



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323030-25

<b>Development</b>	Construction of a dwelling and all associated works.
<b>Location</b>	Ballyveskil, Tiermaclane, Ennis, Co. Clare
<b>Planning Authority</b>	Clare County Council
<b>Planning Authority Reg. Ref.</b>	2560211
<b>Applicant(s)</b>	Cathal O'Donoghue
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Cathal O'Donoghue
<b>Observer(s)</b>	Lorraine and Christiaan Visser
<b>Date of Site Inspection</b>	31 <sup>st</sup> October 2025
<b>Inspector</b>	Ciara McGuinness

## **1.0 Site Location and Description**

- 1.1. The site is located in the townland of Ballyveskil, c. 6km to the south of Ennis. The site is located to the north of the LS8254 Local Secondary Road on the outside of a bend at this location. The junction of the LS8254 Local Secondary Road and the R473 Regional Road is approximately 350m to the southeast of the site. A considerable amount of ribbon development lies along the LS8254 and there is a considerable amount of one-off housing in the overall area. Residential dwellings are located on either side of the site to the west and to the southeast.
- 1.2. The site comprises a levelled gravel area. The site is being used extensively for bus and car parking. The area also accommodates a shed. To the west of the site there is an access to a connected site to the rear, which accommodates a large industrial-type unit with roller shutter doors and more bus and car parking. However, this area to the west and the site to the rear are not included within the application site.

## **2.0 Proposed Development**

- 2.1. Permission is sought to construct a new dwelling house, new entrance, private garage and to install a new wastewater treatment system along with all associated works.
- 2.2. The proposed dwelling is a 2-storey house with a stated floor area of 212sqm and ridge height of 7.74m. The garage has a stated area of 46sqm and an approximate height of 5.2m. The external finishes comprise a mix of painted plaster and natural stone.
- 2.3. Water supply will be from the public mains. Surface water is indicated as draining to a soak pit as per the application form but is not shown on the submitted drawings.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority decided to refuse permission for the following reasons;

1. With regard to the protection of water quality and public health, on the basis of the available information, the Planning Authority considers that it has not been adequately demonstrated that there is adequate sub soil on the site to treat wastewater in accordance with the requirements of the EPA Code of Practice for Domestic Wastewater Treatment Systems 2021. Therefore, the Planning Authority considers that the proposal site does not have the capacity to adequately treat wastewater, that the proposal would have adverse impacts on water quality, that it would be prejudicial to public health, and would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposal site is located on the outside of a bend on the LS8254 local secondary road. This road which serves a number of local dwellings and agricultural lands, and is a connecting road between Ballyea and the R473 regional road. Having regard to the nature and extent of the existing and permitted developments in the area, the narrow nature of the road, the poor horizontal alignment of the road at the front of the site, the non-demonstration of sightline visibility, and the nature of the traffic that would be associated with the proposed development, the Planning Authority considers that the proposed development would have adverse impacts on the traffic safety and free flow and would therefore be contrary to the proper planning and sustainable development of the area.
3. The Planning Authority considers that the storage of buses, and the existing hard standing material constitute both 'works' and 'development' in accordance with Section 2(1) and 3(1) of the Planning and Development Act 2000, as amended and do not benefit from exempted development status under Schedule 2, of the Planning and Development Regulations 2001 (as amended). Therefore, the proposed development would facilitate further development at the location of these unauthorised works, and would be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Planners Report (dated 17<sup>th</sup> June 2026) notes that the proposal site forms part of a wider site on which planning enforcement proceedings are ongoing. These proceedings relate to the use of the site for the storage and maintenance of buses, an unauthorised shed, hard standing material and concrete fencing. The redline boundary does not include all areas where unauthorised works are located.

Therefore, the proposed development would facilitate further development at the location of these unauthorised works. Permission should be refused on this basis.

In terms of wastewater treatment capacity, it is noted that the aquifer in this area is classified as extremely vulnerable. The site has been the subject of significant infilling works. The onsite percolation tests were conducted in the filled layer within the site and not the original ground. On the basis of the available information, it is considered that compliance with the EPA Code of Practice has not been demonstrated.

