



Inspector's Report

PL-500392-CE-25

Development	Construction of a new dwelling house and garage.
Location	Ballynacally, Ennis, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	2560399
Applicant(s)	Kevin O'Reilly & Jennifer O'Donoghue
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Louise Hennessy
Observer(s)	None
Date of Site Inspection	6 th March 2026
Inspector	Sarah O'Mahony

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1.0 Site Location and Description

- 1.1. The 0.360ha site is situated in a rural area 800m southwest of Ballynacally village in southeast Clare. The River Fergus estuary/delta is situated 1km southeast of the site.
- 1.2. The site comprises agricultural land spread across two different fields. The southern field, adjacent to the public road, was previously subdivided and there is a newly constructed dwelling situated on the eastern half. It is proposed to site the dwelling on the western half which has an informal ungated access from the tertiary local road at the south. It is proposed to locate parts of the wastewater treatment system on the northern field.
- 1.3. Field boundaries comprise mature hedgerows and treelines. The site is slightly elevated above the road level and is finished with grass and rushes. It was wet underfoot during the site inspection.
- 1.4. The site comprises an infill site in a row of 5no. detached dwellings.

2.0 Proposed Development

- 2.1. Planning permission is sought for development which comprises the following:
 - construction of a detached 210m² dwelling house
 - Detached 35m² garage,
 - Revised entrance,
 - On-site private well,
 - On-site wastewater treatment system and
 - All ancillary works

3.0 Planning Authority Decision

3.1. Further Information

- 3.1.1. The Planning Authority requested further information as follows:
 - Submit a revised dwelling design providing for a reduced scale, massing and footprint of dwelling better reflecting the established pattern of development in terms of building line

and orientation. Proposals to protect and enhance natural boundaries were also sought under this item.

- Submit a revised plan and cross section drawings demonstrating that sightlines of 90m can be achieved.

3.1.2. The applicant's response included a truncated dwelling design and a site layout plan showing sightlines of 80m in both directions. The response states that tree protection fencing will be erected during the construction phase to ensure retention of all existing boundaries which will later be reinforced with native species. New boundaries to the north, south and east will comprise post and wire fencing with native species hedging.

3.1.3. The response was deemed significant and revised statutory notices were submitted accordingly.

3.2. **Decision**

3.2.1. Clare County Council issued a notification of decision to grant planning permission on 07th October 2025 subject to 11no. conditions including the following:

"3. The proposed development shall be amended as follows:

(a) The finished floor level of the house shall be reduced by 0.5m.

(b) The house shall be sited a further 0.5m in an eastern direction.

Prior to the commencement of the development the applicant shall submit a revised site layout plan providing for the above for the written agreement and approval of the Planning Authority.

Reason: *In the interests of residential amenity and the protection of the rural character of the area.*

4. The first-floor window on the western elevation shall be obscure glazing.

Reason: *In the interest of residential amenity and to avoid overlooking."*

3.3. **Planning Authority Reports**

3.3.1. Planning Reports

- There are two case planner's reports, one recommending further information and the latter assessing it.

- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.
- Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) issues were screened out.
- The report considered the proposed development complies with Objective CDP 4.16 of regarding single dwellings on infill sites in the countryside, and therefore ‘there is no objection in principle to the proposed development’. It goes on to state that the applicant has demonstrated sufficient compliance with local need policy.
- It noted the clarification of further information sought by the Municipal District Office regarding sightlines but stated ‘*However on balance having regard to the nature of the road, the extent of achievable sight distances and the low density of development on site, it is considered that the proposal would be acceptable in principle.*’

3.3.2. Other Technical Reports

- West Clare Municipal District Office: Two reports received, the first requesting a demonstration of 90m sightlines. The second assessed the further information response which illustrated 80m sightlines, and the second report requested a speed survey.
- Environment Department: No objection subject to standard conditions.

3.4. Prescribed Bodies

3.4.1. The application was referred to the following prescribed bodies however no responses were received:

- Department of Housing, Local Government and Heritage
- The Heritage Council
- An Taisce
- Uisce Éireann
- Shannon Airport Authority
- Gas Networks Ireland

3.5. Third Party Observations

3.5.1. 4no. submissions were received from Louise Hennessy which raised the following matters:

- Loss of privacy and overlooking due to narrow layout of the site and elevated nature, leading to property devaluation. Further information response does not address these overlooking and privacy concerns which would be constant and unreasonable in a rural setting. The revised design increases overlooking concerns. Hedging cannot be relied upon for permanent screening for ground floor windows and doors facing the adjoining dwelling.
- Overbearing height creating a sense of enclosure. Revised dwelling design is still overbearing and too tall due to elevated nature of the site compared to adjacent property.
- Impact to existing mature ash trees. Revised design would require pruning of existing trees which will kill them. No consent is given to removing the tree which would further impact on privacy concerns.
- Ribbon development / overdevelopment. Cluster of family dwellings together with observer's dwelling creates 5no. dwellings in 190m which does not comply with CDP advice to space dwellings out and avoid suburban style row.
- The site is not vacant/unused. It is in regular use for agricultural purposes to access fields to the rear and for moving livestock.
- Traffic hazard. Further information response describing it as lightly trafficked is inaccurate. Vehicle speeds are unpredictable and cannot be assumed to be consistently slow.
- A revised site notice was not erected in accordance with the regulations.

