lack of consideration of proximity to the national monument Liscannor castle and protected structure St. Brigid's Church (RPS 146). No precedent for three-storey structures, the

height of the rural church is not an appropriate justification for height. The proposed boundary interface with Holland Drive would be visually unattractive.

- Impact on sea view and view to Liscannor tower and no assessment undertaken of the scenic route (p. 23 of the Clare County Development Plan 2017-2023).
- Overlooking/overbearing
- Flooding and surface water management concerns, noting land has poor drainage with rushes growing. No evidence of trial pits to assess the water table or to evaluate soil types for water retention and drainage.
- Impact on social and physical infrastructure – Liscannor currently has one shop, and the primary school is fully subscribed as is the creche.
- Traffic congestion and pedestrian safety.
- No pedestrian access to the main road and access points through boundary at church grounds are narrow. No permission being given by adjoining landowners north of the subject site to have pedestrian access across land (folio numbers provided but redacted) as shown on the plans 'Potential future pedestrian connection to adjacent lands'. There is not adequate pedestrian access along Holland Street especially around the church.
- Occupancy should be limited to permanent homes and not holiday homes. The floor sizes of the houses appear small for homes for full-time residents
- Noise nuisance and light pollution concerns.
- Devaluation of property.
- No invasive species desk study or survey has been undertaken
- Noting the close proximity of the Inagh River Estuary SAC no Appropriate Assessment Screening process was undertaken by the applicant.
- The applicant should have completed an EIAR taking into account the subject site's sensitivities
- No details of the Part V arrangements referenced in the application.

## 4.0 Planning History

091174 Outline permission refused (January 2010) for a development consisting of 31 no. houses and all associated development works.

Reasons for refusal based on deficiencies in the existing wastewater treatment plant serving Liscannor and that the proposed development would fail to integrate properly with the main street of the village or provide an appropriate urban form for the village.

PL03.232358 (05/2024) – Permission refused (December 2008) for a development to construct 30 No. housing units with sewage pre-treatment plant, ancillary site works and connections to services.

Reasons for refusal based on the layout and scale would be out of character with the village and would not provide an appropriate urban form and that the design of the proposed houses would not adequately reflect the character of the existing built environment of the village.

*Site adjacent to subject site (East accessed via Holland Drive and New Houses)*

22/796 permission granted (September 2023) for the construction of 14 no. residential dwellings (reduced from the 15 no. originally sought) and all associated infrastructure and services including 1 no. vehicular access point onto Holland Drive and two pedestrian access points onto Lower Quay, Liscannor Co. Clare.

## 5.0 Policy Context

### 5.1. Clare County Development Plan 2023-2029

#### Volume 1

**(excerpt) CDP 2.11 Storm water management:** It is an objective of Clare County Council:

- a) To ensure that adequate storm water infrastructure is in place to accommodate the planned level of growth in the Plan area.
- b) To require all new developments to provide a separate foul and surface water drainage system.

- c) implementation of Sustainable Drainage Systems (SuDS) and ensure that all storm water generated in a new development is disposed of on-site or is attenuated and treated prior to discharge to an approved storm water system, and
- d) To take account of the potential future impact of climate change for multi-unit development applications in the plan area. Development will only be permitted in areas where sufficient surface water capacity exists.

**CDP 5.8 Housing Mix:** It is an objective of the Development Plan:

- a) To secure the development of a mix of house types and sizes throughout the County to meet the needs of the likely future population in accordance with the guidance set out in the Housing Strategy, Housing Need Demand Assessment (HNDA) and the Guidelines on Sustainable Residential Development in Urban Areas and any subsequent guidelines;
- (b) To require new housing developments to incorporate a variety of plot sizes to meet the current and future needs of residents; and
- (c) To require the submission of a Statement of Housing Mix with all applications for multi-unit residential developments in order to facilitate the proper evaluation of the proposal relative to this objective.

**(excerpt) CDP 5.11 Lifelong housing:** It is an objective of Clare County Council:

- a) To ensure that new housing developments are attractive, safe and provide a range of house types and that accessibility and lifetime adaptability that can accommodate the changing needs of a household over time are key elements in house design

**(excerpt) CDP 5.16 Green infrastructure in residential developments.** It is an objective of the Development Plan:

- a) To ensure that green areas associated with new residential developments enrich the quality of life of local residents and provide ecologically rich areas that enhance biodiversity and contribute to the green infrastructure network in the County; and

**Section 19.4 Strategic Residential Reserve (SRR):**

Strategic Residential Reserve lands have been identified across serviced settlements to facilitate longer term growth needs across the county. These lands

comprise infill or contiguous sites or in some cases there is an on-site planning history of residential use. These lands are considered as the most appropriate site for the long-term sequential expansion of the relevant settlement. These Strategic Residential Reserve lands, in general, will not be brought forward for development within this plan period, with the following exceptions:

1. Non-residential development that is considered to be appropriate to the site context.
2. In addition to protecting these lands for the long-term expansion of these settlements, consideration may be given to the development of some of the strategic residential reserve lands before the end of the current plan period. The residential development of such lands will only be considered from the beginning of year four of the Plan (April 2027) in order to give an opportunity for zoned land to be brought forward for development. It will also be a requirement that the proposed 'Strategic Residential Reserve' lands can be serviced and can offer a reasonable substitute in terms of being delivered within the lifetime of the plan and are sequential lands within the settlement with good connectivity and access to services and amenities.

In its assessment of such proposals, the Planning Authority must be satisfied that the development of residential zoned land is progressing faster than expected and a shortage of available lands may arise or that residential zoned land is not being brought forward as expected and a shortage may arise which would hinder the delivery of residential units to meet demand during the plan period. The assessment will also be subject to compliance with the Core Strategy, and that the development permitted will not prejudice the future use of the remaining Strategic Residential Reserve lands for the longer-term growth needs of the plan area.

### ***West Clare Municipal District Volume 3d (excerpts)***

#### **Liscannor - General Objective**

- To consolidate the existing village, support the tourism industry in the area and encourage the development of a range of amenities and services for both permanent residents and visitors to the area.
- To ensure that future growth is balanced and sustainable and is relative and appropriate to the scale, size and character of the existing village.

- To support the provision of infrastructure to allow for future growth.
- To provide for residential development to cater for a permanent population in the area.

Liscannor has experienced a significant amount of development pressure in recent years, primarily in the form of holiday home development. 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. Future residential development shall be for permanent occupation only

#### Zoning Objective Residential - R2 Rear of Church and Community Centre

Development of the site will contribute to the consolidation of the village centre and reinforce the vitality and viability of the village centre. Proposals for low density development for permanent occupancy only will be considered on the site. Full account should be taken of the landscape and visual amenity of the area including its coastal and seascape settings, and the enhancement/maintenance of the coastal streetscapes through quality architectural design.