The site is served by an existing access point on the outside of a relatively sharp bend. No sightlines have been demonstrated from the access point. It is unclear whether adequate forward visibility is available from/towards a right turning vehicle into the site. It is proposed to alter the site so as to provide a new laneway and access to the west of the site. This access would also be on the outside of the bend, and no visibility has been demonstrated. It has not been demonstrated that the proposal would not have adverse impacts on traffic safety and free flow.

It is considered that the proposal would be contrary to the proper planning and sustainable development of the area and permission should be refused.

#### 3.2.2. Other Technical Reports

- 3.2.3. Environment Department – Based on the information contained with the application, it has not been demonstrated that there is adequate suitable sub-soil where it is proposed to locate the soil infiltration area. The photographs of the trial hole submitted indicate that soil is grey in colour in the trial hole which indicates poor percolation properties.

The surface testing appears to have been carried out where gravel has been imported onto the site.

The layout plan does not show where the trial hole was opened or where the surface and sub surface testing was carried out.

A site-specific cross-sectional drawing of the DWWT proposal has not been submitted.

The domestic wastewater treatment system DWWTS proposal as submitted does not comply with the requirements of the 2021 EPA Code of Practice for DWWTS (P.E. < 10) as it has not been demonstrated that there is adequate suitable subsoil in the area proposed to locate the soil polishing filter.

### 3.3. **Prescribed Bodies**

None.

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

Two third party submissions were received on the file. The issues raised relate to ownership, enforcement proceedings at the site, noise and drainage issues.

## 4.0 **Planning History**

**PA Reg Ref 92/569** - Outline permission granted to construct dwelling house, garage & septic tank

**PA Reg Ref 01/2091** – Permission refused to construct 8 no. dwelling houses with effluent treatment units and ancillary site works

**PA Reg Ref 04/1747** – Permission granted to construct a dwelling, garage and waste water treatment system with a percolation area, along with associated site works

**PA Reg Ref 19/736** – Permission refused to retain the shed, retain and reposition two mobile homes, construct a cottage with wastewater treatment system and associated site works

**PA Reg Ref 24/60037** – Permission refused for the retention of an existing commercial shed building and permission is sought for a new permeable surfaced

vehicle parking area, ancillary access road, alterations to the existing site entrance and all associated site works and services.

The Planning Enforcement History is set out in the Planner's Report. The proceedings relate to the use of the site for the storage and maintenance of buses, an unauthorised shed, hard standing material and concrete fencing.

## 5.0 Policy Context

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

- 5.1.1. The site is located within the Ballyvrisluan Cluster. A 'Cluster' is the smallest type of settlement in the County's hierarchy, and their character reflects traditional building patterns with a loose collection of rural dwellings, clustered around one or more focal points. The following objective relates;

**Development Plan Objective: Clusters CDP 4.9** It is an objective of Clare County Council: To ensure that clusters throughout the county maintain their existing character providing only for very small scale growth of dwellings and/or small enterprises where they can be suitably integrated with respect to the setting and context.

- 5.1.2. It is stated in the Development Plan that *"To meet the needs of those wishing to settle in rural areas, the provisions of Objective CDP 4.14 (i.e. Social or Economic Housing Need requirement) will not apply to applicants for single houses within the designated cluster boundaries"*.

- 5.1.3. The site is also located in the Western Corridor Working Landscape. The following objective relates;

**Development Plan Objective: Settled Landscapes CDP 14.2** - 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.

5.1.4. Section 11.4.3 of the plan contains policies and objectives relating to Wastewater Management including;

**Development Plan Objective: Wastewater Treatment and Disposal CDP 11.32**

A number of criteria are listed under this objective including the following;

It is an objective of Clare County Council:

g) To permit the development of single dwelling houses in unserviced 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 Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ), EPA (2021);

## 5.2. Natural Heritage Designations

Newhall and Edenvale Complex SAC – c.0.9km to the north of the site

Newhall and Edenvale Complex pNHA – c.0.9km to the north of the site

Lower River Shannon SAC – c.2.6km to the south/east of the site

River Shannon and Fergus Estuaries SPA – c.2.6km to the south/east of the site

Knockanira House SAC – 3.0km to the west of the site

### **5.3. EIA Screening**

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

## **6.0 The Appeal**

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

The appeal is a first party appeal by Cathal O'Donoghue against Clare County Council's decision to refuse permission. The grounds of appeal can be summarised as follows;

