



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320182-24

<b>Development</b>	Construction of dwelling with sewage treatment system and all associated site works.
<b>Location</b>	Killerk West, Darragh, Ennis, Co. Clare
<b>Planning Authority</b>	Clare County Council
<b>Planning Authority Reg. Ref.</b>	2460188
<b>Applicant</b>	Denise Mc Namara
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Denise Mc Namara
<b>Observers</b>	None
<b>Date of Site Inspection</b>	11/12/2024
<b>Inspector</b>	Siobhan Carroll

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Decision .....	3
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	4
3.4. Third Party Observations .....	4
4.0 Planning History.....	4
5.0 Policy Context.....	7
5.1. Clare County Development Plan 2023 – 2029 .....	7
5.2. National Policy .....	9
5.3. Natural Heritage Designations .....	10
5.4. EIA Screening .....	11
6.0 The Appeal .....	11
6.1. Grounds of Appeal .....	11
6.2. Planning Authority Response.....	12
7.0 Assessment.....	12
7.1. Rural housing policy.....	13
7.2. Pattern of Development and visual amenity.....	14
8.0 AA Screening.....	16
9.0 Recommendation.....	17
10.0 Reasons and Considerations.....	17
Appendix 1 – Form 1: EIA Pre-Screening	
Appendix 2 – Form 2: EIA Preliminary Examination	

## **1.0 Site Location and Description**

- 1.1. The appeal site is located within the rural townland of Killerk West approximately 11km to the south-west of Ennis in County Clare. The site has a stated area of 0.23ha and is located within a larger agricultural field. The front roadside boundary extends for 41m and is defined by a hedgerow. The wider landscape is undulating. The site level falls from the north-western corner towards the south-east with a gradient of 1:7. There are wide views out from the site towards to south and east.
- 1.2. There are two dwellings located immediately to the west of the site, comprising a single storey detached property, and a dormer detached property. To the east of the site approximately 112m from the boundary there is a detached dormer dwelling. A further detached dormer dwelling immediately neighbours this to the east.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the construction of a new dwelling house and garage, new entrance, sewage treatment system and ancillary works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Clare County Council decided to refuse permission for one reason.
  1. The subject site is located within a 'Western Corridor Working Landscape,' as per the provisions of CDP 14.3 of the Clare County Development Plan 2023-2029. In addition, the site is located within an area under 'Strong Urban Pressure,' as outlined in Chapter 4 of the Development Plan. Having regard to the pattern of development in the area and the extent of existing and permitted residential development in the area, the Planning Authority considers that the proposed development would contribute to the encroachment of random development in this rural area, and, in conjunction with existing and permitted developments, would seriously injure the visual

amenities of the area, would represent an unsustainable density of development in a rural area that would militate against the preservation of the rural environment and negatively impact on the efficient provision of public services and infrastructure, and would therefore be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

- 3.2.1. Planning Report dated 14/6/2024 – Refusal of permission recommended on the basis that the site is located within an area under ‘Strong Urban Pressure’ and that the proposed development in conjunction with existing and permitted development would contribute to the encroachment of random development which would seriously injure the visual amenities of the area.
- 3.2.2. Other Technical Reports
- 3.2.3. Environment Section – The proposed system is suitably designed to provide adequate treatment of the discharge from this dwelling. A grant of permission is recommended.

### **3.3. Prescribed Bodies**

- 3.3.1. Uisce Éireann – No objection.

### **3.4. Third Party Observations**

- 3.4.1. The Planning Authority did not receive any submissions/observations in relation to the planning application.

## **4.0 Planning History**

- 4.1.1. None on site.

#### Adjacent sites

- 4.1.2. Reg. Ref. 19/223 & ABP 305189-19 – Permission was refused for a dwelling house, garage, new entrance, sewage treatment system and ancillary works. The site is

located to the north of the appeal site. Permission was refused for the following reason:

1. Having regard to the location of the site within an area under strong urban influence in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005, wherein it is policy to distinguish between urban-generated and rural-generated housing need, and to National Policy Objective 19 as set out in the National Planning Framework, adopted by the Government, in relation to rural areas under urban influence such as in the current case which states that is the policy to “facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area...having regard to the viability of smaller towns and rural settlements”. It is considered that, having regard to the nature and location of his occupation, the applicant would represent an urban generated housing need and has not demonstrated an economic or social need to live at this rural location. Furthermore, it is considered that having regard to the extent of residential development permitted to date on the landholding, the proposed development in conjunction with existing and permitted development would not be in accordance with national policy and the Development Plan. The proposed development 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 these Ministerial Guidelines, and to the overriding national policy, notwithstanding the provisions of the Clare County Development Plan 2017-2023, would be contrary to the proper planning and sustainable development of the area.

