



An
Coimisiún
Pleanála

Inspector's Report ABP-320649-24

Development	Demolish a shed and construct a house, garage, garden/office, deck area; install proprietary wastewater treatment system, percolation area and associated ancillary works.
Location	Caherrush, Quilty, Co. Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	24101
Applicant(s)	Hilary Downes
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party
Appellant(s)	Gerard Hobbs James and Noelle Gleeson
Observer(s)	None
Date of Site Inspection	31 st January 2025
Inspector	Ciara McGuinness

1.0 Site Location and Description

- 1.1. The site is located in a rural coastal location, c. 0.6km to the south of Spanish Point and 2.2km to the northeast of Quilty. The site is located along the western side of the L6222, c. 80m to the north of the junction of this road with the N67 national Road and c. 80m to the south of the foreshore area. This local road serves 3 no. existing dwellings. The proposed site can be considered an infill site, with 2 no. houses located to the north of the site and the remaining house located to the south of the site. The site has a stated area of 0.19ha. The site is roughly rectangular in shape and contains an existing shed.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of a shed and construction of a dwelling house. The proposed dwelling has a stated floor area of 153sqm and a ridge height of 4.9m. The dwelling would have a hipped roof profile with a flat-roofed rear annex. External finishes comprise a mix of painted plaster, timber cladding and natural stone.
- 2.2. Following a request for Further information, the proposed garage area has been reduced in length by 3.2m and the floor area of same reduced from 58sqm to 45sqm. A decking area which was proposed in the rear western corner of the site has been omitted.
- 2.3. It is proposed to connect to a local group water scheme. A secondary wastewater treatment system and a soil polishing filter are proposed. As per the surface water drainage proposals submitted as Further Information, it is proposed that drains are installed on site to direct water to a proposed infiltration/geocell unit.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission on 9th August 2024, subject to 10 no. of conditions. Conditions were of a standard nature.

Condition 2 requires the dwelling to be occupied as the permanent place of residence by the applicant for a minimum period of 7 years.

Condition 3 relates to the financial contribution required.

Condition 4 requires the finished floor level to be as specified on the layout plan.

Condition 5 relates to the external finishes to be used.

Condition 6 requires surface water to be collected and disposed of within the site, and that the proposed surface water management system is certified by a suitably qualified engineer.

Condition 7 requires cables to be located underground.

Condition 8 relates to works at the entrance to ensure sightlines.

Condition 9 relates to the installation and maintenance of the WWTS.

Condition 10 prohibits the garage from being used for habitation or commercial activity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report (dated 20/05/2024) notes that the proposed site can be considered an infill site and therefore Objective CDP 4.16 in relation to infill sites applies. The applicant owns a dwelling outside the county and states she is to return to rural environs of Quilty to provide care for her mother. Based on the information available the applicant has demonstrated compliance with CDP 4.16. Concerns are raised pertaining to the overall length of the flat roofed garden/garage and the potential for same to result in adverse impacts on the amenity of the area, views available from the scenic route and the character of the landscape. Compliance with the EPA code of practice has not been adequately demonstrated. Third party concerns in relation to surface water ponding and flooding are noted.

Further Information was requested in relation to the following;

- Submit a Statement of Flood Risk and Surface Water Management Plan for the site.

- In order to demonstrate compliance with the EPA Code of Practice the applicant is requested to a) outline the reasons for the significant period of time between the trial hole examination (August 2021) and percolation tests (February 2024); b) submit a cross-section drawing to show the depth of soil to be removed and replaced.
- Submit revised drawings which reduce the length of the garage/garden room.
- Submit drawings which outline the proposed height and design of the deck area.
- Submit a revised planning application form to address errors and omissions in the originally submitted form.

The second Planner's Report (dated 09/08/2024) notes that the applicant has submitted a surface water management proposal. Drains will be installed where water logging occurs on site and water will be diverted to a proposed new infiltration/geocell unit. Infiltration tests were done for this system. The site is not within a designated flood area and any potential flooding is localised on site. It is considered that wastewater proposals submitted comply with the EPA code of practice for domestic wastewater treatment systems. The garage area has been reduced in length by 3.2m and the decking area has been omitted. Based on the FI response received it is considered that the proposed development would be acceptable, and a grant of permission is recommended.

3.2.2. Other Technical Reports

Environment Department –

Initial Comments are dated 9th May 2024. Further Information was requested in relation to the Site Characterisation Report (SCR) (as per point 2 above).

