



Development

Construction of a house and wastewater treatment system together with all associated site works.

Location

Cappantymore, Meelick, Co. Clare.

Planning Authority

Clare County Council

Planning Authority Reg. Ref.

2460575

Applicant(s)

Vincent and Orla Ryan.

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party

Appellant(s)

Kieran and Patricia Ahern

Andrew Dundas

PJ Donnellan

Observer(s)

Charles Ahern

Michael Ahern

Date of Site Inspection

31st October 2025

Inspector

Ciara McGuinness

Site Location and Description

- 1.1. The subject site is located in the townland of Cappateemore East, in a rural area to the north of Ballycannan North (Meelick) and to the west of Ardnacrusha. The site is accessed via an unregistered access road off the local Knockalisheen road. The unregistered access road is a cul de sac road that ends to the north of this site. As evidenced on the day of my site visit the road is narrow and of very poor surface condition. There is an existing agricultural access to the site. The site itself forms part of a larger greenfield area. This site is elevated with levels rising significantly from the site entrance at the south of the site, to the north of the site where the dwelling is proposed to be located. The site has a stated area of 0.55 hectares as per the submitted layout drawing.

2.0 Proposed Development

- 2.1. Permission is sought to construct a new dwelling house, site entrance, access road and domestic wastewater treatment system along with all associated site works and services.
- 2.2. The proposed dwelling is a single storey dwelling with a stated floor area of 169sqm and a ridge height of 5.58m. The proposed dwelling will be finished in render with some red cedar timber cladding.
- 2.3. Water supply will be from a new private well. Surface water will discharge to an adjoining watercourse.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission on 24th June 2025, subject to 10 no. of conditions. Conditions were generally of a standard nature.

Condition 2 – The dwelling shall be first occupied as the place of permanent residence by the applicant for a minimum of 7 years.

Condition 3 – The owner of the landholding shall enter into a Section 47 agreement providing for the sterilisation from any housing or non-agricultural development on the entire remainder of this landholding for a period of 7 years.

Condition 4 – The proposed road upgrading works shall have been carried out in full prior to occupation of the dwelling.

Condition 5 – Finished Floor Levels shall be as specified on the site layout plan.

Condition 6 - External finishes shall be as indicated on the plans and particulars.

Condition 7 – Public service cables shall be located underground.

Condition 8 – Surface water shall be collected and disposed of within the site.

Condition 9 – The wastewater treatment system shall be installed and maintained in accordance with the EPA code of practice.

Condition 10 – relates to the payment under the development contribution scheme.

3.2. Planning Authority Reports

3.2.1. Planning Reports

I note the Executive Planner's Report (Dated 17/01/2025) recommended that permission be refused for 2 reasons related to; (1) the poor surface conditions of the access laneway and resultant traffic hazard; and (2) rural housing need.

A further report from the Senior Executive Planner (Dated 21/21/2025) noted the recommendation for refusal of the application. However, on the basis of the details submitted it was considered that the applicant should be given an opportunity to address the outstanding issues. In this regard, a request for Further Information was issued in relation to the following items:

1. It is noted that the applicants currently own their existing dwelling and that this is proposed to be transferred to a family member, The applicant is invited to submit comments/proposals in this regard. Please also complete Part 2 of application form.
2. Submit details of all/any planned improvement/upgrade works to the access road, with particular emphasis on the section of road leading from the existing

farmyard and farm sheds that lie to the south-east of this site to where the road meets the proposed access to the development.

3. (a) Having regard to the substandard condition and width of the access road, concerns arise in relation to the precedent that may be set by a grant of permission. The applicant is requested to consider, if in the event of a grant of permission, the applicant would be willing to enter into a formal undertaking (Section 47 agreement) not to develop further sites as sites for houses at this location.
- (b) submit an updated letter of consent

A subsequent Planners Report (dated 23/06/2025) considered that the FI response was sufficient to address the concerns raised by the Planning Authority. It is noted that the applicant is proposing a new surface along a section of the access road. It was considered appropriate that permission be granted for the proposed development subject to planning conditions, with particular need for tailored conditions to ensure that all elements of road improvements works are carried out in full and to ensure that the applicants enter into a Section 47 agreement in terms of not developing the remainder of the family landholding at this location.