4.1.3. Reg. Ref. 17/214 & PL03.248905 – Permission was refused to replace existing cottage with the construction of a passive dwelling house, including associated site works. The site is located to the south-east of the appeal site. Permission was refused for the following reasons.

1. Having regard to the location of the site within "Area Under Strong Urban Influence" as identified in Sustainable Rural Housing Guidelines for Planning

Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an Area of Special Control (Area Under Strong Urban Pressure) where housing is restricted to persons demonstrating local need in accordance with Objective CDP 3.11 (New Single Houses in the Countryside within Areas of Special Control) of the current Clare County Development Plan 2017-2023, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based rural generated 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. Furthermore, the proposed development would materially contravene Objective CDP 3.11 of the Clare County Development Plan 2017-2023, and would be contrary to the Ministerial Guidelines, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proposed development and the state of repair of the existing dwelling on the site, and as the applicant is not seeking to demolish a habitable but substandard dwelling and to replace it with a new single dwelling, it is considered that the provisions of Objective CDP 3.14(a) do not apply, including the exemption from the need to comply with Objective CDP 3.11.
3. Having regard to the lack of information submitted with the planning application and appeal documentation in relation to the proposed waste water treatment system, and in particular the absence of a Site Suitability Assessment Report and details of a waste water treatment system, it is considered that the proposed development would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

## 5.0 Policy Context

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

- 5.1.1. Chapter 4 refers to Urban and Rural Spatial Strategy
- 5.1.2. Development Plan Objective: CDP4.10 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.
- 5.1.3. Section 4.2.6 – refers to Single Houses in the Countryside
- 5.1.4. The site is located within a rural area under Strong Urban Influence as set out in the Urban and Rural Spatial Strategy, which is considered an Area of Special Control having regard to the development of new single houses in the countryside, as per Objective CDP 4.14.
- 5.1.5. Development Plan Objective CDP4.14: New Single Houses in the Countryside within the 'Areas of Special' - 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.

Note: Where the proposed site is accessed from a National route or certain Regional routes, the proposal must, in addition to compliance with this objective, also be subject to compliance with objectives CDP11.13 and 11.14 as set out in Chapter 11.

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.

5.1.6. Chapter 14 refers to Landscape



5.1.7. Section 14.3.2.2 – refers to Working Landscapes

5.1.8. Development Plan Objective: CDP14.3 Western Corridor Working Landscapes - It is an objective of Clare County Council: a) To permit development in these areas that will sustain economic activity, and enhance social well-being and quality of life - subject to conformity with all other relevant provisions of the Plan and the availability and protection of resources; b) To ensure that selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design, are directed towards minimising visual impact; c) To ensure that particular regard should be had to avoiding intrusions on scenic routes and on ridges or shorelines. Developments in these areas will be required to demonstrate:

- i. That the site has been selected to avoid visual prominence.
- ii. That site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, public amenities and roads.
- iii. That design of buildings and structures reduces visual impact through careful choice of form, finishes and colours and that any site works seek to reduce the visual impact of the development.

## 5.2. National Policy

### National Planning Framework Project Ireland 2040 (NPF)

5.2.1. The NPF includes National Policy Objective (NPO) 19 which seeks to facilitate rural housing in rural areas under urban influence based on economic or social need to live in an area and siting and design criteria per guidelines and plans having regard to the viability of smaller towns and rural settlements.

### Southern Regional Assembly Spatial and Economic Strategy (RSES)

5.2.2. The NPF and RSES make a distinction between areas under urban influence, i.e. those within the commuter catchment of cities and large towns and centres of employment, and rural areas outside these catchments where a more flexible approach to rural housing will apply.