A masterplan shall be prepared prior to the submission of any planning application demonstrating an integrated approach to development of this site.

#### **Zoning Objective Strategic Residential Reserve**

Strategic Residential Reserve (SRR) Acknowledging that not all lands within the settlement boundary of Liscannor will be required for development to 2029, lands which comprise infill or contiguous sites or have a planning history for residential use and can form part of the long-term sequential expansion of the settlement are zoned SRR. Consideration may be given to the development of some SRR lands before the end of the plan period, in line with provisions set out for Strategic Residential Reserve in Section 19.4, Volume 1 of the plan

**Map: Liscannor** - Indicative access shown west-east through SRR to link with R4 and north south link through SR2 towards Main Street.

## 5.2. **National Planning Framework (NPF)**

National Policy Objective 33 (NPO 33)

Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

### 5.3. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)

### 5.4. **Other relevant guidance**

Design Manual for urban Roads and Streets -DMURS (2019)

Urban Design Manual – a best practice guide (2009)

### 5.5. **Natural Heritage Designations**

The subject site is approximately 1.5km from the Inagh River Estuary SAC [Site Code:00036] and Proposed Natural Heritage Area. The Cliffs of Moher SPA [Site Code 004005] is approximately 5 km from the site.

### 5.6. **EIA Screening**

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. An EIA screening determination or an EIA, therefore, is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The grounds of the third-party appeal are in summary:

- The proposed development contravenes the planning policy and objectives for low density residential development in the Clare County Development Plan

2017-2023 and the Clare County Development 2023-2029. The proposed development is in direct contrast with what is envisioned for the area in respect to the development plan's population targets and density targets.

- In the absence of a comprehensive masterplan, as required under site specific objective R2, and the failure to justify overdevelopment and increased density that the proposed development is in direct conflict with local, regional and national goals for the area leading to unsustainable growth and disruption of local residential amenity
- The proposed development is inconsistent with the aims of the Design and Placemaking section of the development plan as the layout and unit design is inappropriate for the area.
- Noncompliance with local and national planning policies.
- Overdevelopment of the site, the proposed residential scheme is vastly in contrast with the established building heights adjoining the subject site and established residential density.
- When taken in conjunction with the 14 additional dwellings granted permission under 22/796 the proposed development it is stated will overwhelm the modest existing services in the community.
- Significant loss of residential amenity for adjacent properties and dwellings due to general disturbance, overlooking, overshadowing and overdevelopment of the subject site and area in general. Concerns highlighted with respect to 11 no. dormer residences and 4 with balconies at first floor level. (For clarity I wish to highlight that following revisions as part of further information submitted 28 July 2023 House Type E is the only dormer type house and all of the proposed no. 22 houses located on the 'residential' lands do not have any first-floor balconies).
- Increased traffic congestion and a road safety hazard due to the substandard parking provision and the increase in cars frequenting the area and accessing individual entrances off Holland Drive. Photographs have been submitted to demonstrate how busy and narrow the roadway becomes, in particular when people park for church services, masses, funerals etc. In addition, the

appellant notes highlight that the road serves the local school and pre-school facility. Suggests that the council could have recommended a set back to provide for on-street parking that is desperately needed for the area.

- Flood risk associated with the site and without further mitigation on the site zoned SRR it is considered that flood hazards will be exacerbated by the proposed development
- Deficiencies in information submitted resulting in a misleading application for the development proposed.

## 6.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows:

*Contravention to planning policies in the Clare County Council Development Plans 2017-2023 and 2023-2029 Plans.*

- Liscannor has seen an increase in demographic in the last number of years, due to the rise in population Liscannor's status is updated to 'Large Village' as part of the CCDP 2023-2029.
- Zoning on the subject site has been changed from low density residential in the 2017-2023 CCDP, to now being zoned as both residential and strategic reserve within the CCDP 2023-2029.
- The granted development of 22 no. units complies with CDP 4.7. The proposed development is located within the appropriate land use zoning and supports compact growth due to proximity of the site to the village (approx. 105 metres).
- A new wastewater treatment plant has been completed in 2023 in Liscannor carried out by Uisce Eireann, with pe of 1790.
- Discrepancies highlighted in the appellants calculation of population projections for the new development and the impact on the existing population of Liscannor. Based on average household size of 2.75 (National Planning Framework) this would result in an approximate 60 residents for the granted

development of 22 no. units and not c. 136 or 150 residents as stated in the appeal.

- CSO Evidence provided to demonstrate the increase in population in Liscannor and Serviced Land Assessment (SLA) identifies that the lands at both zonings meet the criteria for compact growth, public transport and co-ordinated development.
- A design statement was submitted to the council as unsolicited information while the planning application was live and the timeframe for submissions was still open. Clare County Council's validation checklist does not state that the inclusion of a design statement would deem an application valid or invalid.
- A total of 70 car parking spaces are provided (including 10 no. visitor spaces), with garden sheds to allow for cycle storage in compliance with CCDP 2023-29.
- Condition no. 21 addresses the appellant's concerns that a qualified landscape architects plan was not submitted as part of the application.
- The appeal states that the boundary walls are proposed at 1.8m which is lower than what is required. CCDP 2023-29 Appendix 1 Development Management Guidelines state that generally, boundary walls shall be between 1.8 and 2.0m high.

#### *Compliance with National Policies*

- The granted development of 22 no. units in a centrally located site, on the appropriate land use zoning, in a large village which is experiencing population increases and has adequate services available is in line with the NPF 2040 and its policies.
- The granted development of 22 no. residential units on the site results in 14.5 dwellings per hectare which falls significantly below the national recommended policy of 20-35 dwelling per hectare within centrally located sites in smaller towns or villages as per the Residential Guidelines 2009. Notes that these guidelines are currently being updated.
- The NPF places a major focus on rural areas referencing NPO 15, NPO 18a and NPO18b.

*Loss of residential amenity (visual and residential amenity)*

- The design approach is informed by the predominately two storey vernacular buildings of Liscannor, which includes single storey bungalows, in particular along Main Street.
- The amenity, privacy and overlooking of private open space is protected with a site layout allowing for a relatively wide separation distanced between the existing front façade to proposed front façade of approx. 21.5 m on Holland Street and 28.5m-38m on Holland Drive.
- The general landscape in Liscannor is relatively open and the rear gardens to the houses are typically comprising low stone walls, a variety of timber fence types and a range of plant and hedges. 2-metre-high capped blockworks walls are generally not found in the area. The predominant shared boundary type proposed between properties is of planted/hedge to achieve a boundary condition more appropriate to the existing context and character of Liscannor.
- Addressing concerns specifically in regard to Holland Street and Holland Drive.