3.2.2. Other Technical Reports

Environment Section – Noted that the GPS coordinates provided within the Site Characterisation Report (SCR) regarding trial hole and percolation testing locations indicate a location to the north and outside the boundary of the proposed development site. The site layout drawing contained with the application confirms that the trial hole and percolation testing were conducted within the site and in the vicinity of the proposed onsite WWTS. The report considers that there is adequate suitable sub-soil where it is proposed to locate the soil polished filter on the site. The domestic wastewater treatment system (DWWTS) proposal as committed complies with the requirements of the 2021 EPA Code of Practice for DWWTS (P.E. < 10). Standard condition recommended in relation to the installation and maintenance of same.

Although no report is on file from the Shannon Municipal District office. It is noted correspondence from Clare County Council, submitted by the applicant as part of the

FI response, confirmed that the applicant met with the municipal district engineers on Monday 14th April 2025.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Submissions were received from Andrew Dundas, PJ Donnellan and Kieran and Patricia Ahern (the appellants), and from Michael Ahern and Charles Ahern, both on the original application and following receipt of Further Information. The issues raised generally reflect the issues raised in the appeal. Concerns were raised with regards to the rural housing policy, the condition of the access road/traffic safety and wastewater.

4.0 Planning History

None.

Note: The appeals refer to 2 no. applications on the site and on an adjacent site which were withdrawn (details below). The Planner's Report (dated 17/01/2025) notes that the planner has made a recommendation to refuse permission for both applications, prior to the applications being withdrawn.

PA Reg Ref 24/60121 – To construct a new dwelling house, private garage, site entrance, access road and domestic wastewater treatment system along with all associated site works and services.

PA Reg Ref 24/60127 - To construct a new dwelling house, private garage, site entrance, access road and domestic wastewater treatment system along with all associated site works and services.

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029

- 5.1.1. Section 4.2.6 of the Clare County Development Plan 2023-2029 (CDP) deals with Single Houses in the Countryside. It states that '*the Council will ensure that development of the open countryside takes place in a manner that is compatible with the policy objectives of the NPF and the RSES, whilst ensuring the protection of key economic, environmental, biodiversity and cultural / heritage assets such as the road network, water quality and important landscapes.*'
- 5.1.2. The site is situated in a rural area under strong urban influence as identified on Map H12 of the County Development Plan. In these areas, the key objectives of the Council are:
- a) To facilitate the genuine housing requirements of persons with a demonstrable economic or social need to live in these rural areas.
 - b) To direct urban-generated development to areas zoned for new housing development in the adjoining urban centres, towns, villages and clusters as identified in the County Settlement Strategy and to seek to enhance the vitality and viability of these settlements.
- 5.1.3. The following objectives are also considered relevant to the subject site;
- Development Plan Objective: Countryside CDP 4.10** - It is an objective of Clare County Council: To ensure that the countryside continues to play its role as a place to live, work, recreate and visit, having careful regard to the viability of smaller towns and rural settlements, the carrying capacity of the countryside, siting and design issues and environmental sensitivities.
- Development Plan Objective: Western Corridor Working Landscape CDP14.3** - It is an objective of Clare County Council:
- a) To permit development in these areas that will sustain economic activity, and enhance social well-being and quality of life - subject to conformity with all other relevant provisions of the Plan and the availability and protection of resources;

- b) To ensure that selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design, are directed towards minimising visual impact;
- c) To ensure that particular regard should be had to avoiding intrusions on scenic routes and on ridges or shorelines. Developments in these areas will be required to demonstrate:
 - i. That the site has been selected to avoid visual prominence
 - ii. That site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, public amenities and roads
 - iii. That design of buildings and structures reduces visual impact through careful choice of form, finishes and colours and that any site works seek to reduce the visual impact of the development.

Development Plan Objective: New Single Houses in the Countryside within the ‘Areas of Special Control’ CDP 4.14 It is an objective of Clare County Council:

- i. In the parts of the countryside within the ‘Areas of Special Control’ i.e.:
 - Areas Under Strong Urban Influence
 - Heritage Landscapes
 - Sites accessed from or abutting Scenic Routes

To permit a new single house for the permanent occupation of an applicant who meets the necessary criteria as set out in the following categories. (Category A – Economic Need and Category B – Social Need)
- ii. To ensure compliance with all relevant environmental legislation as outlined in Objective CDP3.1 and to have regard to the County Clare House Design Guide, with respect to siting and boundary treatments.