5.2.3. RPO 27 - To support rural economies and rural communities through implementing a sustainable rural housing policy in the Region which provides a distinction between areas under urban influence and other rural areas through the implementation of

National Policy Objective 19 regarding Local Authority County Development Plan Core Strategies. Local authorities shall:

- a. Include policies for the protection of the viability of smaller towns and rural settlements as key priority within Development plans;
- b. Have regard for the viability of smaller towns and rural settlements. Core Strategies shall identify areas under urban influence and set the appropriate sustainable rural housing policy response which facilitates the provision of single housing in the countryside based on the core consideration of demonstrable economic, social or local exceptional need to live in a rural area and sitting, environmental and design criteria for rural housing in statutory guidelines and plans;
- c. Having regard for the viability of smaller towns and rural settlements, in rural areas elsewhere, facilitate the sustainable provision of single housing in the countryside based on sitting and design criteria for rural housing in statutory guidelines and plans;
- d. Provide for flexibility in zoning and density requirements to ensure that rural villages provide attractive easily developed options for housing.

Sustainable Rural Housing Guidelines for Planning Authorities, 2005

- 5.2.4. These guidelines seek that people from rural areas are facilitated by the planning system in all rural areas, including those under strong urban influence. Circular Letter 5/08 was also issued. The Guidelines give examples including farmers (and their sons and daughters) or other persons taking over or running farms and persons who have spent substantial periods of their lives living in rural areas and are building their first homes. Ribbon development is not favoured in the Guidelines (see Appendix 4 thereof).

**5.3. Natural Heritage Designations**

- 5.3.1. The Knockanira House SAC (Site Code 002318) is located circa 0.93km to the north-east of the site.

- 5.3.2. The Lower River Shannon SAC (Site Code 002165) is located within circa 2.5km to the south of the site.
- 5.3.3. The River Shannon and River Fergus Estuaries SPA (Site Code 004077) is located within 2.5km to the south of the site.
- 5.3.4. The Newhall and Edenvale Complex SAC (Site Code 002091) is located circa 4.2km to the north-east of the site.
- 5.3.5. Lough Acrow Bogs NHA (Site Code 002421) is located 6.5km to the west of the site.

#### **5.4. EIA Screening**

- 5.4.1. See Forms 1 and 2 in Appendices 1 and 2 attached below. 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 an EIA determination therefore is not required.

### **6.0 The Appeal**

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

A first party appeal has been submitted by Padraig Hogan on behalf of the applicant Denise McNamara. The issues raised are as follows;

- The applicant Denise McNamara is a local resident. Her parent's house is located 4km from the proposed site. Her grandparent's house is located 3km from the proposed site.
- The applicant does not and never has owned a dwelling. She therefore has a housing. She works as a beautician and will work from home providing a service to the local community.
- Denise McNamara is the primary carer to her grandparents Anne and Michael Hogan.
- The applicant's agent disagrees with the decision of the Planning Authority to refuse permission. It is submitted that the proposed development will not

result in ribbon development (5 houses or more). The proposal is for a single storey dwelling with a finished floor level of 1.5m lower than the adjacent dwelling.

- It is submitted that the Council's decision that the proposed development would contribute to the encroachment of random development and would represent an unsustainable density has no basis and is not consistent with other planning decisions made by the Planning Authority.

## **6.2. Planning Authority Response**

- The Planning Authority notes the appeal documentation as submitted.
- The concerns of the Planning Authority are set out in the Planner's report on file, namely in relation to the density of development in this rural area.
- In assessing the current application, the Planning Authority had regard to all applications as permitted off the original landholding including those lands as since sold off.
- The Board will also note that permission was previously refused nearby under Pl. Ref. 19/223.
- The Planning Authority accepts that the applicant complies with rural housing policy however having regard to the planning history in the vicinity there is a concern in terms of ad-hoc development in this rural area.

## **7.0 Assessment**

Having examined the application details and all other documentation on file, including all of 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:

