



An
Coimisiún
Pleanála

Inspector's Report ACP-323361-25

Development	Construction of house and all associated site works.
Location	Lissycasey, Ennis, Co Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	2585
Applicant(s)	Zara Hill
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Zara Hill
Observer(s)	None
Date of Site Inspection	31 st October 2025
Inspector	Ciara McGuinness

1.0 Site Location and Description

- 1.1. The appeal site is located within the settlement of Lissycasey village, approximately 14km to the south-west of Ennis. The site is accessed directly from the N68 National Secondary Road which connects Kilrush and Ennis. Lissycasey is a linear settlement that stretches along the N68 road for a considerable distance with two service centres, one at each end of the settlement. The site is located within an 80km/h zone and adjoins a 60km/h speed zone to the southwest. Signage indicating the transition in speed zones is located at the southwestern corner/boundary of the site.
- 1.2. There are a significant number of one-off houses along the N68. There is a house immediately to the southwest of the appeal site. Other land uses in the area comprise a petrol station, pub, school, creche, playground and GAA club.
- 1.3. The appeal site is stated as 0.2ha. and occupies an area of road frontage which extends to approximately 30m in length. The appeal site rises slightly from the public road to the south. The site is open in nature with no defined boundaries other than the existing boundary fence with the road and the adjoining property. There is a public lighting pole at the south-western corner/boundary of the appeal site. The site is grassland, and it appeared to be in agricultural use on the day of my site inspection.

2.0 Proposed Development

- 2.1. The proposed development is for the construction of a dwelling house, garage, installation of a domestic wastewater treatment system (DWWTS), creation of a new site entrance to the public road and all associated works.
- 2.2. The proposed dwelling is part two storey/part single storey in design with a ridge height of 7.1m with render finish and some stone cladding. The proposed house and domestic garage will have areas of 233sqm and 40sqm respectively.

3.0 Planning Authority Decision

3.1. Decision

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

1. The Section 28 Ministerial Guidelines "Spatial Planning and National Roads Guidelines for Planning Authorities" (2012) state that the policy of planning authority's will be to avoid the generation of increased traffic from existing accesses onto the national road network at locations where speed limits of greater than 60 kilometres per hour apply. In addition, as per Clare County Development Plan 2023-2029 objectives CDP11.11 "Motorways National Roads and Strategic Inter-Urban Roads" and CDP 11.13 "Direct Access onto National Roads" the Planning Authority will safeguard the national roads, in line with national policy and will assess development proposals requiring direct access onto the national road network having regard to the exceptions set out in Section 11.2.9.3. The proposed development would result in the creation of a new access onto the NS68 national secondary road at a point where the 80 kilometre per hour speed limit applies, would not conform with any of the specified exceptions, would be contrary to the Development Plan objective CDP11.13, would on the basis of the available information not achieve the minimum required sightline visibility as set out in Appendix A16.2 of the Clare County Development Plan 2023-2029, would interfere with the free flow of traffic on the public road, would endanger public safety by reason of traffic hazard and therefore would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first Planner's Report dated 13/05/2025, notes that the development requires direct access onto the national road network at a point where the speed limit of 80km/h applies. Having regard to Development Plan Objective CDP11.13 and Section 11.2.9.3, the proposal does not come within the scope of the exceptional circumstances where new access points onto national roads may be considered. Having regard to same, and the content of the submission received from Transport Infrastructure Ireland, the principle of development would not be acceptable in this instance. In addition, the planner is not satisfied that the required 160m distance in each direction are achievable as indicated. A refusal of permission is recommended.

The applicant subsequently applied for an extension of time for making a decision on the application. The appropriate period was extended up to and including 18th July 2025.

The second Planner's Report dated 16/07/2025, notes that a meeting with the applicant and applicant's agent was held on the 11th July 2025. The issue in respect of access onto the N68 National Secondary Road was discussed and the concerns of the Planning Authority relayed in terms of access and traffic safety. No revised plans or proposals were provided or submitted. It is considered that the proposed development does not satisfy the concerns raised and planning permission should be refused in the interests of traffic safety.

3.2.2. Other Technical Reports

Environment Section – 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.

Road Design Office – The report outlines Council policy in relation to development on national roads and raises concerns about the availability of the required sightlines.