*Traffic congestion and Traffic Hazard*

- The development was designed with one vehicular and three pedestrian entry and exit points with sufficient width and visibility to accommodate traffic. The internal road design creates an efficient internal road layout that minimises intersections and congestion points. The layout creates a more inclusive and accessible environment.
- The proposed development incorporates dedicated car parking spaces for each house as well as visitor parking, there is no dependency on the public road for car parking.
- Vehicular access onto Holland Drive was omitted from the proposed scheme at the further information stage and was replaced with a pedestrian access only.
- Pedestrian connections between Holland Street and Main Street are outside the scope of the application and that the applicant's ownership does not extend into the church grounds.

- It is highlighted that pedestrians use an entrance immediately north of the subject site to access Main Street through the church grounds rather than walking along the short portion of Holland Street. Condition no. 12 addresses pedestrian safety and ensures that footpaths and access within the proposed development are safe for pedestrians, those who may be mobility impaired and with buggies.
- Email provided from Liscannor Primary School refuting the claim about capacity.

#### *Flood Risk*

- Historical flooding taken into account in applicants storm network modelling.
- Design has incorporated several SuDS measures.

#### *Inadequate documentation*

- Validation checklist does not include a design statement as a requirement.
- Building to be demolished is a disused maintenance shed and is not a habitable structure.

### **6.3. Planning Authority Response**

The planning authority's response to the grounds of appeal can be summarised as follows:

- The density assumption for the purposes of the core strategy does not equate directly to a density standard for the subject site.
- The zoning objective does not explicitly refer to a prescribed density standard and there is no site-specific density standard prescribed for this site.
- Contends that the design and layout is entirely consistent with the aims of the design and placemaking section of the CDP and the criteria identified in terms of layout, arrangement, interface of public and private space, arrangement of open space etc. Refers to Item 1 of request for further information and design statement submitted 21<sup>st</sup> September 2022 as unsolicited information.

- The layout of the proposed development represents a departure from the traditional format but the reduced rear garden depths with boundary walls of 1.8 extended to 2.5 with hedging is considered sufficient to protect residential amenity.
- Unlike many rural villages, Liscannor is a zoned serviced settlement with connectivity to Lahinch/Ennistymon where further social, economic and recreational services are available. The provision of new housing at this location supports sustainable development and is of an appropriate scale relative to the size of the settlement.
- Acknowledges the Sustainable Residential Development in Urban Areas (2009) recommendation to limit units to 10-12 at a time. Note the consultation paper for the 'Sustainable and Compact Settlements Guidelines for Planning Authorities' refers to density standards for various sized towns and recommends that for rural towns and villages within populations less than 1500 that densities should 'respond to existing context'.
- The design approved demonstrates compliance with the Best Practice Design Manual (Chapter 10).
- The appellant states at section 8 that the proposed development would have 'undoubtedly negative visual impact' but do not justify this statement or elaborate the reason for the assertion.
- There will be no overlooking from the proposed development. The rear private garden spaces of the dwellings on Holland Drive and Holland Street are unaffected by the proposed development. The front of dwellings on Holland Drive and Holland Street both face onto public roads.
- Claims regarding overshadowing are not supported by any sunlight/daylight/shadow analysis. The single storey dwellings on Holland Drive lie to the south of the subject site, highly unlikely that the proposed development being located to the north could cause overshadowing.
- Notes the photographs of the haphazard parking on Holland Street. The congestion on Holland Street is unnecessary and could be resolved through the implementation of park and stride from the village centre where there is a

large unused parking facility north of Main Street. The planning authority does not concur that set back of the front boundary along Holland Street is the solution to the parking mismanagement at school times.

- The internal road layout required is by condition to which the Road Design Office had no objection.
- The subject site is not considered to be at risk from coastal erosion and flooding.
- The issue of flooding and storm water management was addressed at further information stage. The proposals for alleviation of flooding and storm water management are considered acceptable.

#### **6.4. Observations**

- None.

### **7.0 Assessment**

- 7.1. I highlight to the Board that the zoning for the subject site changed from 'low density residential' in the Clare County Development Plan 2017-2023 to both 'Residential' and 'Strategic Residential Reserve' in the adopted Clare County Development Plan 2023-2029 during the course of the planning authority's consideration of the application. The planner's report highlights that approximately half of the site area now falls within strategic residential reserve. Within the development plan it is stated that the strategic residential reserve lands will not be brought forward for development within the plan period (2023-2029), subject to exceptions (1) relating to non-residential development that is considered appropriate to the site context and (2) some consideration may be given to residential development from the beginning of year four of the plan (April 2027). The planning authority in their split decision refused permission for those 17 no. houses and associated site works proposed within the strategic residential reserve.
- 7.2. The applicant in their response to this appeal request that the Board uphold the decision of the planning authority to grant permission for the 22 no. residential units. Acknowledging that a portion of landholding is within a strategic residential reserve

zoning and would not at this time meet with the stated exception for residential development (see section 5.0) I would agree with the planning authority that a refusal is warranted on the basis that those houses proposed within the strategic residential reserve zoning would materially contravene the development plan zoning objective and, in my opinion, the circumstances where the Board may grant permission would not apply in this case. Notwithstanding the foregoing, I note that the exception provided in section 19. 4 of the development plan allows for non-residential development that is considered to be appropriate to the site context.

7.3. Taking into account the applicant has not appealed the spilt decision and that the third-party appeal focuses on the decision of the planning authority to grant 22 no. dwellings in conjunction with the relevant zonings I consider it reasonable to focus my assessment on the proposals as they relate to the lands zoned residential (R2 Liscannor Map – Volume 3d West Clare Municipal District) as revised by further information received 28 July 2023. I am of the view, however, given the development plan provisions allows for the consideration of non-residential development within the Strategic Residential Reserve (SRR) zoned lands that my assessment will also take into account the wider site in this context.

