



An  
Bord  
Pleanála

## Inspector's Report

**ABP-322026-25**

<b>Development</b>	To construct a dwelling house, entrance, wastewater treatment system and all ancillary site works.
<b>Location</b>	Knocknaskeagh, Kilsahanny, Co. Clare.
<b>Planning Authority</b>	Clare County Council.
<b>Planning Authority Reg. Ref.</b>	2460623.
<b>Applicant(s)</b>	Eoin Frawley.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Micheal Frawley.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	3 <sup>rd</sup> April 2025.
<b>Inspector</b>	Kathy Tuck.

## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of c.2.8ha and is located within the townland of Knocknaskeagh, Kilshanny Co. Clare. Knocknaskeagh is situated approximately 7 km to the north of Lahinch and Ennistymon, Co. Clare.
- 1.2. The subject site is rectangular in form and forms part of the larger family landholding. The site forms its eastern boundary with the LT51172, which is a local tertiary road from where access is proposed.
- 1.3. There is a farmyard and dwelling located to the south of the site. The site rises from the south to north by approximately c.7m. There is a row of mature trees located along part of the southern boundary of the site.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the construction of a single storey dwelling which has a stated area of c.219 sq.m. The proposed dwelling is served with 4 no. bedrooms, utility room, bathroom, sitting room and a kitchen/living/dining room. The proposed dwelling is finished with a pitched roof profile which has a maximum ridge level of c.5.17m. The finished floor level of the dwelling is indicated on plan as being c.104.5 metres.
- 2.2. The proposed dwelling is set c.44.8m from the southern boundary of the subject site which is shared with a dwelling and associated farmyard and c.28m from the eastern boundary of the subject site which is shared with the local tertiary road (LT51172) from where it is proposed to access the site.
- 2.3. Permission is also sought for a secondary wastewater treatment system and a soil polishing filter which would be located in the south-eastern corner of the site. A post and wire fence with native hedging is proposed to the west and north of the proposed dwelling.

### 3.0 Planning Authority Decision

#### 3.1. Decision

The Planning Authority issued a decision to grant planning permission subject to 10 no. conditions on the 10<sup>th</sup> February 2025. Conditions of note are as follows:

*Condition no. 2:*

- (a) The proposed dwelling, when completed, shall be first occupied as the place of permanent residence by the applicant. Within two months of the occupation of the permitted dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling and the date of such occupation. (This condition shall not affect the sale of the dwelling by a mortgagee in possession or by any person deriving title from such a sale).
- (b) The proposed dwelling shall be for permanent occupation only.

Reason: In the interest of proper planning control, having regard to the County Development Plan 2023-2029 and the 2005 Sustainable Rural Housing Guidelines.

*Condition no. 3:*

Section 48 Financial Contribution of €5,292.

*Condition no. 4*

- a) A row of native hedgerow shall be planted adjacent to the shared boundaries with the dwelling and farmyard to the south of the site.
- b) A post and wire fence and native hedgerow planting shall be included to the west and north of the dwelling in accordance with the Site Layout Plan received by the Planning Authority on the 09th December 2024.
- c) This landscaping shall be implemented not later than the first planting season after commencement of the development. Any planting that is diseased or fails within 2 years of planting shall be replaced.

**Reason:** To protect the character of the rural area and in the interests of adjacent amenities.

*Condition no. 5*

The finished floor level shall be as specified on the site layout plan received on the 09th of December 2024 and shall not be modified in any way without the prior written consent of the Planning Authority.

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

#### **3.2.1. Planning Reports**

The report of the Planning Authority notes the location of the site, details of the proposed development, relevant local planning policy, planning history of the site and immediate surroundings, details of submissions and technical reports received and undertaken an EIA and AA Screening determination.

The assessment notes compliance with the rural housing policy as the applicant is the son of the landowner, he does not own a dwelling, and this will be his intended permanent residence. Overall, the assessment concluded that the subject site meets the technical site requirements as per Appendix 1 of Volume 1 of the Development Plan, issues pertaining to traffic safety and visual amenities do not arise in this instance and with regard to concerns of overlooking a recommendation was made to include for hedgerows along the shared boundaries with the dwelling and farmyard to the south of the site. A recommendation to grant permission was made in line with the decision issued.