3.3. Prescribed Bodies

Transport Infrastructure Ireland (TII) – Official policy in relation to development involving access to the national roads and development along such roads is set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January, 2012). The proposal, if approved, would create an adverse impact on the national road and would be at variance with the foregoing national policy in relation to control of frontage development on national roads.

3.4. Third Party Observations

None.

Representations on the file are noted.

4.0 Planning History

None.

5.0 Policy Context

5.1. Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012)

5.1.1. Lands adjoining National Roads to which speed limits greater than 60 kmh apply:

The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply.

This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

5.2. Clare County Development Plan 2023-2029

5.2.1. The site is located within the settlement boundary of Lissycasey. The settlement plan for Lissycasey is set out in volume 3d of the Development Plan. Although the site does not have a land use zoning, it is designated as being within Village Growth Area.

5.2.2. The settlement statements and land use plans for the small villages and the associated Village Growth Area (VGA) designations seek to achieve compact growth through brownfield redevelopment and the regeneration of underutilised sites, to address issues such as dereliction and vacancy, to promote the shift to sustainable transport modes and to enhance the connectivity to, and the viability of, local shops and services. The areas identified as village growth areas allow for the sustainable compact growth of small villages, providing opportunities for small scale cluster type housing, as well as for other uses appropriate to the function, size and scale of the settlement.

5.2.3. Section 11.2.9.3 of the Development states that the policy of the Planning Authority will be to avoid the creation of any additional access points from new developments or the generation of increased traffic from existing accesses onto national roads

where speed limits greater than 60kmh apply in accordance with Spatial Planning and National Roads – Guidelines for Planning Authorities (2012), subject to the exceptional circumstances as set out below. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant. I note that the N68 is not identified as a location where exceptional circumstances allow for exceptions to the general policy.

5.2.4. The following objectives are also considered relevant;

CDP 4.8 Development Plan Objective: Small Villages seeks to promote the consolidation of the existing small villages through brownfield reuse/redevelopment and through compact growth within the designated village growth areas.

CDP5.9 Development Plan Objective: Sites for Independent Development supports the development of housing schemes of ‘sites for independent development’ in the settlements, on lands that have been designated as Village Growth Areas and supports the preparation of a guidance document on the preparation of housing schemes of ‘sites for independent development’ during the lifetime of this Plan.

CDP 11.11 Motorways, National Roads and Strategic Inter-Urban Roads

It is an objective of Clare County Council: a) To safeguard the motorway, national roads and strategic regional inter-urban road connections between cities, settlements, ports and airports, and their associated road junctions, in line with national policy; ...

CDP11.13 Direct Access onto National Roads It is an objective of Clare County Council:

a) To safeguard the safety, efficiency and carrying capacity of national primary and secondary roads, including associated national road junctions, within the county in line with national policy;

b) To restrict individual accesses, and the intensification of existing access, onto national roads in order to protect the substantial investment in the national road network, to improve carrying capacity, efficiency and safety, and to prevent the premature obsolescence of the network;

c) To assess development proposals requiring direct access onto the national road network having regard to the criteria set out in Section 11.2.9.3; and,

d) To subject any proposals for greenways, new routes and trails to screening for appropriate assessment and an ecological impact assessment where appropriate to ensure that the design and operation of the proposal is in full compliance with the EU Habitats Directive.

CDP 11.18 Design Manual for Urban Roads and Streets (DMURS) and Transition Zones to Towns and Villages on National Roads It is an objective of Clare County Council:

a) To implement the requirements and recommendations contained in DMURS in the assessment of development proposals, the preparation of design schemes and their implementation in the development of streets, roads and public realm improvement schemes in the county; and,

b) To implement the requirements and recommendations contained in TII Publications Standard DN-GEO-03084 'The Treatment of Transition Zones to Towns and Villages on National Roads' in the assessment of development proposals, the preparation of design schemes and their implementation in the development of streets, roads and public realm improvement schemes where applicable.

CDP 11.32 Development Plan Objective: Wastewater Treatment and Disposal

The following criteria of the above policy are considered relevant;

(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 ≤ 10), EPA (2021).

(h) Where settlements have no public wastewater treatment infrastructure, and in settlements which have limited or insufficient capacity to facilitate development, to consider alternative developer led/provided shared use wastewater treatment infrastructure, including those incorporating nature-based solutions, to serve development where it can be clearly demonstrated that the system is in compliance with relevant EPA Guidelines on design standards and which will allow connection to a public system when it is provided.

k) To ensure that any private wastewater treatment system proposed complies with the environmental requirements of Objectives CDP 3.3 of this plan.