Subsequent Comments are dated 2nd August 2024. The revised SCR was examined and site inspection carried out on 1st August 2024. The submitted proposals are considered to comply with the 2021 EPA Code of Practice for Domestic Waste Water Treatment Systems.

The surface water management proposal is to divert the ponding surface water due to poor percolation properties of soil from the back of the site to the front of the site. The concern is that this may not be adequate to ensure that wastewater treatment

infiltration area is not impacted by ponding surface water and cause a public health risk. In the event of a grant of permission from the Planning Authority, a condition is recommended in relation to installation and maintenance of the wastewater treatment system and the management of surface water.

Road Design Office – No comment

West Clare Municipal District Area Engineer – Recommends standard conditions in relation to entrance splays/sightlines and surface water.

3.3. Prescribed Bodies

Uisce Eireann – No objection in principle.

3.4. Third Party Observations

Submissions were received from Gerard Hobbs and James and Noelle Gleeson (the appellants), both on the original application and following receipt of Further Information, and generally reflect the issues raised in the appeal. Concerns were raised with regards to the management of surface water and wastewater, flooding, and the sensitive nature of the site located along the Wild Atlantic Way.

A representation on the file from Cllr. Rita McNerney is noted.

4.0 Planning History

None.

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029

- 5.1.1. Section 4.2.6 of the Clare County Development Plan 2023-2029 deals with Single Houses in the Countryside. It states that *“the Council will ensure that development of the open countryside takes place in a manner that is compatible with the policy objectives of the NPF and the RSES, whilst ensuring the protection of key economic, environmental, biodiversity and cultural / heritage assets such as the road network, water quality and important landscapes.”*

5.1.2. The site is situated in a rural area under strong urban influence as identified on Map H6 of the County Development Plan. In these areas, the key objectives of the Council are:

- a) To facilitate the genuine housing requirements of persons with a demonstrable economic or social need to live in these rural areas.
- b) To direct urban-generated development to areas zoned for new housing development in the adjoining urban centres, towns, villages and clusters as identified in the County Settlement Strategy and to seek to enhance the vitality and viability of these settlements.

5.1.3. The following objectives are also considered relevant to the subject site;

Development Plan Objective: Heritage Landscapes CDP14.5 It is an objective of Clare County Council:

To require that all proposed developments in Heritage Landscapes demonstrate that every effort has been made to reduce visual impact. This must be demonstrated for all aspects of the proposal - from site selection through to details of siting and design. All other relevant provisions of the Development Plan and the RSES must be complied with. All proposed developments in these areas will be required to demonstrate;

- I. That sites have been selected to avoid visual prominence
- II. That site layouts avail of existing topography and vegetation to minimise visibility from scenic routes, walking trails, public amenities and roads;
- III. That design for buildings and structures minimises height and visual contrast through careful choice of forms, finishes and colour and that any site works seek to reduce the visual impact of the development.

Development Plan Objective: Scenic Routes CDP14.7 It is an objective of Clare County Council:

- a) To protect sensitive areas from inappropriate development while providing for development and change that will benefit the rural community;
- b) To ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact; and

c) To ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved.

Development Plan Objective: Countryside CDP 4.10 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: New Single Houses in the Countryside within the 'Areas of Special Control' CDP 4.14 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. (Category A – Economic Need and Category B – Social Need)

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.

The policy goes on to provide a definition for 'Economic Need' and 'Social Need'.

Development Plan Objective: New Single Houses on Infill Sites in the Countryside CDP4.16 It is an objective of Clare County Council: In the case where there is a grouping of rural houses, the development of a small gap site, sufficient to accommodate only one house, within an otherwise substantial and continuously built-up frontage, will be permitted provided it respects the existing development pattern along the frontage in terms of size, scale, siting, plot size and meets normal site suitability requirements. Dwellings constructed on infill sites of this nature must be for the permanent occupation of the applicant. 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 under the Social Need criteria) and needs the dwelling for their own permanent occupation. The siting of new dwellings

in the countryside so as to deliberately create a gap site of this nature will not be permitted. In circumstances where these sites occur in the 'Areas of Special Control', unless otherwise specified in this objective the provisions of Objective CDP4.14 (i.e. Economic or Social Need requirement) will not apply. The assessment of an application for a rural house on an infill site shall have regard to environmental considerations, the viability of smaller towns and rural settlements, siting and design issues and the Clare Rural House Design Guide.

