



An
Bord
Pleanála

Inspector's Report

ABP-321797-25

Development	Construction of a house and all associated site works.
Location	Cragaweelcross, Barefield, Ennis, Co. Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	2460561
Applicant(s)	Keith and Tracey Molony
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party
Appellant(s)	Paul Mullane
Observer(s)	None
Date of Site Inspection	28 th March 2025
Inspector	Ciara McGuinness

1.0 Site Location and Description

- 1.1. The subject site is located on the western edge of the settlement of Barefield, approximately 6.5km to the north of Ennis town centre. The site is approximately 800m west of the M18 motorway. Access to the site is from a local road, the L4518. A considerable amount of ribbon development lies along this local road. The subject lands stretch from the road back c.370m, incorporating land to the rear of a row of dwellings within the settlement boundary. The site currently comprises agricultural lands. There is an existing agricultural access to the site from the road. There is waterbody to the west of the site, known as the Cragalweelcross pond. The site has a stated area of 3ha.

2.0 Proposed Development

- 2.1. Permission is sought for a dwelling house, outbuilding (to accommodate carers, home office, a stable and garden storage), widening the existing site entrance, new site access road, new waste water treatment system and all associated site works. A total floor area of 353sqm is proposed.
- 2.2. The proposed dwelling comprises a single storey, 4 bedroom dwelling with wheelchair accessibility. The dwelling has an area of 269sqm and has a ridge height of 5.5m. The propped outbuilding is located to the north of the main dwelling with shared access of the access road/driveway. The outbuilding has an area of 84.4sqm and ridge height of 5.48m.
- 2.3. The dwelling will be accessed via a proposed new access road c.350m in length which will extend from the existing field access towards the rear of the site where the dwelling is proposed to be located. It is also proposed to widen the existing entrance.
- 2.4. A new on site waste water treatment system is proposed. Water supply will be via public mains. Surface water will discharge to soakpits.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a Notification of Decision to Grant Permission on 10th January 2025 subject to 12 no. 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 requires landscaping along the access road.

Condition 4 requires that the ancillary living accommodation unit be occupied by a carer or family member. The structure shall not be let or sold as a separate dwelling.

Condition 5 requires the finished floor level to be as specified on the layout plan.

Condition 6 relates to works at the entrance to ensure sightlines.

Condition 7 requires external finishes to be in accordance with plans.

Condition 8 requires cables to be located underground.

Condition 9 requires surface water to be collected and disposed of within the site.

Condition 10 relates to the installation and maintenance of the WWTS.

Condition 11 prohibits the garage from being used for habitation or commercial activity.

Condition 12 relates to the financial contribution required.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

The Planners Report (dated 10th January 2025) considers the proposed development is more akin to a farm style dwelling with a long passage road. The location is considered acceptable. In terms of rural housing need, the applicants have satisfactorily met the requirements set out in criteria b(ii) of Policy CDP 4.14 in respect of exceptional medical needs. The ancillary living unit is considered modest in size and would not be segregated from the proposed dwelling. The unit should not be permitted for short term let or sale separate to the main dwelling and a

condition to this effect should be attached to any grant of permission. Sightlines can be achieved and there are no concerns in respect of traffic. The siting and positioning of the dwelling would not result on harmful effects on the surrounding residential amenity and would not result in the loss of light, overlooking or overshadowing of any residential development in the area. The proposed development ensures a 10m buffer between the access road and the turlough boundary. It is proposed to include soakpits along the edge of the road to ensure there is no surface water runoff to the turlough. It is considered that the proposed development will not give rise to harmful impacts on residential amenity, road safety or on the neighbouring wetland habitat. A grant of permission is recommended.

3.2.2. Other Technical Reports

Ennis MD – All surface water generated within the site boundaries shall be collected and disposed within the curtilage of the site. No surface water shall discharge onto the public road, adjoining properties or septic tanks. The access driveway shall be provided with adequately sized pipes to ensure that no interference will be caused to the existing roadside drainage.

Environment Section – It has been demonstrated that there is adequate sub-soil where it is proposed to locate the soil polishing filter on the site. The domestic wastewater treatment system complies with the requirements of the EPA Code of Practice for DWWTS, 2001. Conditions recommended.