5.3. Natural Heritage Designations

Lough Acrow Bogs NHA c c.2km to the north of the site.

Lower River Shannon SAC - c.5.5km to the south & c.7km to the east of the site.

River Shannon and River Fergus Estuaries SPA - c.7km to the east of the site.

Fergus Estuary and Inner Shannon North Shore pNHA - c.7km to the east of the site.

5.4. 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 Zara Hill against Clare County Council's decision to refuse permission. The grounds of appeal can be summarised as follows;

- While the Planning Authority (PA) have a duty to have regard to the submission from TII and S.28 Ministerial Guidelines, that duty needs to extend to all policy, which includes settlement policy and housing policy as set out in the National Planning Framework (NPF), Regional Spatial and Economic Strategy (RSES) and the Clare County Development Plan 2023-2029 (CDP).
- Urban settlements have a default speed limit of 50km/h which can be conditionally altered to a special speed limit of 60km/h by a reserved decision of the elected members.
- It is an anomaly not addressed in the CDP where a speed limit changes from 80km/h to 60km/h that exceptional circumstances which are otherwise available in an 80/60/50km/h situation are not addressed.

- The 80/60km/h sign is 3m for the site boundary. The stated location for this sign (383m northeast of its junction with the L2158) as set out in the by-law schedule, could be further to the northeast depending on where the junction is interpreted from.
- There is no account of how the 60km/h was designated instead of the required default speed of 50km/h. There has been no review of speed limits since 2017.
- There is no explanation for the required 160m sightlines. Appendix A1.6.2 Table 2 sets required sightlines at 90m for a speed of 60km/h. There is no distance set for a speed of 80km/h.
- The applicant contends that there are inconsistencies between the decision of the PA and the policies and objectives in the NPF, RSES and CDP, along with the Road Traffic (Special Speed Limits County of Clare) Bye-laws 2017, Guidelines for Setting and Managing Speed Limits in Ireland, Road Traffic Act 2004 (as amended), TII Standards (DMRB & DMURS) and TII DN-GEO-03084 - The Treatment of Transition Zones to Towns and Villages on National Roads.
- The designation of Lissycasey as a settlement for growth is an important part of the core strategy intended to enable compliance with national and regional policy. The decision sets a precedent that there can be no new development in this designated settlement.
- Any assessment should apply the default speed limit for the entirety of the designated settlement with possible transition zones on either side as appropriate.
- In the previous CDP, Lissycasey was effectively divided into two different settlements. The review joined the entire settlement as one but neglected to consider implications for the 80km/h speed limit section of road which then was included in the settlement area.
- There has been no review carried out of the CDP. A review would recognise that notwithstanding land is zoned residential and for growth in the settlement of Lissycasey that any application onto the main street is being refused.

- The applicant has submitted a site layout drawing indicating available sightlines and a letter of consent from the adjoining landowner to maintain sightlines.

6.2. Planning Authority Response

The response from the Planning Authority notes the following;

- The Planning Authority completed a full and detailed assessment of the proposed development.
- The proposed development was refused on one ground which pertains to traffic safety and access on the N68 National Road, whereby a new access to the subject site was proposed within the 80km/h section of the road.
- The access would have a negative impact on the operation and safety of the national road network and would create a precedent for such access onto national roads in the absence of any exceptional circumstances. The proposed access would require the relocation of the speed limit sign which is located at the edge of the subject site and in effect the alteration of the speed limit on the road. The matter of altering speed limits is outside of the function of the planning process.
- The planning authority are not satisfied that the proposed development could achieve full sightlines in this location.
- Reference is made to ABP Ref 313834, where the Commission refused permission for a dwelling on a similar basis.
- The site is zoned as part of a larger Village Growth Area (VGA 1), which has a separate site-specific, indicative access to the west of the site which is well within the reduced speed limit of 50km/h and is intended to serve the wider area. While the Planning Authority are accepting of a single dwelling on the lands in principle, where the remainder of the zoned lands would not be sterilised from potential future development. It is envisaged in the zoning of the lands that any such development of these lands would utilise this indicative access to the west only.

- It is requested that the Commission uphold the decision of the Planning Authority.

6.3. **Observations**

None.

