



An
Bord
Pleanála

Inspector's Report

ABP-321820-25

Development	Demolition of derelict house and construction of 3 houses, together with all associated site works.
Location	Golf Links Road, Ennis, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	2460218
Applicant(s)	Mary Evans
Type of Application	Permission
Planning Authority Decision	Grant subject to Conditions
Type of Appeal	Third Party
Appellant(s)	Olive Reidy Paradis & Paul Paradis & Others
Observer(s)	None
Date of Site Inspection	28 th March 2025
Inspector	Ciara McGuinness

1.0 Site Location and Description

- 1.1. The site is located approximately 700m to the west of Ennis town centre. The site contains a single bungalow dwelling in a derelict condition, with an overgrown garden. The site is accessed from the R474 Circular Road/Golf Links Road. The surrounding area is characterised by residential development, with dwellings on all sides of the site. The dwellings in the immediate vicinity comprise single or two-storey detached or semi-detached properties. The levels of the properties on the east side of the road, including the subject site, are generally higher than those on the west side of the road. The properties on the west side of the road slope away from the road and comprise small semi-detached cottage style dwellings from circa the 1930's. There is a large mature tree located centrally to the front(western) boundary of the site. The site is approximately 0.160 hectares in area.

2.0 Proposed Development

- 2.1. Permission is sought to demolish the existing derelict house on site, and to construct 3 no. dwelling houses consisting of 1 no. 4-bed detached house and 2 no. 3-bed semi-detached houses. The existing dwelling for demolition has an area of 131sqm. The proposed dwellings have stated area of 147.4sqm (House Type A1), 110.6sqm (House Type B1) and 111.1 sqm (House Type B2). House Type A1 has a ridge height of 8.05m and House Types B1 and B2 have a ridge height of 8.4m. All 3 no. dwellings will be accessed from a shared entrance/driveway. Each dwelling will be served by 2 no. parking spaces. A further 2 no. visitors' spaces will also be provided to serve all houses. The development will connect to the public mains and public sewer.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission on 16th January 2025, subject to 17 no. of conditions. Conditions were of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report (dated 08/07/2024) notes that the proposal to redevelop this site for residential development is appropriate in principle and would be in accordance with the 'existing residential' zoning on the site providing the character of the area is retained. The proposed density is approx. 18.75 dwellings per hectare, which is below the density recommended in the compact settlement guidelines. However, having regard to the sites 'existing residential' and not 'new residential' zoning and given there is already an increase of density on the site, the proposed development is considered appropriate.

Further Information was requested in relation to the following 3 no. items;

- A revised design showing a reduction in scale, shadow analysis, tree plan and boundary treatments.
- Further details on sightlines and parking layout
- Further details on foul and surface water drainage proposals

The second Planner's Report (dated 05/12/24) noted that the revised proposals reduced the height of House Type A1 by 1m and House Type B1/B2 by 1.05m. Doubts were raised by the planner over the accuracy of the Shadow Cast analysis. Further clarity was also required in relation to the roadside boundary treatment and the boundary to the rear of the site. A Clarification of Further information request issued in relation to these issues.

The third Planner's Report (dated 16/01/2025) notes the results of the shadow analysis and does not consider that the proposed development would result in substantial harm to the residential amenity of the neighbouring property. The applicant is proposing to remove the front boundary wall. It is considered that the provision of a front boundary wall or alternative treatment is necessary to ensure the development sits well within the character of the area and to ensure there is a boundary between the site and public realm. Suitable proposals can be agreed by way of condition. Overall, the development is considered an appropriate form of development on the subject site. A grant of permission is recommended.

3.2.2. Other Technical Reports

Road Design Office – Further Information required into sight distances, vehicle tracking.

3.2.3. Conditions

Condition 2, outlined below, is a bespoke condition. Further consideration of this condition is provided in Section 7 of this report.

2. Prior to the commencement of development, the applicant shall submit revised boundary treatments to be provided along the public road, in the form of a natural stone wall, or an alternative boundary treatment, for the written agreement and approval of the Planning Authority. The boundary treatment should be set back sufficiently and of a height as not to impede sightlines for the vehicular traffic existing the proposed development. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: *In the interests of visual amenity and traffic safety.*

3.3. Prescribed Bodies

Uisce Eireann – No objection in principle

3.4. Third Party Observations

There were 8 no. third party observations received in relation to the application. A further 7 no. third party observations were received following receipt of further information. The issues raised are similar to those contained in the appeal and relate to density and scale, access/traffic, drainage, loss of biodiversity, boundary treatments and residential amenity.