5.2. Natural Heritage Designations

Carrowmore Point to Spanish Point and Islands SAC – c. 50m to the north of the site

Mid Clare Coast SPA – c. 50m to the north of the site

Carrowmore Point To Spanish Point And Islands pNHA – c. 50m to the north of the site

5.3. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is a third-party appeal by Gerard Hobbs and by James and Noelle Gleeson against Clare County Council's decision to grant permission. The grounds of appeal can be summarised as follows;

Gerard Hobbs

- The site floods during the winter months as a result of the earthen mound put into the rear of site circa 2015/16 by an adjoining farmer which stops the natural flow of drainage.
- The private dwelling house is not compatible with the area.
- The L6222 on the seaward side of the Wild Atlantic Way is a designated green belt area and only 100m from the foreshore.
- The proposed development will set a precedence for planning on the Wild Atlantic Way which will impact tourism and visual amenity.
- No significant changes from the original proposal. The proposed development still overlooks adjacent sites.
- A French drain has been added which would need to be cleaned regularly to function properly.
- An Environmental Impact Statement should be carried out.

James and Noelle Gleeson

- The site floods into the appellant's rear garden due to the embankment constructed by a local farmer.
- FI request sought a Flood Risk Assessment and a Flood Risk Management Plan for the site. This has not been submitted.
- The site is a designated heritage site. The applicant was asked to reduce the length and visual impact of the proposed design on the southeast elevation. This was not addressed.
- Outstanding issues on surface water and the risk of flooding have not been addressed.

6.2. Applicant Response

The applicant's response can be summarised as follows;

- The site is not in a designated flood area and any surface water concerns have been dealt with in keeping with SUDS standards and guidelines. A detailed plan for same was submitted with the Further Information.

- The garage has been significantly reduced and sits largely on the footprint of the existing older structure. The decking area has also been omitted.

6.3. **Planning Authority Response**

The Planning Authority notes the issues raised by the third parties and considers that these issues were addressed in the Planning Authorities assessment of the proposal. Having regard to the rural nature of the site, the intended use of the proposed buildings, the relevant Section 28 ministerial Guidelines, the policies of the current County Development Plan 2023-2029, the pattern of development in the area, the Planning Authority considers that subject to conditions, the proposed development would not seriously injure the amenities of the area of the property in the vicinity. Therefore, it is requested the decision to grant permission be upheld.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows;

- Principle of Development
- Amenity
- Water

7.2. **Principle of Development**

7.2.1. I note CDP4.16 relates to infill sites and states that *‘where there is a grouping of rural houses, the development of a small gap site, sufficient to accommodate only one*

house, within an otherwise substantial and continuously built-up frontage, will be permitted provided it respects the existing development pattern along the frontage in terms of size, scale, siting, plot size and meets normal site suitability requirements’.

There are 2 dwellings to the north of the appeal site and one to the south all located along a cul de sac road. I consider that the infill policy is applicable to this site and that the proposed development is of a scale and design that respects the pattern of development along this frontage.

7.2.2. Objective CDP4.16 states where infill sites occur with ‘Areas of Special Control’, the provisions of Objective CDP 4.14 (Economic and Social Need requirement) will not apply. In this regard the applicant does not need to demonstrate rural housing need. However, CDP 4.16 requires that applicant must not already own or have owned a house in the surrounding rural area and needs the dwelling for their own permanent occupation. The applicant has outlined that she owns a house outside the county and intends to return to Quilty on a permanent basis to provide care for her mother and that her work accommodates remote working. I consider that the applicant has demonstrated compliance with CDP4.16.

7.2.3. Having regard to the infill nature of the site and the applicants demonstrated compliance with CDP4.16, I consider that the principle of development at this location is acceptable.

7.3. Amenity

Visual Amenity

7.3.1. The appellants raised concerns with regards to the visual impact of the proposed development and its impact on along the Wild Atlantic Way and the amenity of the area.

7.3.2. The appeal site is located in a Heritage Landscape and is accessed from a Scenic Route, the N67. CDP14.5 and CDP14.7 as outlined in Section 5.1 above relate to Heritage Landscape and Scenic Routes respectively. Objective CDP14.5 notes that all proposed developments in Heritage Landscapes should demonstrate that every effort has been made to reduce visual impact. Section 14.5 of the Development Plan also recognises that in some areas the land adjoining scenic routes has relatively limited capacity (both environmentally and in terms of scenic amenity) to accommodate individual houses in significant numbers. It is further stated in this

section that in order to maximise the potential of the Wild Atlantic Way, important views and prospects from the route will be preserved.

