



An
Bord
Pleanála

Inspector's Report

ABP-319859-24

Development	Construction of a house, entrance, onsite wastewater treatment system, with all associated ancillary and incidental site works.
Location	Derryfadda, Clonlara, Co. Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	2460078
Applicant(s)	John Hickey.
Type of Application	Permission.
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	Third Party.
Appellant(s)	James K Smith.
Observer(s)	TII.
Date of Site Inspection	31 July 2024
Inspector	Natalie De Róiste

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1.0 Site Location and Description

- 1.1. The site within the red line boundary is an irregularly shaped site of c. 1.2 hectares, straddling two fields in a larger landholding of c. 21.2 hectares, in the townland of Derryfadda. The site, and the landholding as a whole, is accessed by a narrow but well surfaced private road, off the Gillogue Road (the L3062, with a 60 km/h speed limit). The private road is c. 900 metres in total, terminating in the farmyard previously associated with the landholding within the blue line (the farmyard is now in separate ownership). The lane serves six other houses and two farmyards, all closer to the public road than the subject site. The site is located within a rural area, c. 3 km from Parteen, c. 7 km from Clonlara, c. 6 km from Limerick City, and c. 3 km (on foot or bike) or 9 km by car from the University of Limerick.
- 1.2. The site slopes upward from southwest to northeast, with a gradient of c. 1:35. The fields have near continuous hedgerows with mature deciduous trees, with new drainage ditches dug close to the tree line. The fields are under grass, with rushes in parts, and sheep, fencing, silage bales, and machinery on the site.

2.0 Proposed Development

The proposed development comprises of a two-storey dwelling (stated area 407 sqm), new entrance, bored well, wastewater treatment system, all site works, on a site of 1.2 hectares.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report dated 19 April 2024

- Development acceptable in principle

- Further information on proximity to reserved route of proposed Limerick North Distributor Road (LNDR) and landscaping (to reduce visual impact) required
- Applicant can meet settlement policy, submitted documents showing local address noted
- Acceptable in terms of other matters, including road traffic safety, effluent treatment, and neighbouring residential amenity

Report dated 22 May 2024 following receipt of Further Information

- Revised location of site entrance and landscaping plan acceptable: grant of permission recommended.

3.2.2. Other Technical Reports

- Environment Section – report dated 08/03/24, recommending grant with conditions
- Road Design – report dated 25/03/24, following a site visit on 25/03/24 and a review of the planning file, no comment.

3.2.3. Conditions

- Eleven conditions, including a condition regarding first occupation, that the dwelling be first occupied as a place of permanent residence by the applicant and remain so occupied for a minimum of 7 years.

3.3. Prescribed Bodies

No reports received

3.4. Third Party Observations

A single third party observation was received from the appellant and three other local residents. Points included:

- Third parties are residents of the private access road, which was improved and resurfaced at considerable cost
- Potential for road damage due to construction traffic

- Section 38 legal agreement exists to freeze further housing development on this road on foot of planning application ref P98-1460.
- Precedent for refusal (P11/196) in vicinity due to proximity to LNDR indicative route
- Development inadequately advertised; no mention of garage, office, kennels.
- Potential for commercial activity and associated traffic
- Floor area (518 sqm) is excessive
- A grant would greatly diminish the rural amenity of this quiet cul-de-sac

4.0 Planning History

Planning history on site, and partly on site:

- 2460276 (live application)
- Applicant: John Hickey.

Application for construction of detached agricultural equipment storage building, together with all associated ancillary and incidental works. This building would be located to the east of the house, and share the vehicular entrance and part of the driveway.

Decision due 04/08/24, deferred until 04/10/24 with consent of the applicant.

- 2360470

Applicant: John Hickey.

Permission was sought for the construction of a detached two storey dwelling, garage, dog runs, new entrance, onsite waste water treatment system, bored well, site works.

This application was withdrawn by the applicant, following the submission of unsolicited further information on the LNDR (Limerick North Distributor Road).