- Rural housing policy
- Pattern of Development and visual amenity

## **7.1. Rural housing policy**

- 7.1.1. With regard to compliance with rural housing policy the proposal should be in accordance with the provisions of the Sustainable Rural Housing Guidelines and the provisions of the Clare County Development Plan 2023 – 2029, as it relates to settlement in rural areas. The appeal site is located in an area identified as an Area Under Strong Urban Influence on Map No.1 – Indicative Outline of NSS Rural Area Types in the Sustainable Rural Housing Guidelines. These areas are typically close to larger urban centres which are under pressure for housing in the countryside and have road networks which are heavily trafficked. The guidelines suggest that certain classes of persons e.g. those occupied full time or part-time in agriculture, forestry, those who are an intrinsic part of the rural community, sons/daughters of farmers and returning emigrants, may be considered for housing in the countryside.
- 7.1.2. The site at Killerk West, Darragh Co. Clare is located within an area designated as being a “Rural Area Under Strong Urban Influence” in the Clare County Development Plan 2023 – 2029 as indicated on Map D: Areas of Special Control.
- 7.1.3. Chapter 4 of the Clare County Development Plan 2023 – 2029, refers to Urban and Rural Spatial Strategy. Objective CDP4.14 is the relevant objective in relation to “New Single Houses in the Countryside within ‘Areas of Special Control’”. As set out in the development plan it is the policy of the Council to facilitate the rural generated housing requirements of the local rural community whilst also directing urban generated rural housing to areas zoned for new housing developments into existing settlements in city, town and village locations.
- 7.1.4. Objective CDP4.14 sets out that in order for applicants to gain permission for single house development in the rural area for the permanent occupation of the applicants, they shall fall within one of the Categories A and B and meets the necessary criteria.
- 7.1.5. Category A refers to Economic Need where 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. In relation to category B it relates to Social Need where 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.

- 7.1.6. The applicant Denise Mc Namara is seeking to purchase the site subject to planning permission being granted. As detailed in the application form that the applicant has never owned a house. Details provided with the application state that Ms. Mc Namara has lived at her family home from 2006 to the present. The applicant's family home is situated at Newhall, Tiermaclane, Ennis which is circa 4km to the north-east of the appeal site. The applicant is employed as a beautician and the nature of the business entails that calls are made to customer's homes.
- 7.1.7. Having regard to the fact that the applicant's family home is located in the rural area of Newhall, Tiermaclane circa 4km from the appeal site, that she does own a dwelling and the information submitted with the application which demonstrate social links to the area, I consider that the applicant has demonstrated a rurally generated housing need in accordance with category B as set out in Chapter 4 of the Development Plan which refers to Urban and Rural Spatial Strategy. I note the report of the Planning Officer referred to the applicant having demonstrated compliance with the requirements of Objective CDP4.14. The submission from the Planning Authority in response the appeal states that they accept that the applicant complies with rural housing policy.

## **7.2. Pattern of Development and visual amenity**

- 7.2.1. The site is located 11km south-west of Ennis and circa 2.2km to the south of the N68 National Road. The site is served by a relatively narrow local road the L8270 with the area notably under significant pressure in the provision of providing one - off rural type dwellings.
- 7.2.2. The Planning Authority refused permission for one reason, on the basis that the site is located within an area under 'Strong Urban Pressure' and within a 'Western Corridor Working Landscape' that the proposed development in conjunction with existing and permitted development would contribute to the encroachment of random development which would seriously injure the visual amenities of the area.

- 7.2.3. Chapter 14 of the Clare County Development Plan 2023-2029 refers to Landscape. The development plan identifies three types of landscape within the county they are settled landscapes, working landscapes and heritage landscapes.
- 7.2.4. Development Plan Objective 14.3 refers to Western Corridor Working Landscape and part (a) states, it is an objective of the Council to permit development in these areas that will sustain economic activity, and enhance social well-being and quality of life - subject to conformity with all other relevant provisions of the Plan and the availability and protection of resources and part (b) states, it is an objective of the Council to ensure that selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design, are directed towards minimising visual impact.
- 7.2.5. The reason for refusal refers to the pattern of development in the area and specifically the existing and permitted developments. The report of the Planning officer referred to the number of applications permitted in this rural area over the last number of years and the concerns which remain regarding the density of development in the area and particularly along this stretch of the L8270.
- 7.2.6. In relation to the pattern of development in the surrounding area, there are two existing dwellings immediately to the west of the appeal site with two existing dwellings 112m and 148m respectively to the east of the site. Ribbon development, as defined in the Sustainable Rural Housing Guidelines for Planning Authorities (2005), is characterized by the presence of 5 or more houses along a given 250 meters of road frontage. The proposed development would result in the presence of 5 dwellings along 275m of road frontage. Although the proposal with reference to the road frontage marginally exceeds meeting the specific criteria for ribbon development, it does contribute to the expansion of housing, potentially aggravating existing pressures in the area.
- 7.2.7. In relation to the density of development, after examining a 2 square kilometre area of the site which was entirely within the rural area under urban influence, it is observed that there are a total of approximately 82 dwellings within this radius of the site. Given the prevalence of one-off rural dwellings in the area, the proposed addition of another dwelling would further contribute to the encroachment of random development in this rural area.

