



An
Bord
Pleanála

**Pre-Application Consultation
pursuant to Section 177E(1A) of the
Planning and Development Acts,
2000-2021, as amended**

**Inspector's Report on
ABP-319187-24**



Proposed Development	Repairs to concrete slipway and gravel pathway
Location	Lands at Ballinkillew, Whitegtae, Co. Clare
Planning Authority	Clare County Council
Prospective Applicants	Declan Lyons
Date of Consultation Meeting	16 th May 2024
Date of Site Inspection	02 nd May 2024
Inspector	L. Dockery

1.0 Introduction

- 1.1 The Board received a request on the 04th March 2024 from Lyons Designs Architectural Services on behalf of Declan Lyons, to enter into pre-application consultations under section 177E(1A) of the Planning and Development Act, 2000, as amended. The Board decided to grant this request from the prospective applicants by Direction dated 06th March 2024.
- 1.2 One pre-application consultation meeting was held on 16th May 2024. The purpose of this report is to inform the Board of the nature of the pre-application consultations undertaken, pursuant to Section 177E(1A) of the Planning and Development Act 2000, as amended.

2.0 Site Location

- 2.1 The subject lands are located in a rural area, between Mountshannon and Whitegate, Co. Clare in the townland of Ballyinkillew, on the shores of Lough Derg. The site is accessed via a private laneway, which serves a number of dwellings and agricultural lands. The site, as outlined in red, is located on the lake-side of the access road and has a timber post and rail fence along its perimeter.

3.0 Description of Proposal

- 3.1 Repairs to concrete slipway and gravel pathway. A gravel path leads to the water where there is a jetty structure, concrete slipway, lights and electricity pillars.
- 3.2 From the information attached to the file, the gravel pathway has a width of approximately 3.9m and a length of approximately 70m. The concrete slipway has a length of approximately 27.7m and a width of approximately 2.1m.

4.0 Planning History

UD21-112 – Warning Letter issued

R22-84

Section 5 Referral- Planning Authority determined that repairs to wooden jetty and replacement of wire fencing with timber and post rail constitutes development which is exempted development. Furthermore, the repairs to gravel slipway with concrete and repairs to gravel pathway with gravel constitutes development which is not exempted development, having regard to, inter alia, Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001 (as amended) as the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European Site.

ABP-317045-23

Application under section 177(c) of the Planning and Development Acts, 2000 (as amended) for Leave to Apply for Substitute Consent (received by ABP in May 2023). Deemed WITHDRAWN (January 2024)

Lands to NW

P18-799

Permission GRANTED for modification and extension of existing bungalow (Declan and Gemma Lyons).

5.0 Legislation

Any subsequent application for Substitute Consent will be lodged under the provisions of section 177E of the Planning and Development Act, 2000, as amended, and Part 19 of the Planning and Development Regulations, 2001, as amended.

6.0 Prospective Applicant's Case

- 6.1 The prospective applicant noted the planning history and context and requested the pre-application consultation in order to determine the exact process of how to lodge any application for substitute consent and what that application should contain.

7.0 Pre-Application Consultation Meeting

- 7.1 A Pre-Application Consultation meeting took place via Microsoft Teams on the 16th day of May 2024, commencing at 11.30 am. Representatives of the prospective

applicant and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting. The prospective applicant was advised in advance of the meeting that the consultation would relate solely to the administrative procedures around the lodgement of an application, and any associated requirements.

7.2 This report should be read in conjunction with the written record on file of the pre-application consultation meeting held with the prospective applicant. It is not proposed to repeat the contents of those records in detail here. The main topics raised for discussion at the meeting were as follows:

- Introductions and opening of pre-application meeting
- Description of development and relevant background information – brief outline presentation by the applicants.
- Procedural Advice with regard to any subsequent application for Substitute Consent.

8.0 Conclusion

The meeting concluded with agreement that a further meeting was not needed and and I therefore recommend that the pre-application consultation process should be closed.

Lorraine Dockery
Senior Planning Inspector

04th June 2024