Recent and relevant in the vicinity of the site:

To the west of this site;

- 11196

Applicant: John Hickey

Permission was sought to demolish existing substandard derelict cottages, construct a new dwelling house, install a new waste water treatment plant with soil polishing filter and all associated site works. Permission was refused for the following reason;

1. The site is located in close proximity to the indicative line for the Northern Relief Road as identified in The South Clare Local Area Plan 2009-2015. The proposed development would therefore be premature pending the determination by the Planning Authority and Roads Authority of the road layout for the area.

To the south

- 20777

Permission was sought to construct a farm access road (running parallel with, and east of, the existing shared lane) and all associated site works. Permission was granted subject to conditions.

5.0 Policy Context

5.1. National Planning Framework 2040

National Policy Objective 15 Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

National Policy Objective 19 makes a distinction between areas under urban influence and elsewhere. It seeks to ensure that the provision of single housing in rural areas under urban influence is based on demonstrable economic or social housing need to live at the location, and on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2. Sustainable Rural Housing Guidelines for Planning Authorities 2005

These guidelines differentiate between Urban Generated Housing and Rural Generated Housing and directs urban generated housing to towns and cities and lands zoned for such development. Urban generated housing has been identified as development which is haphazard and piecemeal and gives rise to much greater public infrastructure costs. Rural generated housing includes sons and daughters of families living in rural areas and having grown up in the area and perhaps seeking to build their first home near the family place of residence.

5.3. Limerick Shannon Metropolitan Area Transport Strategy (LSMATS) 2040

Section 14.4.4 Local Authority Road Proposals notes that there is no funding provision for the development of the LNDR in the National Development Plan 2021-2030, and it has been omitted from the LSMATS at the request of the Minister for Transport.

5.4. Clare County Development Plan 2023-29

Development Plan Objective CDP3.1: Core Strategy

It is an objective of Clare County Council: To support the delivery of the Core Strategy in accordance with the Table 3.4 Core Strategy Table and the Map 3A Core Strategy.

Table 3.4 sets out that over the life of the Development Plan the target for Unserved Metropolitan Area Including Small Villages and Open Countryside is 74 houses, out of a total countywide target of 4,500 housing units. The majority of these 4,500 housing units are planned for served areas. The Core Strategy Map (Map 3A, Chapter 3) shows the subject site falls within a Rural Area Under Strong Urban Influence, and also shows the route of the proposed Limerick Northern Distributor Road (LNDR).

Section 4.2.6 Single Houses in the Countryside

This section notes the long tradition of dispersed settlement patterns in Co Clare, and aims to support this tradition in a positive manner that is consistent with the requirements of the NPF, the RSES for the Southern Region, and the Ministerial

Guidelines 'Sustainable Rural Housing – Guidelines for Planning Authorities' and sets out how the development of single houses will be accommodated in rural areas outside of towns, villages, and clusters, whilst ensuring the protection of key economic, environmental, biodiversity and cultural / heritage assets such as the road network, water quality and important landscapes.

To achieve this, the Council must distinguish between rural-generated housing (that is for those with a demonstrable economic or social need to reside in a specific rural area) and urban-generated housing (that is for those with no demonstrable economic or social need to reside in a specific rural area). These distinctions are necessary to ensure that the housing requirements of people who require a house for their permanent occupation in rural areas on the grounds of either social or economic need are facilitated.

Development Plan Objective CDP 4.10: Countryside

It is an objective of Clare County Council:

To ensure that the countryside continues to play its role as a place to live, work, recreate and visit, having careful regard to the viability of smaller towns and rural settlements, the carrying capacity of the countryside, siting and design issues and environmental sensitivities.

Development Plan Objective CDP4.14: New Single Homes in the Countryside within the "Areas of Special Control"

It is an objective of Clare County Council:

- i. In the parts of the countryside within the 'Areas of Special Control' i.e.:
 - Areas Under Strong Urban Influence
 - Heritage Landscapes
 - Sites accessed from or abutting Scenic Routes

To permit a new single house for the permanent occupation of an applicant who meets the necessary criteria as set out in the following categories.