4.0 Planning History

None.

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029

- 5.1.1. The Ennis Municipal District Settlement Plans are set out in Volume 3a of the Clare County Development Plan 2023-2029. The site is zoned 'Existing Residential' on the Ennis and Environs Zoning Map.

The zoning objective for 'existing residential' is to *“conserve and enhance the quality and character of the areas, to protect residential amenities and to allow for small scale infill development which is appropriate to the character and pattern of development in the immediate area and for uses that enhance existing residential communities. Existing residential zoned land may also provide for small-scale home-based employment uses where the primary residential use will be maintained.”*

- 5.1.2. The following objectives/policies are considered relevant;

Ennis CDP 4.1 sets out a number of measures to support Ennis in its role as a 'key town' including supporting increased levels of town centre living.

Planned Growth of Settlements CDP 4.13 seeks to ensure that new developments are of a scale and character that is appropriate to the area in which they are planned; to restrict single and/or multiple large scale developments which would lead to rapid completion of any settlement within its development boundary, and in excess of its capacity to absorb development in terms of physical infrastructure (i.e. water, wastewater, surface water, lighting, footpaths, access and similar) and social infrastructure (such as schools, community facilities and similar).

Facilitating the Housing Needs of the Population CDP 5.2 seeks to facilitate the housing needs of the existing and future population of the county through the management of development in accordance with the urban and rural settlement strategy and to prioritise the reuse of existing housing stock in the plan area and the renovation and re-use of obsolete, vacant and derelict homes.

Housing Mix CDP 5.8 seeks to secure the development of a mix of house types and sizes throughout the County and to require new housing developments to incorporate a variety of plot sizes to meet the current and future needs of residents.

Biodiversity and Habitat Protection CDP 15.12 seeks to promote the conservation of biodiversity and to ensure there is no net loss of potential Lesser Horseshoe Bat feeding habitats, treelines and hedgerows within 2.5km of known roosts.

- 5.1.3. Development Management Guidelines are set out Appendix 1 of Volume 1 of the Development Plan. Section A1.4.2 relates to Urban Residential Development. In relation to boundary treatments the following is stated;

Generally, boundary walls shall be between 1.8 metres and 2 metres high and shall be provided along the rear garden boundary of each dwelling and along both side boundaries extending from the rear boundary to the front building line of the dwelling. The finish of the walls shall be consistent with the external finishes of the dwelling house or of a sympathetic material. Proposals for alternative boundary treatments such as planting combined with appropriate fencing will also be considered favourably if it can be demonstrated that it will enhance the development.

5.2. **National Planning Framework (First Revision 2025)**

- 5.2.1. The National Planning Framework 'Project Ireland 2040' addresses the issue of 'making stronger urban places' and sets out a range of objectives to support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

- National Policy Objective 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based

regeneration, increased building height and more compact forms of development.

5.3. Regional Spatial & Economic Strategy for the Southern Region (RSES)

- 5.3.1. The RSES identifies Ennis as a key town. Section 3.5 of the RSES deals specifically with Key Towns and states-

“They each play a critical role in underpinning the RSES and ensuring a consolidated spread of growth beyond the cities to the sub-regional level. It is envisaged that the Key Towns will be a focus for significant growth (more than 30%). The nature, scale and phasing of this growth will be determined by local authorities depending on a capacity analysis of each town.”

5.4. Section 28 & Other Guidelines

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

- 5.4.1. Table 3.5 of the guidelines defines categories of urban areas within ‘Key Towns’. The ‘Centre and Urban Neighbourhood’ comprises the town centre area and urban neighbourhoods which consist of the early phases of residential development around the centre. For such locations, the guidelines state that densities in the range of 40dph-100dph should be applied. Section 3.3.6 addresses exceptional circumstances in the context of density requirements.
- 5.4.2. Section 4 of the Guidelines deals with Quality Urban Design and Placemaking. Section 5 of the Guidelines deals with Development Standards for Housing and includes a number of specific planning policy requirements (SPPRs) as follows:
- SPPR 1 – Separation Distances which requires a minimum of 16m between opposing windows serving habitable rooms at the rear or sides of houses above ground floor level.
 - SPPR 2 – Minimum Private Open Space for houses; 1 bed -20sqm, 2 bed - 30sqm, 3bed -40sqm and 4 bed+ -50sqm.