- 7.3.3. As noted above the appeal site can be considered an infill site and the principle of development at this site is considered acceptable. Having regard to the existing development comprising 3 no. existing houses located with frontage onto the L6222, I consider that the addition of a further dwelling on this infill site will have a limited visual impact. The site is of a size to accommodate one dwelling only. The proposed development is a single storey dwelling with a stated floor area of 153sqm and a height of 4.9m. I note the change made by way of further information to reduce the visual impact of the garage and to omit the decking area. The revised garage design has a stated area of 45sqm and a height of 3.2m. I consider that the design of the proposed development is in keeping with the character and appearance of the existing dwellings on the L6222 and that "every effort has been made to reduce the visual impact of the development". I do not consider that the proposed development will interrupt views from the N67 to the coast given the existing developments in-situ and the relatively modest scale of the proposals. I consider that the proposed development is in accordance with Objectives CDP14.5 and CDP14.7.

Residential Amenity

- 7.3.4. The appellants have noted that the proposed development overlooks adjoining sites. I do not have any undue concerns with regards the impacts on residential amenity. Given the one storey design of the proposed development and sufficient size of the site, I consider that overlooking, overshadowing or loss of light to adjoining properties would not arise.

7.4. Water

Surface Water

- 7.4.1. The appellant raised a number of surface water management concerns. I note that the applicant has submitted surface water management proposals as part of the Further Information Response. The applicant has acknowledged that there is an area where surface water ponding occurs to the north of the site. Drains will be installed where water logging occurs on site and water will be diverted to a proposed new infiltration/geocell unit. It is noted that infiltration tests were done for this system and submitted as part of the FI. I consider the proposals to be acceptable. The site is not

within a designated flood area, and it appears that any potential flooding is localised on site. I do not consider there to be any need for a flood risk assessment. The surface water management proposals should lead to an overall improvement of surface water drainage on the site and consequently the area.

- 7.4.2. Condition 6 attached to the grant of permission specifically details that no surface water shall be disposed of on lands outside the application or to the wastewater treatment system. It also requires that the applicant/developer employ a suitably qualified engineer to certify that the proposed surface water management system and infiltration/geocell unit are constructed as per the designer's requirements and manufacturer's instructions and details submitted to the planning authority. I recommend that a similarly worded condition is attached if the Commission are minded to grant permission.

Wastewater

- 7.4.3. It is noted that the initial site characterisation report submitted with the application contained errors in relation to the dates of the assessment. A revised SCR was submitted with the Further Information Response along with a cross-section drawing to show the depth of soil to be removed and replaced to accommodate the installation of the WWTS.
- 7.4.4. The site is classified (GSI mapping tool) as having extreme vulnerability with a locally important aquifer with moderately productive bedrock. This gives a ground water protection response of R2¹, acceptable subject to normal good practice, as reported in the Site Characterisation report (SCR).
- 7.4.5. The trial hole log was excavated to 2400mm deep with water reported at 2000mm below ground level (BGL). The trial hole revealed suitable soil from 0.70m to a depth of 2.0m where the watertable was encountered. The layer of stiff SILT/CLAY (between 0.30m-0.70m) should not be used as part of the polishing filter to treat the effluent from the proposed development. No bedrock was encountered. The percolation values as reported were surface 62.33min/25mm and subsurface 47.56min/25mm. A secondary treatment system and soil polishing filter are proposed to be installed in accordance with Table 6.4 of the EPA Code of Practice.
- 7.4.6. As the site has the required depth of unsaturated suitable subsoil beneath the invert of the percolation trench for the treatment of wastewater (0.9m required for this site)

using the proposed mechanical aeration system no site improvement works are proposed. As detailed by the submitted cross section drawings, the proposal is for the invert of the percolation trench to be at 700mm BGL, filled with a 300mm layer of stone with the percolation pipes laid on top, followed by another layer of 150mm of stone, covered with a geotextile layer and followed by 300mm of soil to 100mm above existing ground level. The percolation area is to be constructed in accordance with Section 10.1 of the EPA Code of Practice, Option 3 Gravity Discharge, with a trench length of 68m proposed based on a 4 person household. I am satisfied that the design of the proposed WWTS is in accordance with the EPA Code of Practice. I am also satisfied that the WWTS achieves the required minimum separation distances to features as set out in Table 6.2 of the EPA Code of Practice.