- ii. To ensure compliance with all relevant environmental legislation as outlined in Objective CDP3.1 and to have regard to the County Clare House Design Guide, with respect to siting and boundary treatments.

Category A – Economic Need

i. Such persons shall be defined as persons who by the nature of their work have a demonstrable economic need to reside permanently in the rural area close to their place of work. Such circumstances will normally encompass persons involved in full-time farming, horticulture, forestry, bloodstock or marine-related activities as well as others who can demonstrate a genuine need, because of their occupation or business (not including bed and breakfasts) to live in a specific rural area. Similar part-time occupations can also be considered where it can be demonstrated that it is the predominant occupation and that the ancillary occupation(s) are located within a reasonable daily commuting distance from the site or alternatively may be facilitated through remote working. The applicant must not already own or have owned a house in the surrounding rural area (except in sub-category iii as set out under the Social Need criteria) and needs the dwelling for their own permanent occupation. Where a person's economic need relates to their engagement in farming or bloodstock they shall have a minimum farm size of 12.5 hectares within the local rural area. Where this minimum requirement is not achieved favourable consideration will only be given where a business plan can satisfactorily demonstrate that the person's predominant occupation relates to farming or bloodstock activities on their landholding and which also demonstrates the viability of the activity(s).

Or

ii. An applicant who is considered ineligible under the preceding category may be considered for the construction of a permanent home in the rural Area Under Special Control, subject to being able to satisfy the Planning Authority of their commitment to operate a full-time business (not including bed and breakfasts), from their proposed home in a rural area, as part of their planning application, in order for example, to discourage commuting to towns or cities. The applicant must not already own or have owned a house in the surrounding rural area (except in sub-category iii as set out under the Social Need criteria) and needs the dwelling for their own permanent occupation. Applicants must be able to submit evidence that:

- Demonstrates that the nature of their employment or business is compatible with those specified in the demonstrable economic need criteria for rural Areas Under Special Control (i.e. that they are serving a predominantly local rural business need).
- Their business will contribute to and enhance the rural community in which they seek to live.

For the two Economic Need categories outlined above, the documentation available/required will vary depending on the nature of the economic activity.

Examples of the information to be submitted with the application include

- Details of the functional requirement to reside either at or close to their rural based business.
- The overall extent of the landholding and the location(s) of same.
- The nature of the operations associated with the economic activity.
- The planning history associated with the economic activity (where available).
- Buildings and physical infrastructure requirements associated with the economic activities.
- Number of persons employed (or to be employed).
- Livestock and herd numbers (if applicable).
- Participation in government schemes/ programmes (e.g. Bord Bia Quality Assurance, Basic Payment Scheme (BPS), GLAS, or any similar/updated programmes or schemes).
- Any other information that would support the application.

Category B – Social Need

- i. A person who is an intrinsic member of a local rural community who was born within the local rural area, or who is living or has lived permanently in the local rural area for a minimum of 10 years either as one continuous period or cumulatively over a number of periods prior to making the planning application and who has a demonstrable social need to live in the area. This includes returning emigrants seeking a permanent home in their local rural area who meet these criteria. It also includes persons who were born or lived in a rural area for substantial periods of their lives and where

that area is now within an urban settlement boundary/zoned land. The applicant must not already own or have owned a house in the surrounding rural area (except in the exceptional circumstances as set out in sub-category iii below) and needs the dwelling for their own permanent occupation.