6.4. **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;

- Principle of Development
- Access/Traffic Safety
- Wastewater

7.2. **Principle of Development**

7.2.1. The site forms part of a larger landbank of undeveloped lands which although are not zoned, are designated as a 'Village Growth Area' (VGA) under the Clare County Development Plan 2023-2029. Village Growth Areas allow for the sustainable compact growth of small villages, providing opportunities for small scale cluster type housing, as well as for other uses appropriate to the function, size and scale of the settlement. Objective CDP 4.8 'Small Villages' seeks to promote the consolidation of the existing small villages through brownfield reuse/redevelopment and through compact growth within the designated village growth areas. The proposed development is for a typical singular dwelling within a rectangular plot with defined boundaries with its own wastewater treatment system.

- 7.2.2. I have concerns with regards to the haphazard nature of the proposal given the Village Growth Area designation on the lands. The proposed development has had no regard to its context as part of a larger VGA parcel or to the indicative access point for the lands which is located further to the west of the subject site. While this was not a refusal reason, the Planning Authority in their response to the appeal have stated that it is envisaged that any such development of these lands would utilise this indicative access to the west only. I consider that the proposal fails to provide a proper planned approach to the development of these lands. I consider that an agreed overall layout plan for these and adjacent VGA lands which would determine the need for and co-ordinate the provision of an appropriate range of house forms/finishes, public open spaces, access, wastewater and surface water infrastructure would ensure a more sustainable and attractive form of development.
- 7.2.3. I note the contents of Objective CDP 5.9 ‘Sites for Independent Development’ which supports the development of housing schemes of ‘sites for independent development’ in the settlements, on lands that have been designated as Village Growth Areas. I do not consider that this site has been appropriately considered in the context of being part of a housing scheme. Section 5.2.9 notes that for such development infrastructure will be developed by the primary developer with house design, waste water treatment and onsite landscaping carried out by the individual purchaser. Section 5.2.9 also requires development proposals for sites for independent development housing schemes *“to be accompanied by a detailed design brief setting out the parameters for architectural form, plot ratios, external finishes and boundary treatments”*. It is the intention of the Council to prepare guidance on the preparation of housing schemes comprising sites for independent development within the lifetime of this Plan. This guidance would include issues such as placemaking, integration of the development into the existing settlement and order of work and preparation of a masterplan. In the context of the Village Growth Area designation, it is my opinion that the proposed development would not positively contribute to the public realm or place-making, would not provide integrated development.
- 7.2.4. Overall, I consider that the proposed development is an isolated and piecemeal proposal in the context of the Village Growth Area Designation, fails to provide a

proper planned approach to the development of these lands. I recommend that permission be refused on this basis.

7.3. Access/Traffic Safety

- 7.3.1. As noted in the refusal reason, the appeal site has direct access from the N68 National Secondary Road at a point where an 80km/h speed limit applies. I note objective CDP11.13(a) and CDP11.11(a) of Clare County Development Plan which seek 'to safeguard the safety, efficiency and carrying capacity of national primary and secondary roads, including associated national road junctions within the county in line with national policy' and 'to safeguard the motorway, national roads and strategic regional inter-urban road connections between cities, settlements, ports and airports, and their associated road junctions, in line with national policy', respectively. The relevant national policy in relation to new or the intensification of existing access points onto and off national roads is contained in the Section 28 Ministerial guidance issued under the Spatial Planning and National Roads – Guidelines for Planning Authorities, published by the Department of Environment, Community and Local Government in January 2012. It is stated in these Guidelines that where lands adjoining National Roads to which Speed Limits of Greater than 60km/h apply: *"The policy of the Planning Authority will be to avoid the creation of any additional access point from new developments or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60km/h apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant."*
- 7.3.2. The applicant considers that the default speed limit for urban areas (50km/h) should apply to the entire settlement of Lissycasey and that it is not clear why a special speed limit of 60km/h applies. I note that the principles, approaches and standards set out in the DMURS Manual apply to the design of all urban roads and streets with a speed limit of 60km/h or less. Having regard to the content of the grounds of appeal, it is important to know the context of this site and its surroundings. I consider the nature of the settlement unusual insofar as it is a linear settlement that stretches along the road for a considerable distance with two service centres, one at each end. The 80km/h zone stretches between the two services centres, with a reduced speed

on 60km/h within the service centres. I note that there is stretch along this 80km/h section of road between the two-service centre where no lands are zoned for the development. The appeal site is located on the edge of the southern service centre. The appeal site forms part of a larger VGA1 parcel of land with which has an indicative access further to the west within the 60km/h zone. The site is very clearly within an 80km/h zone. I also noted the precise location of the 80/60km/h speed sign at the southwest corner/boundary of the appeal site.