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

5.2. Natural Heritage Designations

Lower River Shannon SAC - 1.8km to the southeast of the site

Knockalisheen Marsh pNHA – 1.8km to the southeast of the site

Woodcock Hill Big NHA – 1.3km 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 third-party appeal by Kieran and Patricia Ahern, Andrew Dundas, and PJ Donnellan against Clare County Council's decision to grant permission. The grounds of appeal can be summarised under the following headings;

Planning History and Further Information

- The Executive Planner recommended refusal for 2 no. previous applications on the site, PA Reg Ref 24/60121 and PA Reg Ref 24/60127 (prior to their withdrawal), for reasons related to traffic safety, wastewater treatment disposal and rural housing policy. The Executive Planner also recommended refusal of the proposed development prior to the Senior Executive Planner giving the applicant an opportunity to address the outstanding issues by way of further information. Concerns are raised as to how the further information was deemed sufficient to overturn three previous recommendations for refusal on the site.

Wastewater Treatment

- Concerns are raised in relation to the Site Characterisation Report (SCR) and the suitability of the site to provide adequate percolation for a proposed DWWTS. PA Reg Ref 24/60121 (subsequently withdrawn) was recommended for refusal based on the SCR submitted. It is queried how the proposed

development received planning permission, when the same site characterisation was submitted for both applications.

Rural Housing Policy

- The proposal cannot be considered a sustainable form of development. The applicants have no connection with agriculture or with the immediate rural area.
- Documents in relation to the applicants' rural housing need are not available on the planning file and therefore cannot be reviewed.
- The applicants were not asked, nor did they submit any details to demonstrate that they met the provisions of CDP4.14 of the CDP.
- With respect to social housing need the CDP states that '*the applicant must not already own or have owned a house in the surrounding rural area*'.
- The applicants currently own 2 no. dwellings in the local area. Therefore, the applicants do not have a demonstrable economic or social need.

Access Road

- The access road is unsuitable in terms of its delineation, alignment and gradient, and is only safe for the passage of tractors and off-road vehicles.
- The response to the FI which simply states that widening the road would not be practical as it would require agreement from numerous landowners is not sufficient to alleviate the serious concerns raised with regards to traffic safety.
- No details are provided in relation to the width or capacity of the road.
- The road facilitates farming activities and is maintained by the farmers. The addition of construction traffic and ongoing traffic servicing the proposed development is unsuitable and would impact road traffic safety.
- The FI confirms that a meeting was held with Mr. John Strand Executive Engineer Shannon Municipal District. No details are on the file in relation to a meeting.

- Although Mrs Marie Walters (mother of the applicant) benefits from a right of way over the road, the road is contained in private ownership and no discussions or consent to any upgrades have been provided.

Other Considerations

- There were a number of inconsistencies in the application;
 - Coordinates in the application form are incorrect.
 - Section 18 of the application form does not refer to the 2 no. valid applications on the site.
 - Inconsistencies in relation to the site area.
 - The location of the trial hole outlined in the application drawing does not appear to coincide with the coordinates provided within the SCR.
- It is considered that substantial enabling works would be required to provide sightlines. Consent from third party landowners has not been provided for this.
- The proposed development is in close proximity to a windfarm development which is at present is before the Commission (ABP-318943). If constructed the proposed development will be below the recommended separation distance from a turbine.

6.2. Applicant Response

6.2.1. The applicant's response to the appeal is summarised as follows;

- Comments from the Planner in relation to the previously withdrawn applications have been selectively introduced and bear no relevance to the current application and should be disregarded.
- It has been clearly demonstrated as part of the information submitted that the applicants are local to the area. The lands have been in the ownership of the applicant's immediate family for over 35 years.
- The applicants are willing to enter into a Section 47 agreement, thereby requiring that no further development shall take place in future on the landholding.

- The applicants have demonstrated compliance with CDP 4.14 in relation to rural housing need. Details are included in a separate confidential document.
- The applicants own several rental properties. Recently the applicants have sold two of their rental properties and have purchased a property in Parteen Co. Clare. This property along with the applicants' other properties are located within urban areas only.
- The applicants plan on transferring their current home to one of the children before constructing the new dwelling.
- The access road is not exclusively used by agricultural traffic. Traffic from a number of residential dwellings also rely on the road.
- The applicants intend on complying with planning conditions in particular the requirement to upgrade the relevant section of road surface, while ensuring not to encroach on any part of the neighbouring lands or activities.
- The sightline drawing was prepared with the aid of a Topographical GPS survey. No third-party survey or specialist report was provided to dispute the issue.
- The minimum distance for a 60km/h Design Speed can be reduced from 90m to 50m having regard to the two-step factor for relaxation that can apply as outlined in DN-GEO-03031 Rural Road Link Design.
- The windfarm development is as of yet undecided. The 2019 Draft Wind Energy Guidelines propose a minimum distance of 500m between a wind turbine and the nearest residential property. The proposed dwelling is approximately 500m to the nearest proposed turbine.
- Trial holes were initially dug in a different location on the site by a separate third-party specialist. Coordinates are correct on the site location map (ITM) and the Site Characterisation Report (Irish Grid). The location of the trial holes and proposed WWTP are clearly identifiable on the site layout plan.