7.4.7. As noted in Section above, the proposed development is located on an infill site. The EPA (2021) code of practice states '*Any potential impact of the proposed system due to the increased pathogen or nutrient loads on the groundwater quality in the area should be assessed in areas of high-density housing. Densities of domestic wastewater treatment systems greater than 6 per hectare in areas of extreme or high groundwater vulnerability may mean a negative effect on ground water quality particularly with respect to levels of Escherichia coli and nitrate.*' There are 2 houses to the north of the site with septic tanks, and 1 house to the south with septic tanks. Noting that this will only be the 4th dwelling along this frontage, with no other houses in the immediate vicinity, I am satisfied that the proposed development is in accordance with the EPA code of Practice in this regard.

7.4.8. I conclude, based on the material submitted with the application and my observations of the site, that the application site is suitable for the safe disposal of domestic effluent. I therefore consider that the proposed development would not create a serious risk of ground water pollution and would not be prejudicial to public health.

8.0 AA Screening

See completed screening determination form in Appendix 2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the

proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Carrowmore Point to Spanish Point and Islands SAC (Site Code: 001021) and Mid-Clare Coast SPA (Site code; 004182) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections
- Taking into account the Screening Determination of the Planning Authority

9.0 Water Framework Directive

The subject site is located c. 10m to the west of the Tromra East River and c. 50m Shannon Plume Coastal Waterbody.

The proposed development comprises the demolition of an existing shed and construction of a dwelling and garage.

I have assessed the proposed dwelling and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest Water bodies and lack of hydrological connections

Refer to Appendix 3 below for WFD Impact Assessment Stage 1: Screening.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

I recommend that permission be GRANTED for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the sites location on an infill site and both the sites and the applicant's demonstrated compliance with the criteria set out in Objective CDP 4.16 'New Single Houses on Infill Sites in the Countryside', together with the nature, scale and design of the development it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenity of the area, would not result in the creation of a traffic hazard or be injurious to public health or the environment, and would be an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 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 1st day of July 2024, 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. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

3. (a) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.
- (b) The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

4. The proposed front boundary wall shall consist of natural local stone, the exact height and location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.
- (c) The proposed surface water management system and infiltration/geocell unit shall be constructed as per the designers requirements and manufacturer's instructions and the applicant/developer shall employ a suitably qualified engineer to certify that the system has been installed in accordance with same. Details of this certification shall be submitted to the Planning Authority prior to occupation of the dwelling.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

6. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 28th March 2024 as amended by further submitted 1st July 2024 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental

Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution

7. 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 Coimisiún 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.

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.

Ciara McGuinness
Planning Inspector

5th August 2025

Appendix 1 - Form 1 - EIA Pre-Screening

Case Reference	ABP-320649-24
Proposed Development Summary	Demolish a shed and construct a house, garage, garden/office, deck area; install proprietary wastewater treatment system, percolation area and associated ancillary works.
Development Address	Caherrush, Quilty, Co. Clare.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<ul style="list-style-type: none"> - Class 10(b)(i) construction of more than 500 dwellings - The proposed development is for 1 dwelling and is therefore sub-threshold - Preliminary examination required (Form 2)

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Appendix 2 - Form 2 - EIA Preliminary Examination

Case Reference	ABP-320649-24
Proposed Development Summary	Demolish a shed and construct a house, garage, garden/office, deck area; install proprietary wastewater treatment system, percolation area and associated ancillary works.
Development Address	Caherrush, Quilty, Co. Clare
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The nature and size of the development (1 residential unit) is not exceptional in the context of the existing rural environment. The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised constructions impacts will be temporary. The development, by virtue of its type(residential), does not pose a risk of major accident and/or disaster
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of 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).	Briefly comment on the location of the development, having regard to the criteria listed The site is located in a coastal location, however it can be considered an infill site between existing residential developments. The site is in close proximity to the Carrowmore Point to Spanish Point and Islands SAC and Mid Clare Coast SPA (refer to appendix 3). Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.
Types and characteristics of potential impacts (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 characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. There is no real likelihood of significant effects on the environment arising from the proposed development. There is no real likelihood of significant cumulative effects having regard to existing or permitted projects.
Conclusion	