- 7.3.3. On the day of my site inspection, I observed the nature of this heavily trafficked and high-speed section of the National Road. The proposed development will result in the creation of a new access onto the national road network at a point where the speed limit of 80km/h applies. The present policy of the Planning Authority is clear, and the objectives aim to avoid the creation of any additional access points from new developments or the generation of increased traffic from existing accesses to national roads to which speed limits of greater than 60km/h apply in accordance with 'Spatial Planning and National Roads – Guidelines for Planning Authorities (2012)', subject to the exceptional circumstances. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant. The exceptional circumstances are outlined under Section 11.2.9.3 of the CDP and do not relate to the proposed development site.
- 7.3.4. I note also the submission received from Transport Infrastructure Ireland (TII) which states that the proposed development would create an adverse impact on the national road and would be at variance with the foregoing national policy in relation to control of frontage development on national roads
- 7.3.5. The applicant has outlined their frustrating with the lack of a review of speed limits in the settlement. The purpose of my assessment is not to adjudicate on the appropriateness of speed limits or otherwise, but rather to assess the development before me including having regards to its context. The Planning Authority in their response have noted that the matter of altering speed limits is outside of the function of the planning process. I note that the Planning Authority are aware of the speed limits along this stretch of road and have factored them into their settlement plan. As outlined above, the Planning Authority in their response to the appeal have stated that it is envisaged in that any such development of these lands would utilise this indicative access to the west only.

- 7.3.6. The applicant has also referred numerous general policy provisions from National, Regional and Local Policy. The applicant contends that restricting access onto the National Road conflicts with other relevant policies and objectives particularly in relation to settlement growth and the provision of housing. In this regard, I consider that it is important to consider Plans and Policy Documents as a whole to ensure that the correct meaning is attributed to any given section, with no section considered in isolation from the entire document. I would also note that when assessing an application, decision makers must adhere to specific provisions in Plans, such as CDP 11.11, CDP 11.13 and Section 11.2.9.3 of the CDP (which relate to avoiding new accesses on National Roads with a speed limit of 60km/h or greater), notwithstanding general provisions to provide housing and support compact settlement growth.
- 7.3.7. Table A2 of Appendix A1.6.2 of the CDP sets out sightline requirements. The applicant has queried the application of these requirements and notes that there is no distance set for a speed limit of 80km/h. I note the table is based on 'Design Speed'. Design Speed is related to road characteristics and is not directly related to mandatory speed limits. As such a road with an 85km/h 'design speed' will have a requirement of 160m sightlines. I note the applicant has submitted a revised site layout showing available sightlines of 90m to the southwest within the 60km/h zone and 150m to the northwest within the 80km/h zone. It is stated on the submitted layout that the sightline distance of 150m is *'interpolated from TII Standards of 160m for 85km/h'*. The demonstrated available sightlines do not meet the requirement of 160m for roads with an 85km/h design speed. I agree with the Planning Authority and consider that on the basis of the available information the proposed development does not achieve the minimum required sightline visibility as set out in Appendix A1.6.2 of the CDP.
- 7.3.8. In conclusion, I agree with the Planning Authority that the proposal would create an adverse impact on the national road and would be at variance with the Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012) in relation to the control of frontage development on national roads. I also agree that the proposed development would give rise to a traffic hazard due to inadequate sightlines at point on the national road network where a speed limit of 80kph applies. I consider, therefore, that the permission should be refused on this basis.