- SPPR 3 – Car Parking which restricts the maximum rate of car parking provision for residential development in ‘intermediate and peripheral’ locations to 2 no. spaces per dwelling (exclusive of visitor spaces).
- SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), where residential units do not have a ground level open space or have smaller terrace.

Other Guidelines

5.4.3. The following Section 28 - Ministerial Guidelines and other policy documents are also considered of relevance to the proposed development.

- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Lesser Horseshoe Bat Species Action Plan 2022-2026, Government of Ireland and Vincent Wildlife Trust.

5.5. Natural Heritage Designations

Lower River Shannon SAC (Site Code: 002165) – c.0.5km to the northeast of the site

Cahircalla Wood pNHA (Site Code: 001001) – c.1.7km to the southwest of the site

Pouladatig Cave SAC (Site Code: 00037) – c.2.7km to the southwest of the site

Pouladatig Cave pNHA (Site Code: 00037) – c.2.7km to the southwest of the site

Ballyallia Lough SPA (Site Code: 004041) – c.2.7km to the north of the site

Ballyallia Lake SAC (Site Code: 000014) – c.2.7km to the north of the site

Newhall and Edenvale Complex SAC (Site Code: 002091) – c.2.7km to the south of the site

River Shannon and River Fergus Estuaries SPA (Site Code: 004077) – c.3.9km to the southeast of the site

5.6. 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

6.1.1. The appeal is a third-party appeal by Olive Reidy Paradis and Paul Paradis against Clare County Council's decision to grant permission. It is stated that the appeal is on behalf of the residents of Golf Links Road. The grounds of appeal are summarised as follows;

- The development is not in keeping with the scale, massing and height of the houses in the vicinity of the site.
- Other than changing the roof pitch, the applicant has not reduced the scale and massing of the development.
- The development fails to align with the Development Plans strategic aim to ensure development takes place in a plan led manner and in a scale and form that is appropriate to the local characteristics of each individual settlement.
- There is a unique character to this neighbourhood. The dwellings across the road are small single storey semi-detached cottages, located at a lower level. The development would cause loss of daylight and privacy to the cottages.
- The initial shadow analysis was out of scale and not aligned with the submitted plans. The validity of the revised analysis is also queried. The floor level of the adjacent dwelling has not been provided in the revised analysis. The kitchen extension on the adjacent property is not shown.

- Roadside boundary treatment details are to be agreed by condition. There are no details of the distance from the road to the boundary. Users of the adjoining footpath may be impacted.
- The drop in levels and insufficient boundary wall will result in a serious hazard between the proposed development and adjoining property to the north.
- The proposed development would result in a significant increase in traffic movement and create a further traffic hazard on an already busy road. The existing site entrance should be utilised instead of a new site entrance.
- The removal of existing trees/biodiversity would negatively impact the visual and ecological value of the area. This would also reduce screening on the site and lead to overlooking issues for neighbouring properties. No tree survey or bat survey were provided to assess potential impacts.
- There is a precedent in the area where existing homes were not given permission at higher elevations due to the character of the area.
- The lack of a boundary wall could impact drainage on the main road.
- A historical fountain, lighting and power pole are currently where the driveway is proposed to be located.
- The proposed development will alter the character of this area which currently comprises single storey semidetached houses and be detrimental to the visual amenity of the area.

6.2. Applicant Response

None.

6.3. Planning Authority Response

The Planning Authority response is summarised as follows;

- The Planning Authority completed a full and detailed assessment of the proposed development. It is considered that the issues raised in the appeal have been dealt with in the planning reports on file.

- Having regard to the urban nature of the site, the location within an existing residential area, the proposed development of 3 no. units on the existing residential site, the relevant section 28 guidelines and the policies of the Development Plan, the Planning Authority was satisfied that the proposed development was in accordance with the proper planning and sustainable development of the area.