Road Design Office – The road has a speed limit of 80km/h. Sightlines and sight stopping distances of 160m from a setback of 2.4m, an eye height of 1.05m to an object height of 0.26m, are required. This was achieved based on engineers site visit.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

A third party observations was received from the adjoining landowner and appellant, Paul Mullane. The issues raised are similar to those contained in the appeal and

relate to access/traffic, impact on adjacent turlough, boundary treatments and residential amenity.

4.0 Planning History

PA Reg Ref 95/276: Permission granted for the construction of a dormer bungalow, private garage and septic tank.

PA Reg Ref 95/273: Outline permission granted for the erection of a dwellinghouse and septic tank.

PA Reg Ref 95/293: Outline permission granted for the erection of a dwellinghouse and septic tank

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 H7 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 considered relevant to the subject site;

Development Plan Objective: Ancillary Living Accommodation 5.9

It is an objective of the Development Plan: To facilitate the provision of Ancillary Living Accommodation (ALA) in appropriate locations where the proposal can clearly demonstrate that:

- a) The proposed ALA shall be located within the immediate curtilage of an existing occupied residential property;
- b) The existing property or ALA is to remain the primary residence of the site folio owner;
- c) It takes cognisance of the current Housing Crisis (Demand);
- d) There is a bona-fide need for such an ancillary unit;
- e) The proposal does not impact adversely on either the residential amenities of the existing property or the residential amenities of the area;

All applications for such units shall comply with the criteria set out in Section 5.2.8 below.

- It will be a requirement that all applications for Ancillary Living Units shall comply with the following criteria:
 - The unit shall be modest in size and consist of no more than a combined kitchen/dining/living room, a bathroom and contain no more than two bedrooms. The unit shall not exceed a gross floor area of 100sqm;
 - If the site is not connected to public mains, it must be demonstrated that the existing wastewater treatment system on site is capable of taking any additional loading associated with the unit. Details of any required upgrades shall be submitted as part of the development management process;
 - Provision for a shared vehicular entrance only will be considered and no subdivision of the garden or entrance shall be permitted;
 - The extension/unit shall remain in the same ownership as that of the existing dwelling on site. In this regard, the unit shall not be sold or otherwise legally transferred, other than as part of the overall property;

- Use of the unit will be restricted from sale or short-term letting separate to the main dwelling house

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:

1. 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)

2. 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'.

The relevant category in this case is 'Category B – Social Need ii' which states the following;

- 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.

Development Plan Objective: Western Corridor Working Landscape CDP14.3 -

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 Planning Framework

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 on the basis of demonstrable economic and social housing need to live at the location, and siting and design criteria for rural housing in

statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.3. Sustainable Rural Housing Guidelines for Planning Authorities

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.

5.4. Natural Heritage Designations

Dromore Woods and Loughs SAC – c1.1.km to the northwest of the site

Dromore Woods And Loughs pNHA - c1.1.km to the northwest of the site

Ballyallia Lake SAC – c1.6km to the southwest of the site

Ballyallia Lake pNHA - c1.6km to the southwest of the site

Ballyallia Lough SPA - c1.6km to the southwest of the site

Lower River Shannon SAC – c.2.5km to the south of the site

Slieve Aughty SPA – c.4.7km to the east of the site

5.5. EIA Screening

See completed Form 2 on file in Appendix 2. 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

The appeal is a third-party appeal by Paul Mullane (the adjoining landowner) against Clare County Council's decision to grant permission. The grounds of appeal are summarised as follows;

- The construction of the access road has potential to damage the adjoining turlough habitat which serves a variety of wildlife, including, otter, horseshoe bat, waterfowl, ducks, heron, frogs, newts, shrew, fox badger, pine marten and others.
- At high water level the turlough comes directly to the existing timber fence. The drawings indicate a distance of 5.2m between the proposed roadway and the fence. A 10m buffer zone as described in the Planner's Report is not possible.
- The location of the entrance is queried having regard to the substantial amount of fill and disturbance of ground required. An alternative entrance which already serves the existing family curtilage should be used. The use of mitigation measures rather than the relocation of the access way is queried.
- Drainage plans did not include the removal of hydrocarbon contaminated water from the roadway and from the vicinity of the turlough.
- The proposed entrance is not a historic access and does not have planning permission.
- The access fronts onto a continuous white line and would be the sixth adjacent entrance serving six separate houses creating a great probability of accidents.
- The 3.35m separation distance from the appellants property to the access road is not sufficient. The long driveway will cause the shining of lights into appellants property when cars are leaving.