#### **3.2.2. Other Technical Reports**

West Clare Municipal District Engineer: No objection subject to condition.

Environment Department: No objection subject to condition.

### **3.3. Prescribed Bodies**

None received.

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

The Planning Authority received 1 no. submission and concerns raised can be summarised as follows:

- Overlooking private amenity space.
- Loss of privacy.

- Driveway, kitchen window, sitting room window, doorway and bedroom window will all be overlooked.
- Farmyard is fully visible from the proposed dwelling.
- Proposal is positioned 6m higher than existing dwelling – exacerbating overlooking.
- Negative impact on residential amenity.
- Undermine the security and privacy of farmyard activities.

## 4.0 Planning History

### *Subject Site*

PA Ref 93-214: Permission Granted to build a dwelling house and septic tank.

### *To the West*

PA Ref 93-668 Permission Granted to construct a dwelling house and septic tank.

### *To the North*

PA Ref 90-149 Permission Granted to erect extension to dwellinghouse.

PA Ref 90-593 Permission Granted to change use of dwellinghouse to bed and breakfast house.

## 5.0 Policy Context

### 5.1. National Planning Policy

#### 5.1.1. National Planning Framework (NPF) – First Revision.

National Policy Objective 28 states:

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

#### 5.1.2. Code of Practice Domestic Wastewater Treatment Systems (p.e. ≤ 10) 2021

The Code of Practice (CoP) sets out guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses.

### 5.2. Ministerial Guidelines

#### 5.2.1. Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

The appeal site is located within a rural area under strong urban pressure. The Guidelines state that these areas exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network

### 5.3. Clare County Development Plan 2023-2029.

5.3.1. The site is located in a “*Settled Landscape*”. It is also within a rural area that is outside the area of special control.

5.3.2. Section 4.2.6 of the Clare County Development Plan 2023-2029 deals with Single Houses in the Countryside. It is stated 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.”

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

#### **Chapter 4 - Urban and Rural Spatial Strategy**

##### *CDP4.15 New Single Houses in the Countryside Outside the “Areas of Special Control”*

It is an objective of Clare County Council Within the parts of the countryside outside of the ‘Areas of Special Control’ that is:

- Outside of the Areas Under Strong Urban Influence;
- Outside of Heritage Landscapes; and
- Not accessed and/or abutting a designated Scenic Route.

To permit an application for a single house by persons who seek a dwelling as their principal private residence and will therefore contribute to the social and economic wellbeing of the area, subject to high quality siting and design and compliance with all relevant environmental legislation. Any application for a rural house for permanent occupancy must be made in the name of the person who will occupy the house in the first instance. The assessment of an application for a rural house in the countryside Outside of the ‘Areas of Special Control’ shall have regard to environmental considerations, the viability of smaller towns and rural settlements, siting and design issues and the Clare Rural House Design Guide.

Where the proposed site is accessed from a National route or certain Regional routes, the proposal must in addition to compliance with this objective, also be subject to compliance with objectives CDP11.13 and CDP11.14 as set out in Chapter 11.

- Table 4.1 Types of Rural Housing Development allowed on Suitable Sites

#### **Chapter 11 – Physical Infrastructure.**

##### *Objective CDP 11.32 Wastewater Treatment and Disposal*

It is an objective of Clare County Council:

g) To permit the development of single dwelling houses in unserved areas only where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with the Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ ), EPA (2021).

## **Chapter 14 – Landscape.**

### *CDP14.2 Settled Landscapes*

It is an objective of Clare County Council to permit development in areas designated as ‘settled landscapes’ to sustain and enhance quality of life and residential amenity and promote economic activity subject to:

- i. Conformity with all other relevant provisions of the Plan and the availability and protection of resources.
- ii. Selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design which are directed towards minimising visual impacts.
- iii. Regard being had to the need to avoid intrusion on scenic routes and on ridges or shorelines.

Developments in these areas will be required to demonstrate: -

- a) That the site has been selected to avoid visual prominence
- b) That the site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies, public amenities and roads.
- c) That design of buildings and structures reduces visual impact through careful choice of forms, finishes and colours, and that any site works seek to reduce visual impact.

## **5.4. Natural Heritage Designations**

The subject site is not located within or adjacent to any natura 2000 sites. The subject site is located c2.4km to the north-east of the Inagh River Estuary SAC (Site Code 000036) and the Inagh River Estuary pNHA (Site Code 000036).