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;

- Density
- Scale, Massing & Height
- Traffic
- Boundaries
- Residential Amenity
- Loss of Biodiversity

7.2. **Density**

7.2.1. The scheme proposes 3 no. houses on a site area of 0.160 hectares, at a density of 18.75 units per ha. Table 2.4 of the CDP sets out the Core Strategy targets for County Clare and for Ennis. I am satisfied the proposed development is consistent with the core strategy targets and population increase projections for Ennis, with a housing target of 2,160 units identified. The core strategy outlines a number of assumptions including a density of 35/15 to the hectare for residentially zoned land for Ennis.

- 7.2.2. While the proposed density is in line with the density range requirements in the County Development Plan, I acknowledge that the density is somewhat below what is envisaged within the Compact Settlement Guidelines 2024. As Ennis town is designated as a Key Town, the site is identified (as per Table 3.5) as being located within the category of 'Key Town / Large Town - Centre and Urban Neighbourhood'. I consider the site to most accurately align with the description of this category as an urban neighbourhood which consists of *'the early phases of residential development around the centre that have evolved over time to include a greater range of land uses'*. Although I do acknowledge the area has retained its primary residential function over the years. The site is located c.700m west of Ennis town centre, contains an existing residential development, is surrounded by residential development, and is zoned for existing residential development.
- 7.2.3. For 'Key Town / Large Town - Centre and Urban Neighbourhood', the guidelines state that densities in the range of 40dph-100dph shall generally be applied. However, Section 3.3.6 of the Guidelines sets out a number of exceptions to the required density ranges. In this regard, it is stated that *'In the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this chapter'*.
- 7.2.4. I consider the subject site to be a small in-fill site. The site is surrounded on all sides by existing residential development. As such I do not consider that the site can define its own character and density. In terms of the pattern of development in the wider area, I note that the existing developments surrounding the site consists primarily of single storey, detached and semi-detached houses. I note that the ground levels on the appeal site are generally higher than those of the neighbouring residential properties, however it is proposed to lower site levels. Therefore, whilst low, I consider the density is acceptable having regard to the established pattern of development in the vicinity and the infill nature of the site.
- 7.2.5. I consider a residential density of c.18.75 units per hectare as is proposed, to be appropriate for the appeal site. Having considered all of the above I am satisfied the proposed development is acceptable in principle, complies with the requirements of the County Development Plan and can be considered as an appropriate exception

(as per Section 3.3.6) to the range of densities as set out in the Compact Settlement Guidelines.

7.3. Scale, Massing & Height

- 7.3.1. The appellant has raised concerns that the development is not in keeping with the scale, massing and height of the houses in the vicinity of the site. The proposed dwellings comprise 2 no. 3-bed room units and 1 no. 4-bed unit. The units which measure 110.6sqm (House Type B1), 111.1 sqm (B2) and 147.4sqm (A1), are not considered excessive in scale. I consider that efforts have been made by the applicant to reduce the scale of the development. The revised proposals submitted by way of further information reduced the height of House Type A1 by 1m and House Type B1/B2 by 1.05m. House Type A1 now has a proposed ridge height of 8.05m and Houses B1/B2 now have a proposed ridge height of 8.4m. I consider that the proposed development can be accommodated within the site and does not constitute overdevelopment. Adequate provision of open space is provided for, as is adequate separation distance between the proposed buildings and the adjoining dwellings. The parking provision has also been catered for within the proposed site.
- 7.3.2. The appellant also considers that the proposed development would alter the character and uniqueness of the neighbourhood. I consider that the proposed two-storey design is in keeping with the existing single and two storey houses in the wider vicinity. There are no protected structures in the immediate vicinity. The site is not within an ACA or otherwise designated unique area. The existing house is currently vacant and neglected, and in my opinion detracts from the character of the area. I consider that the proposed development would improve the visual amenity of the area.
- 7.3.3. I conclude that the scale, massing and height of the proposed development is acceptable and is in keeping with the character of the area and would not give rise to unacceptable or overbearing impacts on the surrounding vicinity. The proposal is in accordance with CDP 4.13 Planned Growth of Settlement and CDP 5.2 Facilitating the Housing Needs of the Population, which seek to promote compact growth and the reuse of brownfield and vacant derelict sites, while also ensuring that new developments are of a scale and character appropriate to the area in which they are planned. The increase in dwelling numbers on the site from 1 unit to 3 units is an

appropriate form of development at this location, and I consider that the proposal in accordance with the relevant national and regional policy documents.