7.4. Wastewater

- 7.4.1. 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 (SCR).
- 7.4.2. The trial hole was excavated to 2200mm deep with no ground water reported at this level. No bedrock was encountered. The percolation values as reported were surface 15.17min/25mm and subsurface 17.58min/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.
- 7.4.3. As the site has the required depth of unsaturated suitable soil no site improvement works are necessary. The percolation area is to be constructed in accordance with Section 10.1 of the EPA Code of Practice, Option 3 Gravity Discharge, with a trench length of 36m proposed based on a 6-person household. I am satisfied that the design of the proposed WWTS is in accordance with the EPA Code of Practice. I am also satisfied that the WWTS achieves the required minimum separation distances to features as set out in Table 6.2 of the EPA Code of Practice.
- 7.4.4. As previously noted, the proposed development is located within the settlement of Lissycasey. There is currently no public wastewater treatment plant serving Lissycasey. The EPA (2021) code of practice states '*Any potential impact of the proposed system due to the increased pathogen or nutrient loads on the groundwater quality in the area should be assessed in areas of high-density housing. Densities of domestic wastewater treatment systems greater than 6 per hectare in areas of extreme or high groundwater vulnerability may mean a negative effect on ground water quality particularly with respect to levels of Escherichia coli and nitrate.*' There is one house adjoining the site to the west and two houses to the north of the site with septic tanks. There are no other houses in the immediate vicinity, and I am satisfied that the proposed development is in accordance with the EPA code of Practice in this regard.
- 7.4.5. 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. In reaching this conclusion I have had regard to the site in

isolation. As outlined above in Section 7.2, having regard to the designation of the site as a Village Growth and the compact growth required on this site, I have concerns that the proposed development may constrain development on the wider zoned lands. A key consideration in relation to the development of the subject lands and wider VGA lands and the achievement of compact growth at this location is in relation to the wastewater treatment proposal for the lands. However, the proposed development in and of itself would not create a serious risk of ground water pollution and would not be prejudicial to public health and in this regard I do not consider a refusal reason is merited specifically in relation to wastewater.

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.5.5km 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.150m to the north of the Owenslieve River.

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 following reasons and considerations.

11.0 Reasons and Considerations

1. Having regard to the nature of the proposed development and its location within a Village Growth Area as designated in the Clare County Development

Plan 2023-2029 and to the undeveloped nature of similarly designated adjoining lands, it is considered that, in the absence of an agreed overall layout plan for these lands (which would determine the need for and co-ordinate the provision of an appropriate range of house forms/finishes, public open spaces, access, wastewater and surface water infrastructure), the proposed development would represent a piecemeal and haphazard approach to the sustainable development of the area. The settlement statement for small villages and the associated village growth areas seeks to provide opportunities for small scale cluster type housing through brownfield redevelopment and regeneration of underutilised sites, it is considered that the proposed development does not achieve this objective. The proposed development would, therefore, be contrary to the proper planning and development of the area.

2. The Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012) state that the policy of planning authority's will be to avoid the generation of increased traffic from existing accesses onto the national road network at locations where speed limits of greater than 60 kilometres per hour apply. In addition, as per Clare County Development Plan 2023-2029 objectives CDP 11.11 "Motorways National Roads and Strategic Inter-Urban Roads" and CDP 11.13 "Direct Access onto National Roads" the Planning Authority will safeguard the national roads, in line with national policy and will assess development proposals requiring direct access onto the national road network having regard to the exceptions set out in Section 11.2.9.3. The proposed development would result in the creation of a new access onto the N68 national secondary road at a point where the 80 kilometre per hour speed limit applies and would not conform with any of the specified exceptions. The proposed development would, therefore, be contrary to Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012) and Objectives CDP 11.11 and CDP11.13 of the Clare County Development Plan 2023-2029. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development would endanger public safety by reason of a traffic hazard because of the additional traffic turning

movements the development would generate on this highly trafficked and high-speed section of national road at a point where sightlines are restricted in a north-easterly direction.

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

21st November 2025

Form 1 - EIA Pre-Screening

Case Reference	
Proposed Development Summary	Construction of house and all associated site works.
Development Address	Lissycasey, Ennis, 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>State the Class and state the relevant threshold</p> <ul style="list-style-type: none"> - Class 10(b)(i) construction of more than 500 dwellings - The proposed development is for 1 dwelling and is therefore sub-threshold - Preliminary examination required (Form 2)

<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: _____

Form 2 - EIA Preliminary Examination

Case Reference	323361-25
Proposed Development Summary	Construction of house and all associated site works.
Development Address	Lissycasey, Ennis, 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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The nature and size of the development (1 residential unit) is not exceptional in the context of the existing residential/village 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.
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).	Briefly comment on the location of the development, having regard to the criteria listed The site is located in an area designated as 'Village Growth Area' within the settlement of Lissycasey. The application site is not proximate to any protected sites. The site is c.5.5km from the Lower River Shannon 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.
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).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. 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. X
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)