7.4. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, the reports of the local authority and having inspected the site, and having regard to the relevant local, regional, national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Compliance with Clare County Development 2023-2029 and national policies.
- Impact on residential amenity for adjacent properties and dwellings due to general disturbance, overlooking, overshadowing and overdevelopment of the subject site and area in general (social infrastructure).
- Traffic congestion, road and pedestrian safety.
- Flood risk
- Miscellaneous Issues

7.5. *Compliance with Clare County Development 2023-2029 and national policies*

- 7.5.1. As noted earlier the newly adopted development plan came into effect during the planning authority's consideration of the subject application. The appellant has undertaken a comprehensive analysis of the subject application against both the Clare County Development Plan 2017-2023 and the relevant development plan of 2023-2029. For clarity I do not intend on assessing the subject application against the policies and objectives of the now superseded Clare County Development Plan 2017-2023.
- 7.5.2. Liscannor is designated as a Large Village in the current plan. The Core Strategy indicates a 2023-2029 target of 9 no. additional housing units with a density assumption for land zoned residential as 10-15 dph (Table 3.4 CCDP 2023-2029). The planning authority in their response to the appeal clarifies that the zoning objective for lands zoned residential does not explicitly refer to a prescribed density standard and that there is no site-specific density standard prescribed for the site.
- 7.5.3. I calculate the proposed density of the development, excluding the strategic residential reserve lands of 0.77 ha, gives a density of c. 28-30 dph. The appellant contends that the proposed development is in direct contrast with what is envisioned for the area in respect to the development plan's population targets and density targets. The planning authority acknowledge that the density exceeds the density assumption made for the land zoned residential. However, the planning authority also highlight in their response to the appeal that the development plan at section 3.4.2 allows planning decisions which may include growth over and above the stated target as set out in the core strategy. As such, the planning authority state that a qualitative assessment of the application in terms of overall quality of layout, mix of house types, arrangement of private and public amenity space can be applied to inform the suitability of the proposed development.
- 7.5.4. The appellant states that in the absence of a comprehensive masterplan, as required under site specific objective R2, and the failure to justify overdevelopment and increased density that the proposed development is in direct conflict with local, regional and national goals for the area leading to unsustainable growth and disruption of local residential amenity. The initial planner's report acknowledges that a masterplan had not been prepared prior to the submission of any planning application. In their view given that the entire area of the then designated LDR 1 lands (under the previous Clare County Development Plan 2017-2023) is being

brought forward for development under two applications (the subject application and planning register reference 22/796) that the level of detail on both applications is greater than would have been achieved in a masterplan and was acceptable on that basis. Under the current development plan (2023-2029) I note that the R2 zoning objective also requires the submission of a masterplan prepared prior to the submission of any application demonstrating an integrated approach to the development of this R2 site.

- 7.5.5. The timing of the application and the parallel development plan review process and adoption of the Clare County Development Plan 2023-2029 has made the consideration of this application more complex taking into account the change of zoning of approximately half of the lands to Strategic Residential Reserve. I would agree with the planner's practical approach that the level of detail submitted in the subject application and of the adjoining 22/796 does help to demonstrate an integrated approach. In this regard I note that a pedestrian link has been provided for in an east-west direction between the subject application lands (now in Strategic Residential Reserve zoning) and the adjoining lands granted permission under 22/796 for 14 no. dwellings. I note that indicative future links to lands north of the subject site are shown on the submitted site layout plan, however, I acknowledge the third-party observation made in respect to this pedestrian connection and that no agreement has been reached in this regard.
- 7.5.6. On balance, accepting that the pedestrian access now granted under 22/796 as per the approved plans and particulars there is an opportunity to connect this link with future development in the SRR lands as Liscannor village is incrementally consolidated. I am of the view that the planning authority have through a managed application process achieved revised proposals, following request for further information, that will allow for the build out of the R2 lands with a structure that would enable future long-term sequential expansion on the adjoining SRR lands and integration with the development on adjoining lands permitted under 22/796. In my view the subject application and that of the adjoining planning register reference 22/796, which include for integration between both parcels of land, meets with the masterplan requirement of these residential (R2) zoned lands. As such, I am of the opinion that the Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

7.5.7. Having reviewed the applicant's response to Item 1 of the further information response and the submitted Design Statement which illustrates the mix of unit type, on average an increase in plot sizes (Rear gardens all meet with private open space requirements under SPPR 2 of the Sustainable and Compact Settlement Guidelines – please refer to Table 2.2 in section 2.0), retention and utilisation of the original Liscannor stone boundary and the simple palette of materials chosen I would agree with the planning authority's statement that the design and layout is entirely consistent with the aims of the Design and Placemaking Section of the development plan. Having undertaken a qualitative assessment of the proposed development, I would not agree with the planning authority's assessment that the proposed active recreation area Open Space Area 1 (1121 sqm) cannot be developed as it is located within the SRR zoned lands. I am of the opinion that given the proposed density of development of 22 no. houses on the lands designated for residential development that limiting the provision of public open space to Open Space Area 2 (296 sqm) would not be a reasonable quantum of space particularly taking into the village context and the potential positive contribution the public open space would have in integrating the development. The Clare County Development Plan 2023-2029 does not include a minimum requirement for public open space. However, I note Policy and Objective 5.1 of Sustainable and Compact Settlement guidelines, published post adoption of the development plan, require that statutory development plans include objectives relating to the provision of not less than a minimum of 10% of net site area (in this subject case it would equate to 1510 sqm) and not more than a minimum of 15% (equating to 2265 sqm of the subject site) of net site area save in exceptional circumstances. Having regard to the policy and objective 5.1 of the guidelines I consider that in order to facilitate the proposed density of development that the provision of public open space should be increased. In the event the Board is minded to grant permission this issue could be addressed by a condition requiring the provision of both Open Space Area 1 and Open Space Area 2 with total minimum area of 1510 sqm in conjunction with the pedestrian access lane 2 to ensure that the proposed development integrates and responds in a positive and proportionate way relative to location. Furthermore, the provision of public open space and pedestrian linkages meets with the development plan objectives for the R2 and SRR zoned lands.

7.5.8. Issues raised by the appellant also include that the application does not achieve the development management standards with respect to the depth of rear gardens, height of boundary walls, inadequate car parking and cycle parking spaces and that a design statement as required for larger developments was not submitted with the application (see section 7.9). In the response to Item 1 of the further information request the applicant confirms that the plot-to-plot boundaries between private open space/rear garden areas are generally proposed with a 1.8m high wall extended 2.5m from the wall of the house into the private open space as a visual screen between properties. Then the remaining boundary is proposed as a planted hedge to achieve a visually softer character to the private open space/rear garden and to allow for greater biodiversity. I note that planning authority does not consider that the development should be refused because of the variation, and I note also that the development plan allows for alternative boundary treatments such as planting combined with appropriate fencing if it can be demonstrated that it will enhance the development (Appendix 1 Development Management Guidelines p.454 of the development plan). I consider that the introduction of additional planting would assist with the integration of the scheme into the established residential context and noting the planning authority's condition no. 21 with respect to landscaping I consider that this issue can be adequately addressed by incorporating the type of planting and timing of same in a condition for agreement with the planning authority. The appellant has highlighted a number of incremental 'gap' space between some of the boundaries. In the event of a grant of permission this issue can be addressed by condition.

7.5.9. I will address the issue relating to car parking and cycle parking provision in section 7.7 and the issue relating to the submission of the design statement is addressed under miscellaneous issues section 7.9.