- The layout plan indicates a new beech hedge adjoining the appellants site to the rear. The appellant does not give consent for interference with their boundaries and queries the issue of maintenance.
- At preplanning stage for the site, the Planning Authority recommended that the alternative sites on the landholding be looked at and suggested a potential access off the existing driveway serving the family lands. The Planning Authority should have insisted on this approach.

6.2. Applicant Response

The applicant's response is summarised as follows;

- The proposal is acceptable in principle having regard to the Sustainable Rural Housing Guidelines and Clare County Development Plan. Reference is made to the occupant's medical history which is relevant for rural housing need. Details of the exceptional health reasons are outlined in Appendix 1.
- The nearby turlough, Cragaweelcross Pond does not have a high conservation value. The pond took form during the 1990's during a programme of extensive modernisation and redevelopment by the farm owners.
- The Irish Wetlands Survey, commissioned by Clare County Council in 2008 and carried out by Crushell and Foss, describes the pond (site code WMI_CL 787) as an 'artificial pond' requiring a survey for detailed evaluation. It is noted that the survey was 'primarily a desk study not involving any field survey of sites or ground truthing of habitats'.
- The appellant has listed fauna found in the wider locality and not specifically associated with the turlough habitat.
- The proposed dwelling and waste water treatment system are a considerable distance from the pond and there is unlikely to be any adverse impact on the pond as a result of the proposal.
- The site access is an existing field entrance, off the L4518. The Council Engineers Report has stated that the site entrance meets minimum sightlines required of 160m.

- The appellant's house is separated from the site by a hedgerow, stockproof fencing, and tree screening. The proposed house and carers accommodation lie 200m to the north of the appellant's property and would not be visible from the appellant's property.
- Given the amount of screening vegetation, and the low volume of traffic exiting the property at nighttime, it is not considered that the headlights would have a significant impact on residential amenity.

6.3. Planning Authority Response

The Planning Authority response can be summarised as follows;

- The Planning Authority completed a full and detailed assessment of the development.
- The Planning Authority accepts the principle of development, and the housing need put forward by the applicant.
- The dwelling is considerably set back into the subject lands and well screened from the neighbour's development by the existing treeline.
- The creation of an alternative access to the west would result in a longer access road being required than that of the proposed route to the south. Additional planting would further reduce light pollution onto the rear of the neighbours dwelling.
- The turlough is not connected to a European Site and any impact on European Sites was screened out by the Planning Authority.
- Access is proposed via an existing agricultural access and 160m sightlines were demonstrated in both directions.
- The applicant was issued with a further information request on a previously withdrawn application (P24/60353). The subject application addressed the previous FI request to the satisfaction of the Planning Authority.

6.4. Observations

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
- Impact on Pond
- Access/Traffic
- Residential Amenity
- Other Issues

7.2. Principle of Development

Rural housing Need

- 7.2.1. Section 4.2.6 of the Clare County Development Plan 2023-2029 sets out policy in relation to single houses in the countryside. The site is located at Cragaweelcross, Barefield, Co. Clare within the countryside. 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. As illustrated on Map H7 of the Plan the appeal site is located with the Area of Strong Urban Influence. Areas under Strong Urban Influence are also Areas of Special Control, as such Objective CDP 4.14 of the plan applies. Part (i) of this objective states that applicants for a new single house for permanent occupation in Areas under Strong Urban Influence must meet either the economic or social criteria set out in the categories under that objective as detailed in Section 5.1 of this report above.
- 7.2.2. The applicants in this instance have set out their need to live in a rural location due to their daughter's medical needs under Category Bii relating to exceptional health circumstances. A number of letters from registered medical practitioners have been submitted which outline the medical conditions and additional needs of the applicant's daughter. Amongst other conditions, I acknowledge that mobility issues and the occasional need for a wheelchair have been noted. The applicant's daughter attends a special education school in Ennis three days a week. The applicant's

daughter also has regular appointments with specialist medical services providers in Ennis. The applicants have previously lived in Liscannor but found the distance to be too far from their daughter's medical service providers. The applicants have outlined that they currently rent in Ennis but it is not suitable for their daughter's long term needs in terms of neighbouring noise, showering facilities and wheelchair accessibility. A rental tenancy document has been submitted in this regard. The proposed site is on the applicants (Ms Molony's) family lands. It is stated in the application documentation that the proposed development in this part of the farm will provide their daughter with a peaceful and quiet home, away from the dangers of a public road and with space for equestrian therapy.