- Any ownership issues will be resolved outside the planning appeals process.
- The Planning authority made assumptions regarding a 14-15m gap to service a development on adjacent lands to the rear of the subject site and outside that application site. The PA incorrectly claimed that a new access road is proposed to the rear of the site. There is a tentative dispute in relation to these lands which will be dealt with elsewhere but on a precautionary basis the lands have not been included in the site boundary.
- The application is standalone and should be assessed on its own merits.
- The applicant purchased the site in 2020 and cannot speak to any claims of the previous unauthorised development other than to state that the site had an established uninterrupted commercial use since at least 2004 and the current site levels were established prior to 2004 as evidenced from the photographs in the Planner's Report in relation of PA Ref 04/1747.
- The Planning Authority incorrectly states that the proposed development site forms part of a larger site.



- The Planning Authority had no issues with the status of the site when granting permission in relation to PA Reg Ref 04/1747.
- A similar WWTS was permitted on the site in 2004.
- The Planning Authority considers that the aquifer in the area is extremely vulnerable. The submitted site suitability assessment declared the vulnerability to be high. This is a judgement call on interpreting the GSI mapping for the location where there is a confluence of Extreme, High and Moderate in a localised area.
- The Agent is a suitably qualified assessor and is an assigned certifier who can certify installations in compliance with building regulations.
- The site is served by an existing entrance. This is consistent with what the Planner found to be the case under PA Reg Ref 04/1747.
- The Planning Authority reports that no sightlines have been demonstrated. This is disingenuous when the entrance is on the outside of the adjacent curve and it is intuitive that sightlines are more than adequate at this location.
- The application will reduce traffic by transitioning from a longstanding commercial use to residential use.
- Surface water discharge can be dealt with by way of condition.

## **6.2. Planning Authority Response**

The Planning Authority in a letter dated 23<sup>rd</sup> July 2025 considers that the appeal response has not addressed the refusal reasons. It is requested that the Commission uphold the decision of the Planning Authority.

## **6.3. Observations**

An observation was received from Lorraine & Christiaan Visser. It is stated that no development should be granted until the unauthorised development on and behind the site is resolved. The commercial use of the site is at variance with the rural setting of the site and results in noise disruption and a traffic hazard.

#### 6.4. **Further Responses**

None.

### 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the grounds of appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered can be assessed under the following headings:

- Wastewater Treatment
- Access
- Planning Status

#### 7.2. **Wastewater Treatment**

7.2.1. The first reason for refusal considers that it has not been adequately demonstrated that there is adequate sub soil on the site to treat wastewater in accordance with the requirements of the EPA Code of Practice for Domestic Wastewater Treatment Systems 2021. Therefore, the Planning Authority considers that the proposal site does not have the capacity to adequately treat wastewater, and that the proposal would have adverse impacts on water quality and would be prejudicial to public health.

7.2.2. The grounds of appeal have outlined that a similar WWTS was permitted on the site in 2004. The submitted site suitability assessment declared the vulnerability to be High, and the site to be within a Locally Important Aquifer resulting in a ground protection Response of R2<sup>1</sup> (Acceptable subject to normal good practice). The grounds of appeal set out that this is a judgement call on interpreting the GSI mapping for the location where there is a confluence of Extreme, High and Moderate in a localised area. It is also set out that the Agent is a suitably qualified assessor and is an assigned certifier who can certify installations in compliance with building regulations.

- 7.2.3. I have reviewed the GSI mapping tool and can confirm that the site is classified as having Extreme vulnerability within a Regionally Important aquifer. This gives a ground water protection response of R2<sup>2</sup>, Acceptable subject to normal good practice and the following additional condition:
1. There is a minimum thickness of 2 m unsaturated soil/subsoil beneath the invert of the percolation trench of a septic tank system
  - OR
  2. A secondary treatment system as described in Chapters 8 and 9 is installed, with a minimum thickness of 0.3 m unsaturated soil/subsoil with percolation values from 3 to 75 (in addition to the polishing filter, which should be a minimum depth of 0.9 m), beneath the invert of the polishing filter (i.e. 1.2 m in total for a soil polishing filter).
- 7.2.4. The trial hole was excavated to 1800mm deep with no ground water reported at this level. Although not indicated in the Site Characterisation Report (SCR), it appears from the photos that bedrock was encountered at 1800mm. The percolation values as reported were surface 36.00min/25mm and subsurface 47.00min/25mm. A secondary treatment system and soil polishing filter are proposed to be installed in accordance with Table 6.4 of the EPA Code of Practice. The SCR states that 300mm of imported sand is to be placed on existing pebble surface to form a base for the polishing filter. I note that no cross section has been provided and details within the SCR are scant.
- 7.2.5. The Executive Scientists report notes that it has not been demonstrated that there is adequate suitable sub-soil where it is proposed to locate the soil infiltration area. The photographs of the trial hole submitted indicate that soil is grey in colour in the trial hole which indicates poor percolation properties. The surface testing appears to have been carried out where gravel has been imported onto the site. The layout plan does not show where the trial hole was opened or where the surface and sub surface testing were carried out. The Executive Scientist has also noted that a cross section has not been provided. I concur with the observations of the Executive Scientist. I note that applicant has not made any effort to address or clarify these issues as part of the appeal.