6.3. Planning Authority Response

A letter was received from the Planning Authority on 7th August 2025 in which it was stated that the PA has no observation to make regarding this appeal.

6.4. Observations

Two observations were received on the appeal from Michael Ahern and Charles Ahern. The observations reiterate the issues raised in the grounds of appeal and relate to rural housing policy, access and wastewater.

6.5. Further Responses

None.

7.0 Assessment

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

- Access
- Wastewater
- Rural Housing Need
- Other Issues

7.2. Access

- 7.2.1. Access to the site is by means of a lane, which is accessed off the Local Knockalisheen Road. The lane appears to pass through an operational farm at a point. The lane is of poor surface condition, of single car width and without passing places. The lane ends in a cul de sac and deteriorates in condition the further north it goes.
- 7.2.2. I note that the Executive Planner initially recommended a refusal for the development for two reasons, one of which related to the poor surface condition and

deficiencies of the access laneway and resultant endangerment to public safety by reason of traffic hazard. The Senior Executive Planner's report subsequently recommended that further information be requested to allow the applicant submit details of any planned improvements/upgrade works to the access road. The applicant responded to the FI request but noted that any widening of the road is impractical as it would require various parties to rectify existing boundaries, walls, and landscaping, to accommodate a road which has been historically used by large vehicles on a daily basis without issue. The applicant has instead proposed to introduce new surfacing along a 150m section of the road. The Planning Authority have indicated that this response is acceptable in order to address the matters raised in terms of the access road.

- 7.2.3. The appellants contend that the road is not suitable for use other than by tractors or other off-road vehicles. The appellants also note that while the applicants benefit from a right of way over the road, the road is contained in private ownership, and no consent has been given to undertake upgrades.
- 7.2.4. I note that the proposed road surfacing works are outside the red line boundary for the application site and outside the blue line boundary indicating the applicant's landownership. The applicant has submitted a Solicitor's Letter along with details from Land Direct showing that they benefit from a right of way along this road. No letters of consent from the relevant landowners of the private road are provided. I am therefore not satisfied that the applicant has consent to carry out such works. Similarly, I note that the applicants do not have consent to maintain sightlines along the road.
- 7.2.5. I note that Condition 4 attached by the Planning Authority requires that the proposed road upgrading works shall have been carried out in full prior to occupation of the dwelling. I note that both the Development Management Guidelines for Planning Authorities (2007) and the OPR Practice Note on Planning Conditions states that conditions requiring development to be carried out on lands outside the control of the applicant prior to the commencement of development, or prior to the occupation of the development, cannot be complied with by the developer and so are not enforceable. Such conditions should not be imposed.

- 7.2.6. Notwithstanding the issues in relation to consent, I do not agree with the Planning Authority that the applicant's FI response is acceptable to address the matters raised in terms of the access road. I do not consider that the applicant has established that the laneway would be capable of accommodating the additional traffic generated by the development proposal. The additional traffic is likely to result in vehicles waiting or reversing along the road, due to unavailability of passing bays along the laneway. I consider that the development proposal will result in a traffic hazard as the existing laneway cannot safely control the extra traffic generated. In addition, I am not satisfied, based on the width and surface condition, that the access road can adequately accommodate access for emergency vehicles.
- 7.2.7. The applicant has submitted correspondence which confirmed that a meeting between the applicant and Municipal Engineer took place. However, no details are submitted in relation to the discussions which took place during the meeting. Furthermore, I note that neither the municipal engineer nor the road design office commented on the application. While the Planners have indicated their satisfaction in relation to the proposed resurfacing of the access, I cannot be satisfied that the District Engineers are in agreement on this matter.
- 7.2.8. I consider that the development proposal will result in a traffic hazard as the existing laneway cannot safely control the extra traffic generated, 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.
- 7.2.9. **Wastewater**
- 7.2.10. The site is classified (GSI mapping tool) as having extreme vulnerability with a locally important aquifer. This gives a ground water protection response of R2¹, acceptable subject to normal good practice, as reported in the Site Characterisation Report.
- 7.2.11. The trial hole was excavated to 2300mm deep, with 1.6m unsaturated subsoil with no ground water reported at this level. No bedrock was encountered. The percolation value as reported was subsurface 28.25min/25mm. The applicant is proposing to install a Tertiary Treatment System and Infiltration /Treatment area. The infiltration area is to be constructed in accordance with Section 10.1 of the EPA Code of Practice, Option 6, with an infiltration area of 45sqm proposed based on a 6-person household. I am satisfied that the design of the proposed domestic wastewater