Or

- ii. Special consideration shall be given in limited cases for persons who need a dwelling for permanent occupation in a rural area for exceptional health reasons. Any application for permission in this category shall be accompanied by a report or recommendation (and other relevant supporting documentation) from a registered medical practitioner outlining the reasons why it is necessary for the applicant to live in the rural area or to reside near family/carer support (or alternatively requires care support to live in close proximity to them). Where applicable the applicant shall demonstrate why their existing home cannot be adapted to meet their needs and shall also demonstrate why their need for a house cannot be accommodated either in an existing settlement or in the countryside outside of the Areas of Special Control. In instances where the house is proposed to accommodate the person that will provide care for a person already residing in the rural area (such as elderly persons who have resided in the area over 10 years, and/or persons who qualify due to exceptional health reasons) the new dwelling must be sited adjacent to the existing dwelling, which shall be taken to mean sites that are in close proximity to the dwelling of the person that will be cared for.

Or

- iii. A person who is an intrinsic member of a local rural community, who was born within the local rural area or who is living or has lived permanently in the local rural area for a minimum of 10 years at any stage either as one continuous period or cumulatively over a number of periods prior to making the planning application, who previously owned a home and is no longer in possession of that home due to the home having been disposed

of following legal separation / divorce / repossession and can demonstrate an economic or social need for a new home in the rural area.

Rural Area Criteria

The rural area includes the countryside, designated clusters and small villages but excludes those settlements listed within the County Settlement Hierarchy which are urban settlements (Ennis, Shannon, Service Towns, Small Towns and Large Villages). For Rural Areas Under Strong Urban Influence the rural area is defined as the area within 10km of the site. For Heritage Landscapes and sites accessed from or abutting Scenic Routes the rural area is defined as the area within 10km of the site. Where the proposed site is of a greater distance than those as specified herein but the applicant can demonstrate a social or economic need to reside in the rural area these cases will each be considered on their individual merits.

Development Plan Objective CDP 4.20: Clare Rural House Design Guide

It is an objective of Clare County Council: To prepare a new Clare Rural House Design Guide during the period of the Development Plan.

Development Plan Objective CDP11.11: Motorways, National Roads and Strategic Inter-Urban Roads

This is an objective to *inter alia* advocate for and support improved road connectivity, and in particular to advocate for the Limerick Northern Distributor Route (LNDR) connecting the N18 to M7.

Development Plan Objective CDP11.15: Proposed Projects identified for Future Development

This is a wide ranging objective, which identifies a large number of projects for future delivery, including the LNDR.

Appendix 1 Development Management Guidelines

A1.4.1 Rural Residential Development

This sets out standards for length of road frontage, plot size, wastewater treatment systems, and notes that the principles set out in the County Clare Rural House

Design Guide are likely to be relevant in most contexts, and should be used by applicants and agents as a reference document.

5.5. County Clare Rural House Design Guide (2005)

This document prepared by Clare County Council sets out guidance on rural house design, having regard to landscape character, location and siting, vernacular precedents, scale, form and massing.

5.6. Natural Heritage Designations

- Lower River Shannon SAC 002165 – c. 1.5 kilometres to the south
- River Shannon and River Fergus Estuaries – 5 kilometres to the southwest

5.7. 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. EIA, or EIA determination, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

One third party appeal was received from a neighbour on the lane, c. 500 metres south of the site. Issues raised included the following:

- Application insufficiently advertised, with site notices not properly erected
- Conflict with the LNDR alignment – proposed house is the only one north of the LNDR alignment, and will require a more substantial access than agricultural lands would
- Applicant is not a farmer, but a senior executive with a multinational company
- Right of way over private lane (owned by appellant) is for agricultural use only

- Applicant can buy existing or new build house, no need for house on the site

6.2. Applicant Response

A response from the applicant's agent was received as follows:

- Appeal is vexatious, appellant is former tenant of applicant's farm holding.
- Appellant grew up within 700 metres, has a young family in local schools and elderly unwell parents requiring routine care, and is actively farming his lands, with a green cert, a herd number, and livestock on site, and has established he has a housing need.
- The issue of site notices is irrelevant, the application was validated.
- There is no evidence to the appellant's assertion that a different access would be required to the LNDR due to the construction of this house. Access would be required to the farm lands and the existing farmyard and dwelling at the end of the cul-de-sac anyway.
- The applicant has a right of way for all purposes over the lane, and it is not limited to agricultural purposes. Various folios and statutory declarations are submitted.