7.4. Traffic

- 7.4.1. The appellant considers that the proposed development would result in a significant increase in traffic movement and result in a further traffic hazard on an already busy road. The lands are located on an urban street within an established residential area just outside the town centre. The street is wide and the posted speed limit is 50kph. This is an urban location, and the Design Manual for Urban Roads and Streets (DMURS) applies. I note the Further Information submitted by the applicant (Drawing No. 2002) has demonstrated sightlines, forward visibility and stopping distances of 49m in accordance with DMURS. It is noted that the applicant is the adjoining landowner and consent to the removal of hedging at the boundary as required to achieved sightlines. The issues of boundary treatments are dealt with further below is Section 7.5. The Road Design Office have indicated that they are satisfied with these proposals. The addition of the proposed development will add little to the current volumes of traffic on the local road network or accessing/exiting the proposed development site. I am satisfied that sufficient visibility splays have been demonstrated. I do not consider that the proposal is likely to result in a traffic hazard.

7.5. Boundaries

- 7.5.1. The appellant has raised concerns in relation to the proposed boundary treatments. The Planning Authority has also raised concerns over the proposed front boundary treatment. The applicant is proposing to remove the front boundary wall and hedging in its entirety, stating that this is necessary to ensure forward visibility for vehicles on egress from the site. The Planning Authority consider that the provision of a boundary wall or alternative boundary treatment is required to ensure the development sits well within the character of the site and to ensure there is a defensible boundary between the site and the public realm. It is recommended that suitable proposals can be managed by way of condition. Condition 2 attached to the grant of permission refers. I agree with the Planning Authority that a boundary is required for the reasons they have outlined and that the proposal can be appropriately dealt with by way of condition. The appellants have specifically raised concerns in relation to the lack of a boundary and the impact on drainage, and the

conflict with existing poles and services to the front of the site. The applicant has proposed that that surface water will be managed via a soakaway located in the southwest of the site. I consider subject to standard conditions, that the proposed surface water proposals are acceptable and are not likely to be impacted by boundary proposals. I also consider that cables and services to the front of the site can be located underground, and a standard condition can be attached in this regard.

- 7.5.2. The appellant has raised concerns over a potential hazard created by the northern boundary due to differing site levels with the adjacent site. I note from my site visit that the existing site levels are of the site are higher than the adjacent property. The existing FFL (finished floor level) of the derelict house is 19.54m. The proposed development provides for a reduction in site levels with the FFL of the semi-detached dwellings (B1/B2) indicated at 18.00m and the detached dwelling (A1) as 18.20m. I note no ground levels of the adjoining site were provided for in the application. Notwithstanding, I do not consider the change in levels to be so significant to cause a hazard. It is not uncommon for there to be a difference in ground levels between adjacent properties, and where this occurs the level shall be taken as their average level. A standard condition can be attached in this regard should the board be minded to grant permission.

7.6. Residential Amenity

The appellant considers that the proposed development would cause loss of daylight and privacy to the adjoining properties. I note that the shadow analysis initially submitted by the applicant was flawed and did not correspond to the submitted plans. I am satisfied that the revised shadow analysis more accurately demonstrates that impacts on the proposed development. On review of the revised shadow analysis submitted with the application, I consider that any overshadowing would be minor and not to an unacceptable degree. Having regard to the two-storey scale and positioning of the proposed development, I do not consider that there would be any significant impact on daylight access for the neighbouring buildings.

- 7.6.1. In terms of overlooking, the proposed development is for 3 no. 2 storey dwellings, the scale of which is not out of character with the surrounding area. The separation distances are well in excess of the 16m separation distance recommended to be

achieved by SPPR 1 of the Compact Settlement Guidelines between windows above ground floor to the side and rear of residences, to prevent overlooking. There are no first-floor windows on the northern elevation of House Type B2 which would eliminate the potential for overlooking into the adjacent property to the north. Overall, I consider that there are adequate separation distances between the existing and proposed dwellings to avoid overlooking issues. I note that some screening will be lost as a result of tree/hedging removal, however proposed boundary treatments and landscaping proposals will assist in mitigating the loss of trees/hedging and reducing any potential overlooking concerns.