treatment system (DWWTS) is in accordance with the EPA Code of Practice. I am also satisfied that the DWWTS achieves the required minimum separation distances to features as set out in Table 6.2 of the EPA Code of Practice.

7.2.12. The appellant has raised concerns in relation to the Site Characterisation Report and contends that Planning Authority recommended refusal for a previous application on the lands (PA Ref Reg 24/60121) based on the Site Characterisation Report submitted. I note that PA Reg Ref 24/60121 was withdrawn and no formal decision was made. I would also note that each application is assessed on its own merits. Concerns were also raised by the appellants with regards to the location of the trial hole. The location of the trial hole has been clearly shown on the submitted site layout plan and corresponds to the submitted photos. I am satisfied that the information contained in the Site Characterisation Report can be relied upon as an accurate reflection of the ground conditions on the site subject of this development. I conclude, based on the material submitted with the application and my observations of the site, that the application site is suitable for the safe disposal of domestic effluent. I note that Clare County Council's Environment Section also considers that the DWWTS proposal complies with the requirements of the 2021 EPA Code of Practice for DWWTS (P.E. < 10).

7.3. Rural Housing Policy

- 7.3.1. Section 4.2.6 of the Clare County Development Plan 2023-2029 sets out policy in relation to single houses in the countryside. Within the open countryside, the Plan identifies two types of areas for rural housing: 1. Areas under strong urban influence and 2. Remaining rural areas. As illustrated on Map H12 of the CDP the appeal site is located with the Rural Area Under Strong Urban Influence. Areas under Strong Urban Influence are also Areas of Special Control and as such Objective CDP 4.14 of the plan applies. Part (i) of this objective states that applicants for a new single house for permanent occupation in areas under strong urban influence must meet either the economic or social criteria set out in the categories under that objective.
- 7.3.2. The applicants are Vincent and Orla Ryan. The applicants have submitted a planning application report which outlines their need for the dwelling along with supporting documentation in the form of school records and memberships of local groups etc. The couple have an existing home in Parteen village which they intend on passing to

their son. It is stated that the applicants fulfil the criteria for Category B – Social Need. The appellants have noted that applicants' rural housing need documents are not available on the planning file and therefore cannot be reviewed. I note that while some details are confidential and not on the public file, I have reviewed all details and had regard to them in my assessment.

- 7.3.3. The CDP sets out that Social Need relates to '*A person who is an intrinsic member of a local rural community who was born within the local rural area, or who is living or has lived permanently in the local rural area for a minimum of 10 years either as one continuous period or cumulatively over a number of periods prior to making the planning application and who has a demonstrable social need to live in the area.*' I also note that that social need also extends to persons '*who were born or lived in a rural area for substantial periods of their lives and where that area is now within an urban settlement boundary/zoned land*'. In this regard, it is stated in the application documentation that Vincent Ryan moved into his family home in Parteen in 1974 when it was in a rural area and that he and his wife Orla have lived there as a married couple since 1991. I note Vincent was first registered as the owner in 1993. Given the nature of the village and the more recent expansion of the village due to its proximity to Limerick city, I consider that it's reasonable to conclude that the home in Parteen can be considered to have previously been in a rural area.
- 7.3.4. The social need criteria also stipulates that the applicant must not already own or have owned a house in the surrounding rural area. I note that the appellant's have set out that the applicants currently own 2 no. dwellings in the local area and therefore, the applicants do not have a demonstrable economic or social need. The applicants themselves in response to the appeal have stated that they own several rental properties. Recently, the applicants have sold two of their rental properties and have purchased another property in Parteen Co. Clare. The applicants have stated that this property along with the applicants' other properties are located within urban areas only, whereas the rural housing criteria stipulates that the applicant must not already own or have owned a house in the surrounding rural area.
- 7.3.5. I note that Pg98 of the CDP sets out the rural area criteria and states that '*The rural area includes the countryside, designated clusters and small villages but excludes those settlements listed within the County Settlement Hierarchy which are urban settlements (Ennis, Shannon, Service Towns, Small Towns and Large Villages).*' I