6.3. Planning Authority Response

Response received dated 2 July 2024. No observations to make, request the Board to uphold the decision.

6.4. Observations

TII – letter dated 19 July 2024. The subject site is remote from the national road network, and the Limerick Northern Distributor Road is not a national road scheme, as such TII has no specific observations on the application or the appeal.

6.5. Further Responses

None received.

7.0 Assessment

I have examined the application details, and all other documentation on file, including the appeal. I have inspected the site, and have had regard to relevant local/regional/national policies and guidance.

The main issues raised in this appeal are:

- Housing need
- Right of Way
- Site notice location
- Impacts on the reserved route for the Limerick North Distributor Road

I note the applicant's request for dismissal of the appeal. The appeal raises planning matters, and as such is not vexatious, frivolous, or without substance or foundation, and should be assessed as normal.

7.1. Housing Need

7.1.1. The Core Strategy of the Development Plan sets targets for planned housing in the hierarchy of settlements in accordance with the National Planning Framework, with the majority of development planned for existing settlements of various sizes, and a very small number of houses planned for unserviced sites in the metropolitan area.

7.1.2. Within the open countryside, the Plan identifies two types of areas for rural housing: 1. Areas under strong urban influence and 2. Remaining rural areas. The appeal site is located within an area under strong urban influence, which is an area of special planning control, and as such Objective CDP4.14 of the Plan applies. Part (i) of this objective states that applicants for a new single house in areas under strong urban influence must meet criteria under one of two categories, Economic Need (Category A), or Social Need (Category B).

7.1.3. The applicant submitted information with the application to demonstrate compliance with Category B, Social Need. The cover letter also referred in passing to a developing farming enterprise on the landholding, although no further information was submitted to demonstrate an Economic Need.

- 7.1.4. The information submitted with the planning application includes letters from schools detailing years of attendance (September 1993 to June 2002 inclusive), with an address at a named residence in Derryfadda. Recent documentation includes a motor tax certificate for a van, a mobile phone bill, correspondence from a credit card company and correspondence relating to insurance for keys, all with dates from 2023 and with an address at the same named residence in Derryfadda.
- 7.1.5. As a response to the appeal, the applicant's agent has noted that the applicant has a young family in school in the local parish, and elderly parents who require care, although no supporting documentation was submitted regarding either issue. Nonetheless, the applicant, by virtue of his upbringing at the residence in Derryfadda, which is less than a kilometre distant as the crow flies, and c. 3.3 kilometres away by road, would appear to be an intrinsic member of the local rural community, due to the duration of his residence in the rural area.
- 7.1.6. However, I could find no information on the file on the applicant's current homeownership status. I consider this a significant gap in the documentation submitted, as Category B applicants are required to demonstrate that they do not already own a house in the surrounding rural area, and have not owned a house in the surrounding rural area, save in exceptional circumstances (set out in subsection Category B ii and iii). The applicant does not indicate any such exceptional circumstances.
- 7.1.7. Regarding potential compliance with Category A, Economic Need, the response to the appeal included documentation indicating application for a flock number, a receipt for stock from the mart, and applications for agricultural payment schemes. There is a live application on the site for a shed for storing agricultural equipment. The applicant was on site with the animals (sheep) on the date of the site visit. However, the applicant has not adequately demonstrated that this is a full-time occupation or a predominant part-time occupation, or that it requires a permanent residence on site. Given the nature of sheep farming, the proximity of the applicant's current residence, and the apparent success of the current arrangement, it is not clear that this farming endeavour meets the threshold for consideration under Category A – Economic Need. In any case, applicants in this category also must not already own or have owned a house in the surrounding rural area, saving for exceptional circumstances, and as noted above, the application and subsequent

appeal is silent on this issue. I do not consider that the applicant has met the necessary criteria in either Category A - Economic Need, or Category B - Social Need, due to the lack of information provided on the issue of home ownership.