## **6.0 EIA Screening**

The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply.



I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

This is a 3<sup>rd</sup> party appeal against the decision of Clare County Council to grant permission and is made by Michael Frawley who is the adjoining landowner to the south of the appeal site. The grounds of the appeal can be summarised as follows:

#### **1. Overlooking and Loss of privacy:**

- Site layout incorrectly shows a line of trees adjacent to southern boundary of appeal site which do not exist – significant misrepresentation as it suggests natural screening which could mitigate overlooking and privacy intrusion.
- In the absence of these trees the impact of the development on privacy is substantially greater than plan indicates – discrepancy further undermines the adequacy of mitigation measures imposed by the Planning Authority.
- Report of the Planning Authority confirms site levels rise away from southern boundary – proposed dwelling is located above appellants property resulting in overlooking.
- Site layout plan clearly indicates that development is to be constructed on a raised plateau at a floor level 6m higher than dwelling located to the south – allowing unobstructed views from the proposed dwellings main living area directly into farmyard, home and garden.
- Elevated position, siting and orientation of the development severely compromises the privacy and security essential to both residential and agricultural activities – already experienced loss of privacy on occasions when several individuals were present on the proposed site – felt constantly observed when undertaking farm chores.

- Unacceptable for residential development to be sited and orientated in such a way that it provides full views of sensitive farm activities such as animal births/deaths.
- Deliveries to the farm will be entirely observed contributing to persistent sense of insecurity.
- While Planning Authority states the dwelling is set back considerably from farmyard – boundary is only approximately 50m. This coupled with the 6m elevation does not provide a sufficient buffer to mitigate the overlooking and loss of privacy.
- Images are attached to illustrate the loss of privacy – images from property with proposal superimposed. Do not fully illustrate the loss of privacy and feeling of being constantly observed.

## 2. Inadequate Mitigation Measures

- Only mitigation imposed by the Planning Authority is the planting of native hedge along shared boundary – inadequate to mitigated against overlooking and loss of privacy.
- Given the 6m elevation distance an effective screening solution would require a hedge to eventually exceed this height – highly unlikely under normal conditions.
- The site is located c.5km to the east of the Atlantic Ocean and is exposed to prevailing south-westerly winds – extremely challenging to establish and maintain trees or hedging in this environment.
- Existing beech hedge on farmyard boundary is 15 years old and does not provide any screening because of the prevailing south-westerly winds.
- Mitigation suggested by the Planning Authority does not address the immediate and persistent privacy intrusion.

## 3. Impact on residential and agricultural amenity

- Overlooking also intrudes upon farmyard.

- Invasion on privacy has a tangible effect on both the character of property and quality of life.
- Planning Authority did not consider the material provided to them and did not consider concerns adequately.

## **7.2. Applicant Response**

None received.

## **7.3. Planning Authority Response**

A response from the Planning Authority was received on the 24<sup>th</sup> March 2025 and notes that the issues raised within the 3<sup>rd</sup> Party Appeal received were comprehensively addressed in the Planners Report and that An Bord Pleanála is advised to have regard to same. It is respectfully requested that the decision to grant permission is upheld.

## **7.4. Observations**

None received.

# **8.0 Assessment**

## **8.1. Introduction**

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:

- Impact on Residential Amenity.
- Mitigation Measures.

## **8.2. Impact on Residential Amenity.**

- 8.2.1. The 3<sup>rd</sup> Party appellant has raised concern that the proposed development would give rise to a significant negative impact upon the current level of residential amenity

enjoyed at their property in terms of overlooking. It is contended that due to the change in levels across the site and the proximity to the boundary that is formed with the adjoining property to the south, that if permitted the main living area of the proposed dwelling would directly overlook the farmyard activities and existing dwelling. It is stated that the boundary of the appeal site is only set 50m from the farmyard and this together with the 6m elevation of the finished floor level does not provide a sufficient buffer to mitigate the overlooking and loss of privacy. In addition, it is argued that the development severely compromises the privacy and security which is essential to both residential and agricultural activities and that there has already been an experience of loss of privacy on occasions when several individuals were present on the proposed site as it felt like the appellant was constantly observed when undertaking farm chores.