note Parteen is classified as a Large Village within the Limerick MASP and therefore is an urban settlement. The applicants have noted that their other rental properties are also located within urban settlements. Details of same have been included with the response to the appeal along with proof of their registration with the Residential Tenancies Board. I trust the applicants have been forthcoming in relation to all their properties and accept the details in relation to same.

- 7.3.6. There is no doubt that the applicants housing need could be accommodated in Parteen or in many of the other serviced settlements in the wider area, particularly having regard to the number of properties the applicants own/have owned in Parteen and Limerick City. Notwithstanding, the proposed development must be assessed in accordance with the provisions of the Development Plan. In relation to same, I am not satisfied that the applicants have demonstrated compliance with the necessary criteria set out under the social need category. In one respect, the applicants have set out that the house that Vincent Ryan lived in and later owned in Parteen was previously located in a rural area in order to fall under the social need category in the first instance. However, at the same time, the applicants have also set out that they have never owned a house in a rural area in order to comply with the stipulation that the applicant must not already own or have owned a house in the surrounding rural area. I have no information before me to confirm that the house in Parteen was located in a designated urban settlement when the applicant first became owner of the property in 1993. In this regard, I cannot say with certainty that the applicant has not already owned a home in a rural area having been the registered owner of this house for over 30 years. Therefore, I do not consider that the applicant has demonstrated a genuine social need for a new single house in the countryside.
- 7.3.7. The Development Plan seeks to manage urban generated growth in rural areas under strong urban influence by ensuring single houses in the open countryside are based on the core consideration of demonstrable economic or social need to live in the rural area. On the basis of the above, I consider that the applicants do not meet the requirements of Clare County Development Plan 2023-2029 relating to rural housing and specifically Objective CDP4.14 (social housing need). I recommend that permission should be refused on this basis.

7.4. Other issues

Inconsistencies in application

- 7.4.1. The appellants have raised issues with a number of minor inconsistencies across the application documentation. I consider these minor inconsistencies to be immaterial and note that they do not bear any consequence on my assessment.

Windfarm development in the vicinity

- 7.4.2. The appellants have also referred to a proposed wind farm development in the vicinity of the site which is the subject of a live application with the Commission. I note that setback distances from residential properties would be assessed under the windfarm application.

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.1.8km from the Lower River Shannon SAC.

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.130m to the east of Crompaun River/Meelick Creek.

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 - 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 following reasons and considerations.

11.0 Reasons and Considerations

1. The proposed development is located along an unsurfaced minor laneway which is inadequate in width, alignment and structural condition and would, therefore, endanger public safety by reason of traffic hazard.
2. Having regard to the location of the site within a rural area under strong urban influence as identified in the Clare County Development Plan 2023-2029, where housing is restricted to persons demonstrating local need, it is considered that the applicant does not come within the scope of the housing need criteria as set out in Objective CDP 4.14 of the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

17th December 2025

Appendix 1 - Form 1 - EIA Pre-Screening

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

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10(b)(i) - construction of more than 500 dwellings.</p> <p>The proposed development is for 1 dwelling unit. The proposed development is below the 500 dwelling threshold.</p>

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

Inspector: _____ Date: _____

Appendix 2 - Form 2 - EIA Preliminary Examination

Case Reference	323081-25
Proposed Development Summary	Construction of a house and wastewater treatment system together with all associated site works.
Development Address	Cappantymore, Meelick, Co. Clare.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The nature and size of the development (1 residential unit) is not exceptional in the context of the existing rural environment. The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised constructions impacts will be temporary. The development, by virtue of its type(residential), does not pose a risk of major accident and/or disaster.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is located in a rural location. The application site is not proximate to any protected sites. The nearest European site is 1.8km to the southeast of the site. It is not considered that the proposed development would be likely to have a significant impact on the European site. Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There is no real likelihood of significant effects on the environment arising from the proposed development. There is no real likelihood of significant cumulative effects having regard to existing or permitted projects.
Conclusion	

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required. <input checked="" type="checkbox"/>
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)