7.5.10. The appellant sets out an analysis of the development proposal against the National Planning Framework, The Sustainable Residential Development in Urban Areas Guidelines for planning authorities (2009) and the Best Practice Design Manual (Chapter 10). In response I shall address each one in turn:

- National Planning Framework (NPF)

The appellant is of the view that the proposed development by reason of the excessive density, height and reduced rear garden depth does not comply with National Planning Framework Objective 33 which seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. As already set out in section 7.5.3-7.5.8 of this report having undertaken a qualitative assessment of the proposed development, I would be of the opinion that the proposed density, height and amenity spaces proposed within the proposed scheme of 22 no. houses on the lands designated for residential development responds in a positive and proportionate way relative to location and as such accords with NPF NPO 33.

- The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024)

At the time of my assessment the 2009 guidelines have been revoked and replaced with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. I note the appellants concerns relating to the number of units proposed in the scheme in contrast to the then in force 2009 guidelines which recommended that the typical pattern of and grain of existing development suggests that any individual scheme for new housing should not be larger than about 10-12 units, due to an absence of sufficiently development local infrastructure such as schools and community facilities to cater for development. The 2024 guidelines focus on the renewal of existing settlements and on the interaction between residential density, housing standards and quality urban design and placemaking to support sustainable and compact growth. Section 5.3.2 of the guidelines state that a more graduated and flexible approach that supports the development of compact housing and takes account of the value of well-designed private and semi-private open space should be applied. The subject site is within easy walking distance of the main street of Liscannor, school, church and community centre, the lands adjoin an established residential area, and having regard to Liscannor's designation as a Large Village the proposed development would in my opinion support sustainable and compact growth in accordance with the guidelines.

- Best Practice Design Manual (Chapter 10)

The appellant is concerned that the proposed development will result in a significant loss of residential amenity of the immediately adjacent dwellings and highlights criteria within chapter 10 to assess the impact of privacy of each home. The planning authority have provided in their response to the appeal an assessment of the compliance of the design proposals against these criteria, this includes: -

- The site is generally level throughout with no significant level differences between back to back windows. The existing houses on Holland Drive are higher than those of the subject site.
- Low incidences of back to back layout
- Variation in size of windows, house design, orientation and aspect.
- Judicious planting of hedging is proposed along rear inter-site boundaries so that future residents can cut the hedge to their preferred height for privacy and screening.
- Layout takes full advantage of the southern aspect for location of gardens/private/semi-private amenity space particularly along Holland Drive.

Having reviewed the site layout I note the planning authority's response to the appeal and would agree that the proposed development will not have any impact in terms of overlooking private amenity spaces of the existing properties on Holland Drive and Holland Drive. The proposed development will result in front facing elevations along the boundaries facing onto the public roads. As already stated, the revised plans do not include any first-floor balconies. I agree with the planning authority's opinion that the proposed development demonstrates compliance with the criteria contained in Chapter 10.

In conclusion, I am of the opinion that the proposed development, subject to considerations with respect to open space as set out in section 7.5.7 and car parking (see section 7.7) that can be addressed by condition, is in compliance with local and national planning policy and guidelines.

## 7.6. *Impact on residential amenity and social infrastructure*

- 7.6.1. The appellants are concerned that the proposed development will have an adverse impact on their established residential amenity by reason of adverse visual impact, overlooking, overshadowing and loss of privacy. The issues of potential overlooking and privacy have been assessed in 7.5.10.
- 7.6.2. I acknowledge the appellants concerns with respect to visual impact. The submitted Design Statement (received as unsolicited further information 21 September 2022) explains that the design focuses on creating a streetscape enclosing an urban courtyard to reinforce the street pattern. The applicant's state that the design aesthetic draws on a contemporary interpretation of the simple 'A' roof form, scale and proportions of the existing vernacular buildings found in Main Street and in the environs of Liscannor village. I am of the opinion that whilst there will be a change in the setting and outlook of those existing properties on Holland Drive and Holland Street, on balance taking into account the proposed retention of the existing Liscannor Stone wall with the provision of a new pedestrian footpath inside the wall would contribute positively to the integration of the development into the existing streetscape and, provide safer segregated pedestrian connectivity along this section of Holland Street, I do not consider that this change would be such that it would result in a negative visual impact.
- 7.6.3. The existing properties on Holland Drive, to the south of the subject site, and Holland Street, to the west of the subject site, are positioned on higher ground than the subject site, as shown on submitted drawing Prop. Site Layout – Roof Level A.102. In conjunction the proposed revisions to the house type have resulted in a reduction in the height of the proposed buildings. Given the orientation of the subject site and the proposed height of the buildings relative to the adjoining buildings I am of the view that there will not be significant overshadowing of existing residential properties.
- 7.6.4. The applicant in response to the appellants concerns regarding overdevelopment of the site suggests using the average household size of 2.75 that the population equivalent of the development of 22 no. houses would be 60 residents and not the 136 residents as suggested by the appellants. The appellants are concerned that the proposed development, alone and also in conjunction with the development granted

under register reference 22/796 will overwhelm the existing modest services in Liscannor.

- 7.6.5. The planning authority in their response to the appeal highlights that unlike many rural villages, Liscannor is a zoned serviced settlement with connectivity to Lahinch/Ennistymon where further social, economic and recreational services are available. I note that the applicant has submitted a copy of an email sent from the Chairperson on behalf of the Board of Management of Liscannor N.S clarifying that the school is not at full capacity. Having regard to the serviced nature of Liscannor, including new wastewater treatment plant, and proximity to Lahinch/Ennistymon I am of the view that the proposed additional 22 no. houses separately and, in combination with the 14 no. permitted houses (22/796) are of such a scale that would be appropriate to the form and character of the settlement in accordance with the guidance for the areas and density ranges for rural towns and villages (Table 3.7 Sustainable and Compact Settlements – Guidelines for Planning Authorities). In conclusion, I would be of the opinion that the proposed development of 22 no. houses on the lands designated for residential development responds in a positive and proportionate way to the receiving context through site responsive design and, as such, would not result in a loss of residential amenity.

*7.7. Traffic congestion, road and pedestrian safety*

- 7.7.1. The planning authority agree that the school and church generate parking demand. They highlight, however, that given the proximity of the proposed housing to the school it is unlikely that future residents will require to be transported by car, therefore, the proposed development will not generate additional school traffic. The planning authority have indicated that there may be other alternatives to resolve some of the haphazard parking and congestion that occurs on Holland Street. I would not agree with the appellants suggestion that a set-back should be provided to provide for on-street parking Holland Drive taking into account there are alternative solutions to the haphazard parking and the removal of the original Liscannor stone boundary would be detrimental to the established sense of place it reinforces along Holland Street.
- 7.7.2. The planning authority in their response to the appeal comments with respect to the layout changes required by condition, as a result of the omission of 17 no. houses on

the eastern half of the site, notes that they were precluded from seeking clarification having regard to the statutory time limits. It is the planning authority's view that given the principle of development was acceptable that the issue of the modification to the internal road layout could be appropriately addressed by condition.