- 8.2.2. The Planning Authority in response state that the issues raised within the 3<sup>rd</sup> Party Appeal received were comprehensively addressed in the Planners Report. The Planning Assessment noted the concerns and considered while noting that the levels across the site rise away from the shared boundary with the dwelling and farmyard to the south, that the proposed dwelling would be setback a considerable distance into the site and as such issues pertaining to overbearance, overlooking, noise/light pollution etc would not arise in this instance.
- 8.2.3. The proposed dwelling has been set back c.44.8m from the southern boundary of the site which is shared with the appellants property and a further c.50m to the appellants dwelling. As such the proposed dwelling is set approximately c.94m from the northern elevation of the appellants dwelling. The proposed dwelling has a finished ridge level of c.5.17m and is single storey in height. As a result of the change in levels across the site which fall on the north-south axis the proposed dwelling would sit approximate c.5.44m higher than that of the appellants dwelling.
- 8.2.4. The appellant contends that the site layout plan submitted indicates a line of trees adjacent to the southern boundary of appeal site which do not exist and that their inclusion is a significant misrepresentation as it suggests natural screening which could mitigate overlooking and privacy intrusion. From undertaking a site visit I note that the trees and planting referenced on the site layout plan are in situ and I witnessed that the appellants farmyard and dwelling are exposed, beyond this line of mature planting, to the LT51172 with no boundary treatment provided.

8.2.5. Overall, in conclusion, I consider that having regard to the location of the dwelling on the subject site, the separation distanced provided to the southern boundary together with the single storey nature of the proposed dwelling, that issues of undue overlooking of the existing dwelling and associated farmyard, located to the south would not be anticipated at this location and would therefore not negatively impact upon the current level of privacy or residential amenity enjoyed by the appellant.

### 8.3. **Mitigation Measures**

8.3.1. The Planning Authority included condition no. 4 that required the applicant to plant a native hedgerow along the southern shared boundary with the adjacent dwelling and farmyard. The Planning Officer noted that this condition should be included to adopt the precautionary principle with regard to the concerns raised by the 3<sup>rd</sup> party with regard to overlooking.

8.3.2. The Appellant within their appeal considered that having regard to the location of the site which is c.5km to the east of the Atlantic Ocean and is exposed to prevailing south-westerly winds it would be extremely challenging to establish and maintain trees or hedging in this environment. It was therefore contended that the mitigation suggested by the Planning Authority does not address the immediate and persistent privacy intrusion.

8.3.3. Having regard to my conclusion as set out above in section 8.2.5 of my report, I do not consider it necessary for the applicant to provide for any mitigation planting as I do not consider the proposal will give rise to undue issues of overlooking.

## 9.0 **AA Screening**

9.1. 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 the Inagh River Estuary SAC (Site Code 000036) 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.

9.2. 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

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

## 10.0 **Water Framework Directive.**

10.1. The subject site is located within the townland of Knocknaskeagh, Kilsahanny, Co. Clare. The proposed development comprises of the construction of a detached dwelling, a new wastewater treatment system, site entrance and all associated site works. No water deterioration concerns were raised in the planning appeal. The DEALAGH (010) river flows approximate 339m to the east of the subject site.

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

10.3. The reason for this conclusion is as follows:

- Nature of works regard the scale;
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

10.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or

permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Recommendation

Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

## 12.0 Reasons and Considerations

The proposed development which is seeking permission for the provision of a single storey dwelling, vehicular access and on site wastewater treatment plan complies with the provision of the Clare County Development Plan 2023-2029. It is considered that subject to compliance with the conditions set out below, the development would not be out of character with the surrounding area, would not give rise to undue negative impacts upon the residential amenity of the surrounding area and would therefore be in keeping with the proper planning and sustainable development of the area.