- 7.2.6. Based on the information to hand I am not satisfied that the site assessment has been conducted in accordance with the requirements of the EPA 2021, Code of Practice. In addition, some of the basic fundamentals of the site assessment have been incorrectly assessed or omitted. This site characterisation report cannot be relied upon as an accurate reflection of the ground conditions on the site subject of this development.
- 7.2.7. I conclude, based on the material submitted with the application and my observations of the site, that the application site is unsuitable for the safe disposal of domestic effluent. I therefore consider that the proposed development would create a serious risk of ground water pollution and would be prejudicial to public health.

### **7.3. Access**

- 7.3.1. The second reason for refusal notes that the proposal site is located on the outside of a bend on the LS8254 local secondary road. It is stated that having regard to the nature and extent of the existing and permitted developments in the area, the narrow nature of the road, the poor horizontal alignment of the road at the front of the site, the non-demonstration of sightline visibility, and the nature of the traffic that would be associated with the proposed development, the Planning Authority considers that the proposed development would have adverse impacts on the traffic safety and free flow.
- 7.3.2. The LS8254 Road is a connecting road between Ballyea and the R473 regional road and serves a number of local dwelling and agricultural lands in the Ballyvrekil cluster. I note that the site is served by an existing access point on the outside of a relatively sharp bend. Table A2 of Appendix A1.6.2 of the CDP sets out sightline requirements. Section A1.6.2 also sets out that the Planning Authority will also assess the visibility from and towards right turning vehicles into the site access in the consideration of traffic safety. No sightlines have been demonstrated from the access point. It is also unclear whether adequate forward visibility is available from/towards a right turning vehicle into the site. I agree with assessment of the Planning Authority and consider that on the basis of the available information it has not been demonstrated that the proposed development achieves the minimum required sightline visibility or that there is adequate visibility for right turning vehicles.

- 7.3.3. The Grounds of appeal have not provided any information to overcome these issues. The appeal states that given the entrance is on the outside of the curve it is intuitive that sightlines are more than adequate at this location. It is also considered that the application will reduce traffic by transitioning from a longstanding commercial use to residential use. I would note that the longstanding commercial use is unauthorised.
- 7.3.4. A further issue highlighted by the Planning Authority relates to the access arrangements for the rear of the site which contains the industrial-type unit. It is not clear how access will be provided if the site is altered to facilitate the proposed development. The Planning Authority notes that the site appears to be altered so as to provide a new laneway and access to the west of the site which would also been on the outside of the bend. The applicant has refuted this claim but has provided no clarity in relation to access arrangements in relation to same. This issue is discussed further in Section 7.4 below.
- 7.3.5. I consider that the development proposal will result in a traffic hazard due to the poor horizontal alignment of the road at this location and the non-demonstration of sightline visibility and adequate forward visibility for right turning vehicles. Therefore, I conclude that the development proposal would endanger public safety by reason of traffic hazard. I recommend that permission should be refused on this basis.