- 7.7.3. The appellant submits that the layout will substantially change once again altering the traffic pattern without public input. I do not agree with the appellant and consider the proposed modification will be limited to the provision of a turning head in the vicinity of house no. 28 (Planning Authority Condition no. 13 relates) along the proposed internal road and the adequate provision of car parking spaces. I highlight to the Board that Condition no. 13 states in the vicinity of house no. 28 whereas the planner's report makes reference to house no. 27. I note the planner's report states the provision of the turning head will require the omission of visitor parking spaces to which they state there is no objection. Visitor parking is shown adjacent to house no. 28 so as I understand it Condition no. 13 should refer, as it does, to house no. 28 and the reference in the planner's report to house number 27 is a typographic error.
- 7.7.4. In tandem with this required modification to the internal layout there would, as noted above, be the removal of some visitor parking spaces. For the purposes of my assessment the planners report states that a total of 46 no. car parking spaces are provided to serve 22 no. dwellings the CDP required 1 space per dwelling for 1,2,3 bedroom or greater than 3 bedrooms in town centres and 1 visitor space per 3 residential units. There would be a required 29 car parking spaces applying the town centre standard. As such, the planner considers there to be an over provision of car parking spaces.
- 7.7.5. Taking into account that Liscannor is identified as a large village in the settlement hierarchy, whilst I note that the subject site sits within the settlement boundary, I am of the view that the appropriate development plan car parking standard for 'Other Areas' would apply to the subject site rather than the applied 'Town centre' standard. In this instance 1 space is required for 1 and 2 bed units and 2 spaces for  $\geq 3$  bed units, with 1 visitor space per 3 residential units (Table A3 – Bicycle and Vehicle Parking Standards). Notwithstanding the foregoing, I also refer to SPPR 3 of the Sustainable Residential and Compact Settlement Guidelines 2024 in which Liscannor as a large village would be considered to fall within a peripheral area where the maximum rate of car parking provision shall be 2 no. spaces per dwelling.

The maximum car parking standards in SPPR 3 do apply to the provision for visitor parking but do not apply to accessible parking spaces. Therefore, having regard to the development plan's 'Other Areas' standard and applying SPPR 3, I calculate the total number of car parking spaces is 38 for the 22 dwellings (based on 6 units of 1-2 beds and 16 units of 3 beds and over). There is an excess of 8 car parking spaces within the proposed scheme, as located on the zoned residential lands.

- 7.7.6. I am of the opinion, therefore, given the excess number of car parking spaces that those spaces shown surrounding the Open Space Area 2 should be omitted from the scheme to provide for a safer amenity space for the future residents to use and the visitor parking in the proximity of dwelling unit no. 28 also be removed to accommodate the provision of the turning head. An accessible visitor parking space can be accommodated along the western edge of Open Space Area 1. As such, the bespoke condition no. 13 could be modified to include the omission of parking spaces within Open Space Area 2 and include for the provision of a turning bay. I consider these as minor internal layout issues which can be addressed by condition.

I note that garden store/sheds are proposed to be constructed to accommodate bicycle storage for each dwelling, this is considered acceptable storage provision. Some of the garden store/sheds are positioned abutting the public facing boundary, I consider that these could be repositioned on their plots to the opposite boundary by condition to reduce their visual impact.

In conclusion, I am of the opinion that the proposed development subject to condition will not result in traffic congestion and traffic hazard.

#### 7.8. *Flood risk*

- 7.8.1. The appellant has provided photographs illustrating flooding along Holland Drive and notes that the application site is prone to flooding during heavy summer rains. They disagree with the statement in the submitted Planning Application Services Report that flooding is not an issue. They also highlight that the Strategic Flood Risk Assessment in Volume 10 (c) advises against new /extensive redevelopment of the village as being premature until the findings of the coastal protection scheme and strategic coastal erosion plans are developed. The appellant suggests that without further mitigation on the site zoned Strategic Residential Reserve (SRR) that the flood hazards will be exacerbated by the proposed development.

- 7.8.2. The planning authority in both the planner's report and their response to the appeal have provided an update from the Capital Projects Office that confirms the 'Liscannor Bay Coastal Erosion and Flood Risk Management Study' has been completed and updated since 2017. They state that coastal erosion works have been carried out in the vicinity of the R477 near Liscannor and works are planned at Clahane and Ballyellery. The Senior Executive Engineer advises further that Liscannor village, including the subject site is not considered to be at risk from coastal erosion and flooding given the rock cliff face and the works carried out to date.
- 7.8.3. The applicant's response to the flood risk concerns clarifies that historical flooding incidents along Holland Drive were incorporated into the storm network modelling. It is stated that to mitigate the potential flood risk a series of measures have been designed to ensure that surface water drainage system does not exacerbate flooding in the vicinity of the site and whenever possible works to alleviate it. Measures include:
- All road gullies situated at the lowest point of Holland Drive have been integrated into the new storm network to capture and divert surface water away from Holland Drive.
  - The site's topography has been designed to channel water towards areas where it can be collected in an attenuation tank located under the visitor's car parking area which falls within the designated area to be taken in charge by the Council. I note a discrepancy in the drawings (Prop Site Layout – Roof Level drawing no. [A.102 Revision C] shows 2 no. attenuation tanks under parking spaces marked as both visitor and residential unmarked and sewer Layout Drawing no.[ 21-028-003 RevPL1] indicates only one attenuation tank) which in the event of a grant of permission a condition could be attached for a revised drawing clearly illustrating that the location of the attenuation tank in an area that can be taken in charge.
  - Drawing 21-023-003 Sewer Layout illustrates the proposed new storm sewer along Holland Drive and connection to existing storm sewer manhole north of the site, which connects to a culvert drain which leads towards the harbour to the discharge point.

- Sustainable Drainage Systems (SuDS) including permeable surfaces to regulate the flow of surface water from driveways and use of tree pits.

7.8.4. I acknowledge that there have been past flood events in Liscannor, as per the Strategic Flood Risk Assessment, however having reviewed the Flood Maps this event (ID-12976) related to coastal/estuarine waters and was not within the immediate vicinity of the subject site. I note the photographs submitted clearly show the surface water flooding that has occurred on Holland Drive. Notwithstanding, having regard to the update and clarification provided by the Capital Projects Office in respect to the subject site not being at risk from coastal erosion and flooding and taking into account the proposed designed measures to manage surface water drainage on the subject site I am of the opinion that flood risk would not be exacerbated by the proposed development.

#### 7.9. *Miscellaneous*

7.9.1. The appellant has raised concerns in relation to the application in terms of its content and the description of development.