- 7.2.8. Regarding the siting and design of the proposal, the site is at circa the 75m contour, it is elevated above the L8270 local road. The proposed dwelling is single storey with a floor area of 212sq m and a ridge height of 5.43. The proposed garage has a floor area of 45sq m. The proposed dwelling would have a finished floor level of 72.7m. Having regard to the elevated nature of the site and the scale of the proposed dwelling, I consider that it would be visible from the L8270 to the east. Accordingly, I consider that the proposed development would seriously injure the visual amenities of this rural area.
- 7.2.9. In relation to Objective CDP 14.3 of the Clare County Development Plan 2023-2029 which refers to 'Western Corridor Working Landscape', as per part (a) it seeks the protection of resources, and this case is relevant in respect of agricultural lands and as per part (b) it seeks the selection of appropriate sites to minimise visual impact. The provisions of the Sustainable Rural Housing Guidelines for Planning Authorities in respect of areas under urban influence generally seek to avoid ribbon development and protect the rural amenities of such areas.
- 7.2.10. In conclusion, having regard to the existing development in the vicinity of the site, I would consider that the proposed development would consolidate and contribute to the build-up of ribbon development in an open rural area, and this would militate against the preservation of the rural environment. As such the proposed development would be contrary to the Objective 14.3 of the development plan and the Sustainable Rural Housing Guidelines for Planning Authorities.
- 7.2.11. Having regard to the above I recommend planning permission be refused.

## **8.0 AA Screening**

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located remote from and with no hydrological or ecological pathway to any European site.
- 8.2. The proposed development comprises a dwelling house, garage, entrance and wastewater treatment system. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:



- The small scale and domestic nature of the development and lack of impact mechanisms that could significantly affect a European site,
- The nature of existing habitats on the rural site,
- The distance from European sites and absence of ecological pathways, such as a watercourse, to a European site,
- The Screening Determination carried out by the Planning Authority.

8.3. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## 9.0 Recommendation

9.1.1. I recommend that the planning application be refused permission for the following reasons and considerations.

## 10.0 Reasons and Considerations

1. The site is located in an area defined as an area under Strong Urban Pressure in the Clare County Development Plan 2023-2029 and the “Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005. Furthermore, it is located within a ‘Western Corridor Working Landscape,’ as per the provisions of CDP 14.3 of the Clare County Development Plan 2023-2029. Having regard to the provisions of Objective 14.3 of the Development Plan and the Sustainable Rural Housing Guidelines, which seek to protect rural amenity and agricultural lands from urban sprawl and ribbon development, the Board considered that the proposed development, when taken in conjunction with existing development in the vicinity of the site, would consolidate and contribute to the build-up of ribbon development in an open rural area. This would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. 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.

---

Siobhan Carroll  
Planning Inspector

17<sup>th</sup> of December 2024

# Appendix 1 - Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP 320182-24		
<b>Proposed Development Summary</b>	Construction of a new dwelling house and garage, new entrance, sewage treatment system and ancillary works.		
<b>Development Address</b>	Killerk West, Darragh, Ennis, 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>	X
		<b>No</b>	Tick if relevant. No further action required
<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)?</b>			
<b>Yes</b>	X	Class 10(b)(i)	Proceed to Q3.
<b>No</b>			Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	500 residential units – Class 10(b)(i)  Proposed development is 1 no. residential unit.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

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

## Appendix 2 - Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference Number</b>	<b>ABP- 320182-24</b>
<b>Proposed Development Summary</b>	Construction of a new dwelling house and garage, new entrance, sewage treatment system and ancillary works.
<b>Development Address</b>	Killerk West, Darragh, Ennis, Co. Clare
<p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its residential type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p><b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of</p>	<p>The development is situated in a rural area with some residences located on either side and which area is largely surrounded by open greenfields. The development is removed from sensitive</p>

natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.	
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	No
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No

There is a real likelihood of significant effects on the environment.	EIAR required.	No
---	----------------	----

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

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)