#### **7.4. Planning Status**

- 7.4.1. The proposal forms part of a site for which there are ongoing enforcement proceedings. The proceedings relate to the use of the site for the storage and maintenance of buses, an unauthorised shed, hard standing material and concrete fencing. The details of the enforcement cases are set out in the Planner's Report. From my site visit and review of the file, there is significant unauthorised development and unauthorised uses ongoing at the site with an extensive commercial development in operation. I note that a recent retention application (PA Reg Ref 24/60037) has been refused by Clare County Council. The refusals reasons are outlined in the Planner's Report.
- 7.4.2. The Planner's Report sets out that the redline boundary for the proposed development does not include all areas where unauthorised works are located. The area in question relates to the lands to the rear which accommodates an industrial type unit and further parking, and an area to the west of the site which provides

access to the rear. Therefore, it is considered the proposed development would facilitate further development at the location of these unauthorised works. The Planner's Report states that it would appear that a new access road from the public road to the unauthorised development at the rear of the site is proposed to the west of the site. The applicant has stated that this claim is incorrect. The applicant has set out that there is a tentative dispute in relation to these lands which will be dealt with elsewhere, but on a precautionary basis the lands have not been included in the site boundary.

- 7.4.3. On review of the site layout, it would appear that the only practical access to the industrial unit to the rear is from a new access to the west of the site. I acknowledge that this area is not included in the site boundary. The applicant has outlined that the application is standalone and should be assessed on its own merits. However, given the operations of the site as a whole, the linkages between the front and rear site, and the enforcement action in relation to the wider site, this area to the rear and to the west of the site cannot simply be ignored. I do not consider that the proposals have satisfactorily addressed these issues or provided for an integrated solution to address the unauthorised development/uses. I agree with the Planning Authority that the proposed development would facilitate further development at the location of these unauthorised uses/works. A refusal of permission should be recommended in this regard.

## **8.0 AA Screening**

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c.0.9km from the Newhall and Edenvale Complex SAC and c.2.6km from the Lower River Shannon SAC and River Shannon and Fergus Estuaries SPA.

The proposed development comprises the development of a single dwelling. Refer to Section 2 of this report for further details.

No nature conservation concerns were raised in the planning application/appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows insert as relevant:

- Nature of works e.g. small scale and residential nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account screening determination by the PA

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Water Framework Directive**

The subject site is located c. 340m to the east of the Bally Macooda Lough Stream.

The proposed development comprises construction of a dwelling house.

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

The reason for this conclusion is as follows:

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

### **Conclusion**

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

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

## **10.0 Recommendation**

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

## **11.0 Reasons and Considerations**

1. Having regard to the conditions pertaining on site, and the failure to demonstrate compliance with the EPA Code of Practice 2021 Domestic Waste Water Treatment Systems for PE 10, the Commission is not satisfied, on the basis of the submissions made in connection with the application and appeal, that the site can be drained satisfactorily by means of a septic tanks, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.
2. The proposal site is located on the outside of a bend on the LS8254 local secondary road. Having regard to the nature and extent of the existing and permitted developments in the area, the narrow nature of the road, the poor horizontal alignment of the road at the location of the site, the non-demonstration of sightline visibility, and the nature of the traffic that would be associated with the proposed development, the Planning Authority considers that the proposed development would have adverse impacts on the traffic safety and free flow and would therefore be contrary to the proper planning and sustainable development of the area.
3. On the basis of the submissions made in connection with the planning application and appeal, it appears to the Commission that the proposed development relates to a site the use of which is unauthorised for the storage of buses and other vehicles and that the proposed development would facilitate the consolidation of this unauthorised use. Accordingly, it is considered that it would be inappropriate for the Commission to consider the grant of a permission for the proposed development in such circumstances.



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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Ciara McGuinness  
Planning Inspector

6<sup>th</sup> January 2026

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	323020-25
<b>Proposed Development Summary</b>	Construction of a dwelling and all associated works.
<b>Development Address</b>	Ballyveskil, Tiermaclane, Ennis, 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.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<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	

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

<p><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></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

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

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	323030-25
<b>Proposed Development Summary</b>	Construction of a dwelling and all associated works.
<b>Development Address</b>	Ballyveskil, Tiermaclane, Ennis, Co. Clare
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b>  The nature and size of the development (1 residential unit) is not exceptional in the context of the existing residential cluster environment. The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised construction impacts will be temporary. The development, by virtue of its type(residential), does not pose a risk of major accident and/or disaster.
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<b>Briefly comment on the location of the development, having regard to the criteria listed</b>  The site is located in an area designated as a 'cluster'. The application site is not proximate to any protected sites. The site is c.0.9km to the south of Newhall and Edenvale Complex SAC. 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.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b>  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
<b>Conclusion</b>	

Likelihood of Significant Effects	Conclusion in respect of EIA
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)