7.9.2. In summary these include:

- A design statement was not included with application documentation but was subsequently sent in as unsolicited further information and received by the planning on the 21 September 2022. The applicant contends that a design statement is not included on the validation checklist and that the information was made available during the submission period.
- There is an existing single storey shed that will be demolished to facilitate the development. No details of the demolition are stated in the statutory notices or on the application form. The appellants have raised concerns that the entire application is missing information on removal of existing derelict building on the land. From my site inspection I can concur that there is an existing single storey building on the subject site with a vehicular entrance close to the northern boundary of the site. This building did not appear to be in use. The applicant's state that this is a disused maintenance shed. The submitted existing site survey drawing (Drwg. No. A101) indicates that the structure is an existing shed. I note that the structure measures less than 100 sq. metres. As such the demolition of same, on the information available on the file, may

be considered to meet with the conditions and limitations of Schedule 2, Part 1 Class 50 exempted development.

- Points raised with respect to flooding. Please refer to consideration of this issue in section 7.8 of this report.

7.9.3. I note that these matters were considered acceptable by the planning authority. I am satisfied that this did not prevent the concerned party from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

7.9.4. Separately, I highlight to the Board that the DAU recommended that given the scale, extent and location of the proposed development, that an Archaeological Impact Assessment (Including Archaeological Test Excavation) be carried out as part of further information request. The planning authority were of the opinion that given the separation distance from the outer limit of the zone of notification associated with monument CL015-078002 that this issue could be addressed by archaeological monitoring condition. I would concur with this opinion and in the event the Board is minded to grant permission as condition could be attached to address same.

## **8.0 AA Screening**

### **Appropriate Assessment Screening Determination (Stage 1, Article 6(3) of Habitats Directive)**

- 8.1. I have considered the proposed development of a storage warehouse in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.
- 8.2. A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Clare County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. Clare County Council concluded the

proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out.

- 8.3. A detailed description is presented in Section 2.0 of my report. In summary, the proposed development site is a greenfield site within the settlement boundary of Liscannor village surrounded by existing residential housing, roads and open space in the immediate vicinity. The development will comprise construction of 43 no. dwellings (*reduced to 22 no. units by condition*), car parking spaces surface water attenuation and a new storm water sewer along Holland Drive and connect it to the existing storm water sewer manhole north of the site. It is proposed to have permeable surfaces, tree pits, bioretention areas and attenuation measures. Water and waste will be connected to local services.
- 8.4. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.

8.5. **European Sites**

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). Two European sites are located within 5 kilometres of the potential development site:

- Inagh River Estuary Special Area of Conservation (SAC) [000036]
- Cliffs of Moher Special Protection Area (SPA) [004005]

- 8.6. The Inagh River Estuary SAC is an estuarine channel that flows westwards to the sea from Ennistymon, in the south-west of Co. Clare. The site includes the estuaries of both the Inagh and Dealagh and its most western boundary is within 1.5 km of the development site. This is a large site with a range of coastal, tidal and terrestrial habitats that are of considerable ecological interest, five of which are listed under Annex I of the EU Habitats Directive. The extensive and relatively secluded low-lying wet grasslands provide a natural and legally protected refuge for wildfowl
- 8.7. Cliffs of Moher SPA site extends a distance of some 9.5 km along the north Clare coast from Faunmore in the north to just south of Cancreggia Point in the south. The cliffs, which rise to 203 m in height, are formed of horizontal beds of coal measure sandstones and shales. Cleavage in the rock is so good that the term flagstone has

been applied, and the Liscannor Flag is the rock type best exposed in a quarry near Hag's Head. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Fulmar, Kittiwake, Guillemot, Razorbill, Puffin and Chough. The site is also of special conservation interest for holding an assemblage of over 20,000 breeding seabirds.

- 8.8. Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of Inagh River Estuary and Cliffs of Moher.

European Site	Qualifying Interests (summary)	Distance	Connections
Inagh River Estuary Special Area of Conservation (SAC) [000036]	Salicornia and other annuals colonising mud and sand [1310]  Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]  Mediterranean salt meadows (Juncetalia maritimi) [1410]  Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]  Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	1.5km	No direct
Cliffs of Moher Special Protection Area (SPA) [004005]	Fulmar (Fulmarus glacialis) [A009]  Kittiwake (Rissa tridactyla) [A188]  Guillemot (Uria aalge) [A199]  Razorbill (Alca torda) [A200]  Puffin (Fratercula arctica) [A204]  Chough (Pyrrhocorax pyrrhocorax) [A346]	5.0km	No direct

#### 8.9. Likely impacts of the project (alone or in combination)

Due to the enclosed nature of the development site and the presence of existing built form between the subject site and Liscannor Bay, I consider that the proposed development would not be expected to generate impacts that could affect anything

but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

The proposed development would not have direct impacts on any European site.

During site clearance, demolition and construction of the proposed warehouse and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.

The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to Inagh River Estuary SAC and Cliff of Moher SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

#### **8.10. Likely significant effects on the European sites in view of the conservation objectives**

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance.

#### **8.11. In combination effects**

In combination impacts have been considered and the risk of in combination impacts with recently permitted planning register reference 22/796 can be ruled out. The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

No mitigation measures are required to come to these conclusions.

#### **8.12. Overall Conclusion**

##### *Screening Determination*

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites namely, Inagh River Estuary SAC, Cliffs of Moher SPA or any other European

site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The location of the development in a serviced urban area.
- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European site.
- Distance from and weak indirect connections to the European sites.
- Taking into account the screening determination by the planning authority.

## **9.0 Recommendation**

I recommend that a split decision should be made, as follows:

- (1) Grant permission for 22 no. houses comprising nos. 1- 13 and 27- 35 inclusive, including Open Space Area 2 and all associated ancillary sites works, services and connection to public services on lands zoned 'Residential' (R2) and grant permission for Open Space Area 1 and pedestrian access lane 2 on lands zoned 'Strategic Residential Reserve' (SRR) for the reasons and considerations marked (1) and subject to the conditions set out below (Section 11.0)
- (2) Refuse permission for the 17 no. houses comprising numbers 14- 26 and 36- 39 inclusive on lands zoned as Strategic Residential Reserve (SRR) for the reasons and considerations marked (2).