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required x
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.
There is a real likelihood of significant effects on the environment.	EIAR required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3 - Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project		Construction of a single dwelling		
Brief description of development site characteristics and potential impact mechanisms		<p>The proposed development comprises the demolition of a shed and construction of a dwelling house and garage. I have provided a detailed description of the development in my report (Section 2).</p> <p>A Secondary Treatment System and Soil Polishing Filter is proposed. Surface water will discharge to a proposed infiltration/geocell unit.</p> <p>The site has a stated area of 0.19ha.</p> <p>There are no watercourse or other ecological features of note on the site that would connect it directly to European Sites in the wider area.</p> <p>The subject site is located c. 10m to the west of the Tromra East River and c. 50m Shannon Plume Coastal Waterbody.</p>		
Screening report		<p>No.</p> <p>Screening Determination by Clare County Council concludes that there is no potential for significant effects to European Sites.</p>		
Natura Impact Statement		No		
Relevant submissions		N/A		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Carrowmore Point to Spanish Point and Islands SAC	ConservationObjectives.rdl	c. 50m	No direct connection – Possible indirect	Y

Mid Clare Coast SPA	ConservationObjectives.rdl	c. 50m	No direct connection – Possible indirect	Y
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites				
AA Screening matrix				
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*			
	Impacts	Effects		
Site 1: Carrowmore Point to Spanish Point and Islands SAC (Site code 001021) Coastal lagoons [1150] Reefs [1170] Perennial vegetation of stony banks [1220] Petrifying springs with tufa formation (Cratoneurion) [7220]	Direct: None Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution	The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the SCI listed. Conservation objectives would not be undermined.		
	Likelihood of significant effects from proposed development (alone): No			
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No			
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*			
	Impacts	Effects		
Site 2: Mid-Clare Coast SPA (Site code 004182) Cormorant (Phalacrocorax carbo) [A017] Barnacle Goose (Branta leucopsis) [A045] Ringed Plover (Charadrius hiaticula) [A137]	As above	The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality		

Sanderling (Calidris alba) [A144] Purple Sandpiper (Calidris maritima) [A148] Dunlin (Calidris alpina) [A149] Turnstone (Arenaria interpres) [A169] Wetland and Waterbirds [A999]		within the SPA for the SCI listed. Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on Carrowmore Point to Spanish Point and Islands SAC (Site Code: 001021) and Mid-Clare Coast SPA (Site code; 004182). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p>		
Screening Determination		
Finding of no likely significant effects In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Carrowmore Point to Spanish Point and Islands SAC (Site Code: 001021) and Mid-Clare Coast SPA (Site code; 004182) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.		
This determination is based on:		
<ul style="list-style-type: none">• Nature of works• Location-distance from nearest European site and lack of connections• Taking into account the assessment of the Planning Authority		

Appendix 4 – WFD Impact Assessment Stage 1: Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	320649	Townland, address	Caherrush, Quilty, Co. Clare.
Description of project		Demolish a shed and construct a house, garage, garden/office, deck area; install proprietary wastewater treatment system, percolation area and associated ancillary works.	
Brief site description, relevant to WFD Screening,		Site is located within an area of little to no elevation with poorly draining soil, located in a rural coastal location. There are no drainage ditches within the site. There is a watercourse c. 10m to the east of the site, on the opposite side of the Local Road.	
Proposed surface water details		Surface water management proposals submitted at FI – infiltration/geocell unit to be constructed (see condition attached)	
Proposed water supply source & available capacity		Group Water scheme	

Proposed wastewater treatment system & available capacity, other issues			Secondary treatment System and Soil Polishing Filter			
Others?			Not applicable.			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Coastal Waterbody	c. 120m	Shannon Plume (Has 27;28) IE_SH_070_0000	High	Not at Risk	No pressures	Not hydrologically connected to coastal waterbody.
River waterbody	c. 10m	Tromra East_010 IE_SH_28T11093 0	Moderate	Review	No pressures	Not hydrologically connected to surface watercourse.
Groundwater waterbody	Underlying Site	Milltown Malbay IE_SH_G_167	Good	Not at risk	No pressures	No – poorly draining soils offer protection to groundwaters.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Coastal	Shannon Plume (Has 27;28) IE_SH_070_000	None	None	None	No	Screened out
2.	Surface	Tromra East_010 IE_SH_28T110930	None	None	None	No	Screened out
3.	Ground	Milltown Malbay IE_SH_G_167	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out

OPERATIONAL PHASE							
4.	Coastal	Shannon Plume (Has 27;28) IE_SH_070_0 000	None	None	None	No	Screened out
5.	Surface	Tromra East_010 IE_SH_28T11 0930	None	None	None	No	Screened out
6.	Ground	Milltown Malbay IE_SH_G_167	Drainage	None	None	No	Screened out
DECOMMISSIONING PHASE							
7.	N/A	N/A	N/A	N/A	N/A	N/A	N/A