- 7.2.3. I would note also that paragraph 4.3 of the Rural Housing Guidelines, 2005, which states 'that exceptional health circumstances may require a person to live in a particular environment or close to family support'. I would consider, having reviewed the file documentation, that there is no dispute that the applicant's daughter has a medical condition which requires accessible living conditions and ideally all living should be located on the ground floor. I would note that in general there is consensus that the applicant's daughter, given her medical conditions, should live in a rural area. The applicants have demonstrated why their existing living arrangements are unsuitable and cannot be adapted. The applicants have also set out that other sites were considered but ultimately were not suitable for their daughter's needs.
- 7.2.4. On the basis of the information provided on file, the applicants have demonstrated that they have a housing need for the specific area, and I conclude that the applicant falls into a category (Category Bii) provided for in Objective CDP 4.14 of the Clare Development Plan 2023-2029. Therefore, I conclude that the applicant meets the qualification criteria to build a rural dwelling at this location in accordance with the provisions of the Development Plan.

Ancillary Living

- 7.2.5. The proposed development also includes for an ancillary living unit accommodation for a live-in-carer. Applications for ancillary living units must comply with the requirements set out in Section 5.2.8 of the Development Plan. I consider that the unit which has an area of 84.4sqm is modest in scale and shares an access

driveway with the main dwelling. Account has been taken of the additional wastewater treatment load requirements. I consider that conditions can be attached to the grant of permission which require the unit to remain in the same ownership as the main dwelling and which would restrict the sale short terms let separate to the main dwelling house. Overall, I consider the ancillary unit is acceptable in principle and in accordance with the criteria set out in Section 5.2.8 of the Development Plan.

7.3. Impact on Pond

- 7.3.1. The appellant has raised concerns with regard to the proposed development's impact on Cragaweelcross pond which adjoins the site. The proposed access road will run close to the boundary with the pond, and it is considered that its construction has potential to damage habitats which serve a variety of wildlife.
- 7.3.2. The applicant has noted that the wetland adjoining the site is an artificial pond that took form during the 1990's during a programme of redevelopment by the farm owners. I note that no surveys or ecological impact assessment have been submitted with the application. The applicant has referenced the Clare County Council commissioned survey in 2008 carried out by Crushell and Foss. The survey provided a database of all known freshwater wetland sites in County Clare. Cragaweelcross pond is identified as an artificial pond on this dataset. It is noted that the description is derived from a desk study and a survey would be required to evaluate the field.
- 7.3.3. Notwithstanding, I note that the pond is outside the site boundary and that there is already an existing agricultural access in place. I note from my site visit that there is also existing fencing which separates the pond from the wider farm. The proposed house and waste water treatment system are located at a distance from the pond. The submitted layout plan shows more than 10m between the pond and the proposed access road and more than 5m between the fence line and the proposed access road. I note soakpits are proposed along the access road to ensure no surface water runoff into the surrounding land/pond. The proposed layout plan indicates that silt fences will be utilised to ensure there is no construction related runoff into the pond area. I am satisfied that appropriate measures have been taken to ensure the pond habitat will not be harmed during the construction and operation of the development. I would agree with the applicant that the species listed by the

appellant are found generally in the wider area and are not specific to pond habitat. There is an existing level of agriculture traffic along this access. I consider that any impacts of the proposed development would be similar to those established and not considered likely to be significant. I note a nursery roost of Lesser Horseshoe Bat is located approximately 5km to the northwest of the site within the Dromore Woods and Loughs SAC. The application site is located outside the 2.5km core foraging range for lesser horseshoe bat. I have assessed the impact on European sites separately below in Section 8 and Appendix 3.