7.7. Loss of Biodiversity

- 7.7.1. The applicant has raised concerns with regards to the removal of existing trees and the impact on the ecological value of the area. The appellant also notes that no tree survey or bat survey were submitted with the application. The site is in urban location, and I do not consider that it holds any significant ecological value. The existing overgrown garden has a neglected, unsightly appearance from the public road and the surrounding area and detracts from the amenity and character of the area. While some trees, scrub and hedging will be removed, the applicant has proposed to retain some trees along the southern boundary. The large tree located centrally within the site is proposed to be removed and replaced by 2 no. smaller trees. I consider that these proposals are acceptable having regard to the urban context of the site. I recommend that a standard condition be attached requiring the landscaping plan to be carried out. Furthermore, if the board are minded to grant permission, I recommend that a bat survey is undertaken prior to the commencement of development and should the presence of bats be established on site, no development shall occur until the necessary permission/derogation licence has been obtained.

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 European Sites, namely, Lower River Shannon SAC, Newhall and Edenvale Complex SAC, Pouladatig Cave SAC or River Shannon and River Fergus Estuaries SPA or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development on fully serviced lands
- The lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites

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 pattern of development in the area and the sites existing residential zoning under the Clare County Development Plan 2023-2029, it is considered that, subject to compliance with conditions below, the proposed development would provide a high-quality residential development, at an acceptable density on an infill site, would not seriously injure the character of the area or the amenities of property in the vicinity and would provide an adequate standard of residential amenity to future occupiers. 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, as amended by the further plans and particulars received by the planning authority, on the 25th day of October 2024, and on the 13th day of December 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 scheme indicating boundary treatments shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

a) This boundary treatment scheme shall provide revised boundary treatments to along the public road, in the form of a natural stone wall, or an alternative boundary treatment. The boundary treatment should be set back sufficiently and of a height as not to impeded sightlines for vehicular traffic exiting the proposed development.

b) A boundary wall between 1.8m and 2m in height above ground level shall be constructed between the site and adjoining dwelling to the north. The wall shall be constructed in brick to match the brick used in the buildings or concrete block or similar durable materials and, if in concrete block, shall be suitably capped and rendered on both sides in a finish that matches the external finish of the buildings. Where there is a difference in ground levels between the sites, the level shall be taken as their average level.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

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

3. The landscaping scheme shown on drawings submitted to the planning authority on the 25th day of October, 2025 shall be carried out within the first planting season following substantial completion of external construction works. Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed. All planting shall be

adequately protected from damage until established. Any plants 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 the interest of residential and visual amenity.

4. Prior to the commencement of any development works on the site, including the removal of any building or landscape feature or vegetation, a survey to ascertain the presence of any bat activity on the site for roosting or foraging purposes and an assessment of any potential impact on species arising from the proposed development shall be undertaken by a suitable qualified ecologist and the findings submitted for written approval of the planning authority. Should the significant presence of bats be established on the site no development shall occur until the necessary permission/derogation licence has been obtained from the appropriate statutory body.

Reason: In the interest of bat protection and to provide for the preservation and conservation of this species.

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

6. Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health

9. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

11. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

12. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future

electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

14. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking in Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

15. 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.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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

14th May 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321820-25		
Proposed Development Summary	Demolition of derelict house and construction of 3 houses, together with all associated site works.		
Development Address	Golf Links Road, 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	✓	Class 10(b)(i) & 10(b)(iv) Class 14	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	✓	<p>10(b)(i) - Construction of more than 500 dwelling units</p> <p>10(b)(iv) - Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>14 – Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	<p>The proposed development is for 3 units and does not exceed the 500 unit threshold.</p> <p>The proposed development has a site area of 0.160ha and does not exceed the 10ha threshold.</p> <p>The proposed demolition works are not likely to have significant effects on the environment.</p>	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-
Proposed Development Summary	Demolition of derelict house and construction of 3 houses, together with all associated site works.
Development Address	Golf Links Road, 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 (3 Houses) 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.</p> <p>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 zones, nature reserves,</p>	<p>The site is located in a suburban area and is zoned for existing residential development. The nearest European site is 0.5km to the north of the site. It is not considered that the proposed development would be likely to have a significant impact on the European</p>