3.5.2. 1no. submission was received from Conor Malone and signed by 24no. others supporting the development and which raising the following matters:

- Infill nature of the site is suitable only for residential development. Overgrown nature of vegetation could become an eyesore, negatively impacting property values and potential for illegal activities due to proximity to Ballynacally.
- Need for young families to settle in the area and support the aging population and local amenities such as schools and GAA.

3.5.3. Representation made by Councillor Michael Shannon.

4.0 Planning History

4.1. None on subject site.

- 21/596: Planning permission granted on adjacent site to the east construct a new dwelling house and garage complete with a new entrance, sewage treatment system and ancillary works.
- 2460376: Planning permission granted 70m east of the subject site or the construction of a new dwelling house and garage, complete with a new entrance, sewage treatment system and ancillary works.
- 21747: Planning permission granted on adjacent site to the west to alter, extend and complete the existing unfinished dwelling house along with all associated site works and ancillary services.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Clare County Development Plan 2023-2029 (referred to hereafter as the CDP). The site is situated in a rural area and as such is not subject to a land zoning objective.
- 5.1.2. Section 4.2.6 of the CDP refers to Single Houses in the Countryside. It identifies the site as being situated within a Rural Area Under Strong Urban Influence and as such it is also situated within an Area of Special Control. In this regard Objective CDP 4.14 applies which requires applicants for rural houses in these areas to comply with local need criteria as well as all relevant environmental legislation as outlined in Objective CDP 3.1 and to have regard to the County Clare House Design Guide, with respect to siting and boundary treatments.
- 5.1.3. As the site constitutes an infill site, Objective CDP 4.16 also applies which is set out as follows:

“It is an objective of Clare County Council:

In the case where there is a grouping of rural houses, the development of a small gap site, sufficient to accommodate only one house, within an otherwise substantial

and continuously built-up frontage, will be permitted provided it respects the existing development pattern along the frontage in terms of size, scale, siting, plot size and meets normal site suitability requirements. Dwellings constructed on infill sites of this nature must be for the permanent occupation of the applicant. The applicant must not already own or have owned a house in the surrounding rural area (except in the exceptional circumstances as set out in sub category iii under the Social Need criteria) and needs the dwelling for their own permanent occupation. The siting of new dwellings in the countryside so as to deliberately create a gap site of this nature will not be permitted. In circumstances where these sites occur in the 'Areas of Special Control', unless otherwise specified in this objective the provisions of Objective CDP4.14 (i.e. Economic or Social Need requirement) will not apply. The assessment of an application for a rural house on an infill site shall have regard to environmental considerations, the viability of smaller towns and rural settlements, siting and design issues and the Clare Rural House Design Guide."

- 5.1.4. The site is situated in a Settled Landscape and therefore the provisions of objective CDP14.2 apply which seek to facilitate development subject to good site selection, conformity with all other relevant provisions of the Plan and the availability and protection of resources, and good design and layout.

5.2. Sustainable Rural Housing, Guidelines for Planning Authorities, 2005

- 5.2.1. The guidelines set out in detail how the Government's policies on rural housing are to be implemented by planning authorities in making their development plans and in the operation of the development control system to ensure a vibrant future for all rural areas. It states:

"In relation to rural housing, sustainable development is, therefore, much more than an environmental concept, although it includes that important element. It requires an acknowledgement of the role that people living in both small towns and villages and the wider countryside have to play in supporting a dynamic rural economy and social structure."

5.3. Natural Heritage Designations

- 5.3.1. The site is situated 1km west of the River Shannon and River Fergus Estuaries Special Protection Area (SPA), Lower River Shannon Special Area of Conservation (SAC) and the Fergus Estuary and Inner Shannon, North Shore proposed Natural Heritage Area (pNHA).

5.3.2. Paradise House pNHA is situated 800m southeast of the site.

6.0 EIA Screening

6.1.1. 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.

7.0 The Appeal

7.1. Grounds of Appeal

1no. appeal was received from Louise Hennessy objecting to the proposed development on the following grounds:

- Condition no. 3 requiring revisions to the design are insufficient to address concerns regarding overlooking, impacts to privacy and overbearing design matters. The house remains elevated, close to the common boundary, visually dominant and creates a strong sense of enclosure significantly affecting residential amenity and privacy.
- The applicant's family has already developed 3no. dwellings in a row clustered in a short stretch of road. This, dwelling would form a fourth and together with the appellant's dwelling would create a row of 5no. in a tight row representing suburban style clustering which is inappropriate and remains unaddressed in the Planning Authority's decision. Providing a fourth family dwelling in the same rural area sets a precedent for future applications seeking to cluster multiple dwellings. The pattern is not typical of rural settlements and risks encouraging similar suburban style forms. The long-term policy implications of this clustering were not addressed in the Planner's report.
- The further information site notice was not displayed. It was erected on 25th October and not 15th October as required. This procedural defect means the revised plans were not properly advertised and this issue remains unresolved.