## **10.0 Reasons and Considerations (1)**

Having regard to the residential land use zoning of the western portion of the site, the site specific R2 to consolidate the village centre and reinforce the vitality and viability of the village centre, the exception provided for non-residential development within the 'Strategic Residential Reserve' zoning and, the policies of Clare County Development Plan 2023-2029 it is considered that, subject to compliance with conditions set out below, the proposed development would not result in flood risk, traffic hazard, or seriously injure the residential and visual amenities of the area or

property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 28 day of July 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. This permission relates to the proposed 22 no. dwelling units within the 'Residential' (R2) zoned lands only (Nos. 1- 13, and 27-35 inclusive) as outlined on site layout drawing received on the 28<sup>th</sup> July 2023 and Open Space Area 1 and pedestrian access lane 2 within the 'Strategic Residential Reserve' zoned lands; for the avoidance of doubt, the 17 no. dwellings within the Strategic Residential Reserve shall not be permitted herein (Nos. 14-26 and 36-39) as outlined on site layout drawing received on the 28<sup>th</sup> July 2023.

**Reason:** To define the permission.

3. The proposed development shall be amended as follows:
  - (a) The provision of Open Space Area 1 and Open Space Area 2 comprising a total minimum of 1,510 sqm.
  - (b) The provision of a 'Type 2' turning bay in the vicinity of dwelling unit. No. 28 in accordance with the requirements of the planning authority.
  - (c) The omission of a total of 8 no. parking spaces, to include the removal of 5 no. spaces positioned on the edge of Open Space Area 2 and the remaining 3 no. spaces in the vicinity of dwelling no. 28 shall be removed to make provision for the requirements of (b) above.

- (d) The provision of an accessible visitor parking space to the western edge of Open Space Area 1.
- (e) Removal of the incidental space between the rear boundaries of dwelling no. 10 and dwelling no. 32 and the incidental space between the rear boundary of dwelling no. 13 and the front boundary dwelling no. 35.
- (f) Reposition the garden store/shed in dwelling nos. 10, 13, 32 and 34 to the opposite boundary, away from the public facing boundary.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

**Reason:** In the interest of traffic safety, residential and visual amenity.

4. Prior to commencement of development the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act, 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (Other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and development Act 2000, as amended, and of the housing strategy in the development plan of the area.

5. The dwellings shall be used as a permanent place of residence (principal private residences) only and shall not be used for short-term lettings or overnight commercial accommodation.

**Reason:** To regulate the use of the development and to comply with site specific objective R2 'Liscannor' of Clare County Development Plan 2023-2029.

6. The following shall apply to the boundary treatments:
- (a) The existing stone walls along the northern and western boundary shall be retained.
  - (b) Where new boundary walls face onto the public areas these shall be finished in natural local stone or capped and plastered.

**Reason:** In the interest of visual amenity.

7. (a) The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.
- (b) Prior to the commencement of development revised plans for the proposed attenuation tank to take account of the requirements of Condition (3b) and Condition (3c) and a Surface Water Management Plan, shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of public health.

8. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees. Such lighting shall be provided prior to the making available for occupation of any residential unit.

**Reason:** In the interest of amenity and public safety.

9. The developer shall engage a suitably qualified archaeologist to carry out an Archaeological Impact Assessment (AIA) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The AIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork. The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for

the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works.

Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

10. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall incorporate any significant findings that emerge from the Archaeological Impact Assessment (AIA) process (as required by Condition no. 9). The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of proper planning and sustainable development.

11.

- (a) The areas of the development for Taking in Charge shall be agreed in writing with the planning authority, prior to the commencement of development on site.
- (b) The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.
- (c) After completion of the development, the developer shall lodge full plans, drawings and details of the entire development as constructed and these shall be certified by a suitable professionally qualified individual. Said drawings and plans shall be digital format and be compatible with AutoCAD release 12 or later.

**Reason:** To ensure that the development is carried out and completed to an acceptable standard of construction and to provide for the satisfactory future maintenance of the development in the interest of residential amenity.

12. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than [1:500] showing –
  - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species suitable for the coastal location. Open Space Area 1 and Open Space Area 2 shall have at least one native oak tree, or other naturalised tree species of similar structure and lifespan.
  - (ii) Details of inter-site boundary planting and screen planting
  - (iii) Details of roadside/street planting

- (iv) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of biodiversity, residential and visual amenity and in accordance with objective CDP15.19 of Clare County Development Plan 2023-2029.

13. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

14. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the

name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility.

15. (a) Either a 'Yield Right of Way' sign or a 'Stop' sign together with appropriate road markings shall be provided by the developer at their expense at the junction between the public road (Holland St.) and the main access road to the proposed development. Details of the sign and road markings shall be to Department of Transport Local Government Traffic Signs Manual standard.
- (b) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

16. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

17. No development exempted or otherwise shall be erected over the public sewer, drain or watermain.

**Reason:** In the interest of public health.

18. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

19. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an

agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

20. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation

provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

## 12.0 Reasons and Considerations (2)

Having regard to the Strategic Residential Reserve (SRR) zoning objective on the eastern portion of the subject site which precludes the consideration of residential development of such lands until the beginning of year four of the development plan (April 2027) the proposed development of 17 no. residential dwellings would materially contravene the SRR zoning objective indicated in the Clare County Development Plan 2023-2029. The proposed development would, therefore, be contrary to the proper planning and sustainable development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Claire McVeigh

Planning Inspector

04 September 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	318171-23			
<b>Proposed Development Summary</b>	Construction of 43 dwellings and associated site works.			
<b>Development Address</b>	Holland Street/Holland Drive, Liscannor, Co. Clare.			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	√	
		<b>No</b>		
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>		N/A	EIA Mandatory EIAR required	
<b>No</b>	√		Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>	√	Class/Threshold Part 2, Schedule 5 (Class 10 (a)) Construction of more than 500 dwelling units.	Proposal is significantly below threshold.	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	√	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference	318171-23	
Proposed Development Summary	The proposed development comprises the construction of 43 no. dwelling units. The proposed dwellings comprise a mix of dormer storey and two storey houses and dormer two and a half storey apartment/duplexes with associated ancillary site works, and connections to public services.	
Development Address	Holland Street/Holland Drive, Liscannor, Co. Clare.	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The site is located in Liscannor village within an established residential area on lands zoned for residential (R2). Liscannor is a zoned serviced settlement with connectivity to Lahinch/Ennistymon.</p> <p>No significant waste, emissions or pollutants are likely.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted</p>	<p>The proposed development comprises 43 dwellings and amenity open space. The size of the development is not exceptional in the wider context of the existing built-up environment.</p> <p>There is no real likelihood of cumulative effects with other existing and/or permitted projects.</p>	No

projects?		
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>There are no ecologically sensitive locations in the vicinity of the site. The nearest European site is located 1.5 km to the east is the Inagh River Estuary SAC.</p> <p>The proposed development is not likely to have the potential to significantly affect other significant environmental sensitivities in the area.</p>	No
Conclusion		
<p>There is no real likelihood of significant effects on the environment in terms of the nature, size and location of the proposed development and having specific regard to the criteria set out in Schedule 7 of the P&amp;D Regs 2001 (as amended).</p> <p>EIA not required.</p>		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)