7.4. Access/Traffic

- 7.4.1. The appellant has noted that the proposed access fronts onto a continuous white line and would be the sixth adjacent entrance serving six separate houses creating a greater probability of accidents. I note the observations from the Road Design Office which indicates that the road has a speed limit of 80km/h and therefore a sightline distance of 160m from a set back of 2.4m is required. The Road Design Office report notes that this was achieved based on the evidence from their site visit. The proposed layout plan illustrates 160m sightlines in each direction. I note the statutory speed limit along this local road at the time of the initial assessment was 80km/h, however, the Department of Transport have since reduced the speed limit on all local roads to 60km/h. Section A1.6.2 of Appendix 1 of the Development Plan sets out the requirements in relation to Sight Distances. I note roads with a 60km speed limit, have a requirement for 90m sightlines in each direction. I am satisfied that sufficient sightlines have been demonstrated. I do not consider that the proposal is likely to result in a traffic hazard.

7.5. Residential Amenity

- 7.5.1. The appellant contends that the separation distance from their property to the access road is not sufficient and that the long driveway will cause the shining of lights into their property when cars are exiting. I note the distance between the proposed house and the appellants house is in excess of 200m and do not consider that overshadowing or overlooking would be an issue. With regards to the impact of the access road and the shining of lights, I do not consider that the volume of traffic caused by a single residential development would result in significant impact on the residential amenity of the adjoining property. The appellant's house is also well

screened by existing hedging and trees. I also note that the appellant's property is within the settlement of Barefield and that there is significant amount of existing residential development in the vicinity. Overall, I do not have any concerns with regards to the impact on residential amenity.

7.6. Other Issues

Boundaries

- 7.6.1. The layout plan indicates a new beech hedge adjoining the appellant's site. The appellant does not give consent for interference with their boundaries and queries the issue of maintenance. The applicant has proposed additional boundary and screening measures within their site to augment the existing boundary treatments. I have no issue with the boundary treatment and consider that the proposals will offer further screening. I recommend that a standard condition be attached requiring landscaping/boundary plan to be agreed with the Planning Authority prior to the commencement of development.

Preplanning Consultation

- 7.6.2. The grounds of appeal raise concern regarding matters raised at pre-planning stage in relation to site selection and alternative access arrangements which were not addressed in the application. I have reviewed the proposed access arrangements which form the basis of this application and consider them acceptable in terms of traffic safety, residential amenity and impact on the adjoining pond. I note that Section 247(3) of the Planning and Development Act 2000, as amended, states 'the carrying out of consultations shall not prejudice the performance of a planning authority of any other of its functions under this Act, or any regulations made under this Act and cannot be relied upon in the formal planning process or in legal proceedings.' Each application is assessed on its own merits and the assessment of the subject case includes having regard to all information lodged with the application and submissions received on file.

8.0 AA Screening

- 8.1. See Appendix 3 of this report for Appropriate Assessment Screening Determination. 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 Dromore Woods and Loughs SAC and Ballyallia Lough SPA, or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

8.2. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- Taking into account screening determination by LPA

8.2.1. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to the sites location in a rural area under strong urban influence and the applicant's demonstrated need for rural housing in accordance with the criteria set out in Objective CDP 4.14 and Category B – Social Need ii (Exceptional Health Reasons), 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.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. The proposed Ancillary Living Accommodation Unit shall be occupied by a carer or a member of the family of the occupier of the principal dwelling on the

stie. The structure shall not be let, sold, leased or otherwise used as a separate dwelling unit.

Reason: To protect the amenities of the area and to control the intensity of the use of the site.

4. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) the establishment of a hedgerow along both sides of the access road serving the dwelling with native hedgerow species interspersed with native trees at 5m intervals.

Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity

5. (a) The entrance gates to the proposed house shall be set back not less than 2.4m from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed 1.1m in height.

- (b) The existing front boundary wall shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

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

6. (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.

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

7. (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 11th November 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

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

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

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

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

10th April 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála			
Case Reference			
Proposed Development Summary		Construction of a house and all associated site works.	
Development Address		Cragaweelcross, Barefield, Ennis, Co. Clare.	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes ✓	Tick if relevant and proceed to Q2.
		No	Tick if relevant. 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)?			
Yes	✓	Part 2, 10. <i>Infrastructure projects</i> Class 10(b)(i) construction of more than 500 dwellings Class 10(dd) All private roads which would exceed 2000metres in length.	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	✓	The proposed development does not equal or exceed the 500 dwelling threshold. The proposed development does not include a private road which would exceed 2000metres in length	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	The proposed development is below the 500 dwelling threshold. The proposed development is for 1 dwelling unit. The proposed development is below the 2000m private road length threshold. The proposed development is for an access road of approximately 350m.	Preliminary examination required (Form 2)