European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	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		Demolition of derelict house and construction of 3 houses, together with all associated site works.		
Brief description of development site characteristics and potential impact mechanisms		The proposed development site is within an urban area surrounded primarily by other residential development. The development will comprise the demolition of an existing dwelling that has fallen into disrepair and the construction 3 no. new dwellings and associated site works. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the area.		
Screening report		No Clare County Council screened out the need for AA.		
Natura Impact Statement		No		
Relevant submissions		Uisce Eireann – No objection in principle		
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
Lower River Shannon SAC (Site Code: 002165) –	Site specific cons obj	c.0.5km to the northeast of the site	Possible indirect	No
Pouladatig Cave SAC (Site Code: 000037) –	ConservationObjectives.rdl	c.2.7km to the southwest of the site	Possible indirect	No
Ballyallia Lough SPA (Site Code: 004041) –	CO004041.pdf	c.2.7km to the north of the site	No connections	No

Ballyallia Lake SAC (Site Code: 000014 –	ConservationObjectives.rdl	c.2.7km to the north of the site	No connection	No
Newhall and Edenvale Complex SAC (Site Code: 002091) –	ConservationObjectives.rdl	c.2.7km to the south of the site	Possible indirect	No
River Shannon and River Fergus Estuaries SPA (Site Code: 004077) –	Site specific cons obj	c.3.9km to the southeast of the site	Possible indirect	No

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
<p>Site 1: Lower River Shannon SAC (Site Code: 002165)</p> <p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p>	<p>Direct: none</p> <p>Indirect: localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction</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 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 QIs listed.</p> <p>Conservation objectives would not be undermined.</p>

<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</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	
	Impacts	Effects

<p>Site 2: Pouladatig Cave SAC (Site Code: 000037)</p> <p>Caves not open to the public [8310]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>	<p>Direct: None</p> <p>Indirect: Decline in foraging habitat, Increased human disturbance at the site, light pollution</p>	<p>The site has been screened in applying an abundance of caution. The site is outside the foraging range (2.5km) for lesser horseshoe bat. The site has an existing residential use and is set within an urban context. The impacts would be similar to those established and are not considered likely to be significant. The site does not contain optimal foraging habitat. Accordingly, I do not consider that the development of this site would amount to any likely decline in potential foraging habitat of significance to the species.</p>
	<p>Likelihood of significant effects from proposed development (alone): No</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p>	
	<p>Impacts</p>	<p>Effects</p>
<p>Site 3: Newhall and Edenvale Complex SAC (Site Code: 002091)</p> <p>Caves not open to the public [8310]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>	<p>Direct: None</p> <p>Indirect: Decline in foraging habitat, Increased human disturbance at the site, light pollution</p>	<p>The site has been screened in applying an abundance of caution. The site is outside the foraging range (2.5km) for lesser horseshoe bat. The site has an existing residential use and is set within an urban context. The impacts would be similar to those established and not considered likely to be significant. The site does not contain optimal foraging habitat. Accordingly, I do not consider that the development of this site would amount to any likely decline in potential foraging habitat of significance to the species.</p>
	<p>Likelihood of significant effects from proposed development (alone): No</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p>	
	<p>Impacts</p>	<p>Effects</p>

<p>River Shannon and River Fergus Estuaries SPA (Site Code: 004077)</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Scaup (Aythya marila) [A062]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p>	<p>Direct: none</p> <p>Indirect: localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction</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 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 QIs listed.</p> <p>Conservation objectives would not be undermined.</p>
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<div>Curlew (Numenius arquata) [A160]</div> <div>Redshank (Tringa totanus) [A162]</div> <div>Greenshank (Tringa nebularia) [A164]</div> <div>Black-headed Gull (Chroicocephalus ridibundus) [A179]</div> <div>Wetland and Waterbirds [A999]</div>		
	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		
<div>I conclude that the proposed development (alone or in combination with other plans or projects) would not result in likely significant effects on a European Site. No further assessment is required for the project.</div> <div>No mitigation measures are required to come to these conclusions.</div>		
<div>Screening Determination</div> <div>Finding of no likely significant effects.</div> <div>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 European Sites, namely, Lower River Shannon SAC, Newhall and Edenvale Complex SAC, Pouladatig Cave SAC or River Shannon and River Fergus Estuaries or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.</div> <div>This determination is based on:</div> <div><ul style="list-style-type: none">• The relatively minor scale of the development on fully serviced lands• The lack of impact mechanisms that could significantly affect a European Site• Distance from and weak indirect connections to the European sites</div>		