7.2. Right of Way

7.2.1. The appellant states that the applicant has a right of way for agricultural purposes only, and submits the folio for their lands in support of this claim. This folio shows a right of way for a single property on the lane (not that of the applicant, that of one of the third parties). However, the appellant does not dispute that a right of way exists for the applicant, only the nature of it.

7.2.2. The applicant has submitted the folio for his landholding, as well as a Statutory Declaration from John Casey (the previous landowner) from 2023, stating he has exercised his right of way since acquiring the property in 2011, and a Statutory Declaration prepared by John F Hayes of Holmes O'Malley Section Solicitors, and Breege Divilly, from 2011, detailing the right of way in place for the previous 30 years.

7.2.3. Having examined the folios and the Statutory Declarations, I am satisfied that the applicant has provided sufficient evidence of their legal interest for the purposes of the planning application and decision. In any case, this is a civil matter to be resolved between the parties, having regard to the provisions of S. 34(13) of the Planning and Development Act 2000 (as amended).

7.3. Site notice location

The appropriate location of site notices is a matter for the Local Authority, and the Local Authority validated and processed the application. The purpose of the regulations regarding public notices is to ensure the application is adequately advertised. I am satisfied that the location of the site notice did not prevent the appellant from making a submission, and subsequently making this appeal.

7.4. Impacts on the reserved route for the Limerick North Distributor Road

The site entrance was relocated further north as part of the Further Information submission to the Local Authority. I am confident that the proposed site entrance,

and indeed the site within the red line boundary, lie outside of the Infrastructure Safeguard for the LNDR. The Local Authority (the proposer of the LNDR project) is satisfied with the location. I am satisfied that the Infrastructure Safeguard of the LNDR is no impediment to the development.

7.4.1.

8.0 Appropriate Assessment

8.1. The Planning Authority's report screened out appropriate assessment. The site is located approximately 1.5km north of the Lower River Shannon SAC and c. 5km northeast of River Shannon and River Fergus Estuaries SPA. It is considered that the hydrological connection to both the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA is indirect, weak and sufficiently remote. Foul and surface runoff will be treated and contained on site. Having regard to ground conditions and site characterisation assessment, it is considered that adequate treatment can be achieved on site.

8.2. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the distance from the nearest European site and the absence of pathways between the application site and any European site it is possible to screen out the requirement for the submission of an NIS at an initial stage.

9.0 Recommendation

I recommend permission be refused, for the reasons and considerations below.

10.0 Reasons and Considerations

Having regard to the location of the site within a Rural area under Strong Urban Influence as identified in the Clare County Development Plan 2023-29, it is considered that the applicant does not come within the scope of the housing need criteria as set out in Objective CDP4.14 of the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural

development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Natalie de Róiste
Planning Inspector

___ September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319859-24		
Proposed Development Summary	Construction of a house, entrance, onsite wastewater treatment system, with all associated ancillary and incidental site works.		
Development Address	Derryfadda, Clonlara, Co. Clare.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		Yes	✓
		No	No further action required
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?			
Yes		Class.....	EIA Mandatory EIAR required
No	✓		Proceed to Q.3
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]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	✓	Preliminary Examination required	
Yes		Screening Determination required	

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319859-24	
Proposed Development Summary	Construction of a house, entrance, onsite wastewater treatment system, with all associated ancillary and incidental site works.	
Development Address	Derryfadda, Clonlara, Co. Clare	
<p>The Board carried 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. 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 proposed development is a dwelling house. There are existing dwelling houses in the proximity of the site. The proposed development would not be exceptional in the context.</p> <p>The development would not result in the production of significant waste, emissions, or pollutants</p>	<p>No</p> <p>No</p>
<p>Size of the Development 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 projects?</p>	<p>The proposed development is a two-storey house. The size is not exceptional.</p> <p>There would be no significant cumulative considerations, notwithstanding the development of an agricultural equipment store on the site</p>	<p>No</p> <p>No</p>

<p>Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>The development would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other rural developments.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)