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

Inspector: _____ Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321797-25
Proposed Development Summary	Construction of a house and all associated site works.
Development Address	Cragaweelcross, Barefield, Ennis, 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>	
<p>Characteristics of proposed development</p> <p>(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 nature and size of the development (1 residential unit) is not exceptional in the context of the existing residential 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</p>
<p>Location of development</p> <p>(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</p>	<p>The site adjoins the settlement of Barefield. The site is located c1.1km from Dromore Woods and Loughs SAC and pNHA, c1.6km from Ballyallia Lake SAC and pNHA, c1.6km to Ballyallia Lough SPA, c2.5km from Lower River Shannon SAC, and c4.7km from Slieve Aughty SPA. The proposed development is</p>

zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	not likely to give rise to significant effects on any European Site. 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).	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	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	✓
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 house and all associated site works.
Brief description of development site characteristics and potential impact mechanisms	<p>The site is a large agricultural field located on the edge of the Barefield settlement. The site has a stated area of 3ha.</p> <p>Permission is sought for a dwelling house, outbuilding (to accommodate carers, home office, a stable and garden storage), widening the existing site entrance, new site access road, new waste water treatment system and all associated site works.</p> <p>Water supply is from the public mains. Surface water is proposed to discharge to soakpits.</p> <p>A pond known as the Cragaweelcross Pond lies to the west of the site.</p> <p>There are no water courses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.</p>
Screening report	<p>No</p> <p>Clare County Council Screened out the need for Appropriate Assessment</p>
Natura Impact Statement	<p>No</p>
Relevant submissions	<p>None</p>
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	
<p>The European sites potentially within a zone of influence of the proposed development are listed in the table below. No screening report was submitted by the applicant. The Planning Authority has considered the same 5 sites in their screening.</p>	

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
Dromore Woods and Loughs SAC (000032)	ConservationObjectives.rdl	1.1km	Possible use of habitats by mobile species	Y
Ballyallia Lough SPA (004041)	CO004041.pdf	1.6km	No direct connection – Possible indirect/use of habitats by mobile species	Y
Ballyallia Lake SAC (000014)	ConservationObjectives.rdl	1.6km	No known connection	N
Lower River Shannon SAC (002165)	Site_specific_cons_obj	2.5km	No known connection	N
Slieve Aughty Mountains SPA (004168)	CO004168.pdf	4.7km	No known connection	N

Step 3. Describe the likely effects of the project (if any, alone or 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: Dromore Woods and Loughs SAC Name (000032) Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]	Direct: None Indirect: Localised, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction.	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

<p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Limestone pavements [8240]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p>	<p>Increased human disturbance at the site, during construction/operational phase.</p>	<p>habitat quality within the SAC for the SCI listed.</p> <p>A nursery roost of Lesser Horseshoe Bat is located approximately 5km to the northwest of the site. The application site is located outside the 2.5km core foraging range for lesser horseshoe bat.</p> <p>There will be no direct or ex-situ effects from disturbance on mobile species including otter during construction or operation of the proposed development.</p>
	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
<p>Site 2: Ballyallia Lough SPA (004041)</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Gadwall (Anas strepera) [A051]</p> <p>Teal (Anas crecca) [A052]</p> <p>Mallard (Anas platyrhynchos) [A053]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Coot (Fulica atra) [A125]</p>	<p>As above</p>	<p>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 within the SPA for the SCI listed.</p> <p>No significant disturbance to any SCI wintering birds (ex-situ) that may occasionally use the amenity grassland area adjacent to the proposed development site.</p> <p>Conservation objectives would not be undermined.</p>

Black-tailed Godwit (Limosa limosa) [A156]		
Wetland and Waterbirds [A999]		
	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 Dromore Woods and Loughs SAC and Ballyallia Lough SPA. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project. No mitigation measures are required to come to these conclusions.</p>		
Screening Determination		
Finding of no likely significant effects		
<p>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 Dromore Woods and Loughs SAC and Ballyallia Lough SPA, or any other European site, in view of the Conservation Objectives of those sites and Appropriate Assessment (and submission of a NIS) is not therefore required.</p>		
<p>This determination is based on:</p> <ul style="list-style-type: none">• The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.• Distance from and weak indirect connections to the European sites.• Taking into account screening determination by LPA		
<p>No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion</p>		