## 13.0 Conditions

1.	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>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</p>

	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
3.	<p>The finished floor level of the proposed dwelling shall be as specified on the site layout plan received on the 09th of December 2024 and shall not be modified in any way without the prior written consent of the Planning Authority.</p> <p><b>Reason:</b> To reduce the impact of the proposed house on the landscape, in the interest of visual amenity.</p>
4.	<p>The developer shall enter into a water connection agreements with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>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.</p> <p><b>Reason:</b> In the interest of public health</p>



6.	<p>Details of the design of the house shall be submitted by way of a separate application for permission consequent and shall incorporate the following requirements:</p> <p>a) The roof shall be finished in natural quarry slate (salvaged or new) black, dark grey or blue/black in colour. The colour of the ridge tile shall match the colour of the roof and shall be of concrete or clay manufacture without raised edges or ribs.</p> <p>Or</p> <p>The roof shall be finished in natural slate effect slate black, dark grey or blue/black in colour. The colour of the ridge tile shall match the colour of the roof.</p> <p>OR</p> <p>The roof shall be finished in slate / slate effect / flat tile black, dark grey or blue/black in colour. The colour of the ridge tile shall match the colour of the roof.</p> <p>b) No neo- Georgian style plastic glazing bars or other decorations are permitted.</p> <p>c) Any stone facing shall be of natural local stone. All pointing shall be recessed or flush.</p> <p>d) No floodlighting of the proposed development is permitted.</p> <p><b>Reason:</b> In the interest of visual amenity [and to protect the character of this rural area/area of high amenity].</p>
7.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>

8.	<p>(a) The entrance to serve the dwelling shall be as per the site layout plan submitted to the Planning Authority on the 09th of December 2024.</p> <p>(b) The existing road boundary shall be retained in its entirety except where its removal is required for the construction of an entrance to serve the dwelling. Side walls and piers of proposed entrance shall be tied into the existing roadside boundary, all to the satisfaction of the Planning Authority.</p> <p>Reason: To preserve the rural amenities of the area and in the interests of traffic safety and visual amenity.</p>
9.	<p>(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 [date] and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent <math>\leq</math> 10) " – Environmental Protection Agency, 2021.</p> <p>(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 <math>\leq</math> 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.</p> <p>Reason: In the interest of public health and to prevent water pollution</p>

10.	<p>The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.</p> <p><b>Reason:</b> 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.</p>
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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.

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Kathy Tuck  
Planning Inspector

28<sup>th</sup> May 2025

## Appendix 1

### EIA Pre-Screening

<b>Case Reference</b>	ABP-322026-25
<b>Proposed Development Summary</b>	To construct a dwelling house, entrance, wastewater treatment system and all ancillary site works.
<b>Development Address</b>	Knocknaskeagh, Kilsahanny, Co. Clare.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8	

of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.

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

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Appendix 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 322026-25	
Proposed Development Summary	The proposed development comprises of the the construction dwelling, a new wastewater treatment system, site entrance and all associated site works.	
Development Address	Knocknaskeagh, Kilsahanny, Co. Clare	
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.		
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.		
	Examination	Yes/No/ Uncertain
Nature of the Development.  Is the nature of the proposed development exceptional in the context of the existing environment.	The proposed development is for 1 no. dwelling houses. There are existing dwelling houses in the proximity of the site. The proposed development would not be exceptional in the context.	No
Will the development result in the production of any significant waste, emissions or pollutants?	The development would not result in the production of significant waste, emissions, or pollutants.	No
Size of the Development  Is the size of the proposed development exceptional in the context of the existing environment?	The proposed development is 1 no. dwelling. The size is not exceptional.	No



## Appendix 3

### Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects				
<b>Step 1: Description of the project and local site characteristics</b>				
<b>Brief description of project</b>		Construction of a house and all associated site works.		
<b>Brief description of development site characteristics and potential impact mechanisms</b>		<p>Permission is sought for construction of a dwelling house, new waste water treatment system, entrance and all associated site works.</p> <p>Water supply is from public mains. Surface water is proposed to discharge to soakpits.</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>		
<b>Screening report</b>		<p>No</p> <p>Clare County Council Screened out the need for Appropriate Assessment</p>		
<b>Natura Impact Statement</b>		No		
<b>Relevant submissions</b>		None		
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
<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>				
<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development (km)</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup> Y/N</b>



Inagh River Estuary SAC (Site Code 000036) <a href="#">Inagh River Estuary SAC   National Parks &amp; Wildlife Service</a>	Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	2.4km	No direct connection	<b>n</b>
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### Step 3 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development alone would not result in likely significant effects on Inagh River Estuary SAC (Site Code 000036). 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.

### Screening Determination

#### Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Inagh River Estuary SAC (Site Code 000036) 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.

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

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