- The site is inaccurately described as an infill site. It has long been used for agricultural purposes as the only vehicular access to lands to the rear. It is not unused or idle. The farmer has since opened an unauthorised entrance through Coillte land to compensate for the loss of access through the site. This creates a serious land-use conflict which was not assessed by the Planning Authority and confirms the site's misclassification as infill.
- The revised design at further information stage omits a set-back from the rear/west between the rear elevation and the party boundary. This is the narrowest and most sensitive part of the site and the distance is essential to properly assess overlooking, privacy and overbearing impacts.
- The application and Case Planner's report contain inaccuracies. The public road was described as lightly trafficked which is incorrect. The number of dwellings beyond the site was understated and no reference was made to Coillte forestry which will generate additional vehicular movements. The report references Ballyea instead of Ballynacally and states that applicant has lived in Ballynacally since 1996. The applicant does not and has not resided there for some years.

7.2. Applicant Response

- Existing vegetation and trees on the western boundary will be retained in full with no requirement to cut back or remove any vegetation. Additional planting will be carried out to increase screening.
- Further information notices were erected and displayed as per the regulations.
- The response states '*We are not aware of any Coillte owned land in the area and the farmer has an alternative access route to the agricultural land to the rear of the proposed site. The photo of the unauthorised access through the Coillte land is puzzling, as the farmer still has access through the site.*'
- The distance between the rear/west elevation of the proposed dwelling and the western boundary is 7.9m.
- The site is the only remaining site on the family landholding. The applicant is the primary carer for a family member and a letter is provided in this regard.

7.3. Planning Authority Response

- Appeal noted. The Planning Authority is satisfied that the issues raised have been addressed on the reports on file and has no further comments to make.

8.0 Assessment

8.1. Introduction

8.1.1. The principle of constructing a dwelling in this rural area is reliant on Objective CDP 4.14 which requires an applicant to demonstrate a housing need to reside in the rural area. The applicant submitted documentation setting out their residence in the family home 100m east of the site. I note the Planning Authority determined the applicant had satisfactorily established local need and I concur with this conclusion. For clarity, I note the appellant suggests the applicant no longer resides in the family home as stated in the application documents. I note however that the criteria set out in the CDP for the 3no. subcategories of Category B – social need, do not specifically require an applicant to currently be in residence in the nearby rural area. A period of ten years residence in the rural area must be demonstrated which the applicant has complied with.

8.1.2. I also note that no concerns were raised with regard to the proposed water and wastewater treatment systems. The Environment Department submitted a report stating: *'the proposed system is suitably designed to provide adequate treatment of the discharge from this dwelling.'* Having regard to the layout of the proposed development and the information submitted, I am satisfied that the development can be adequately serviced.

8.1.3. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s 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 are as follows

- Site Selection
- Residential Amenity
- Other Matters

8.2. Site Selection

8.2.1. The appeal contends that constructing a dwelling on the site would lead to suburban style ribbon development and that its characterisation as an infill site is incorrect.

8.2.2. The site comprises agricultural land situated immediately between two existing dwellings. In this regard, I agree with the Planning Authority's determination that the site comprises an infill site. Objective CDP 4.16 of the CDP refers to the provision of single dwellings on infill sites and states:

In the case where there is a grouping of rural houses, the development of a small gap site, sufficient to accommodate only one house, within an otherwise substantial and continuously built-up frontage, will be permitted provided it respects the existing development pattern along the frontage in terms of size, scale, siting, plot size and meets normal site suitability requirements

8.2.3. In my view, the proposed development meets these requirements and in particular the layout, size, scale, siting and plot size all comply with the established pattern of development. Objective CDP 4.14 also provides that as the site is situated in an Area of Special Control, the applicant does not need to demonstrate local need which further supports the principle of development discussed previously.

8.2.4. With regard to ribbon development, this is not defined in the CDP however the Sustainable Rural Housing Guidelines for Planning Authorities defines it as areas '*of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage*'. There are already 5no. dwellings situated within 250m of road frontage in this location and therefore ribbon development already exists, regardless of the insertion of the proposed dwelling or not. Having regard to the infill nature of the site between existing dwellings and utilising an existing vehicular entrance which the appellant has highlighted is still in active use for agricultural purposes, I consider the proposed development would not exacerbate or elongate the pattern of ribbon development.

8.2.5. The appeal questions the description of the site as vacant and idle and states that it is in agricultural use. I note this point however I do not consider it to comprise sufficient grounds for refusing permission. The wider area comprises significant agricultural lands and I do not consider that the loss of this site from productive use would notably impact the economic nature or potential of agriculture in the area.

- 8.2.6. The appeal highlights how the land is used for vehicular access to fields to the north of the site and that this access would be lost, however the applicant's response states that alternative access is available through the adjacent fields and a letter of consent is provided from the landowner of the site and adjacent fields in question. I am satisfied in this regard that agricultural activities would not be impacted by the proposed development and there is therefore no conflict in land use as suggested by the appeal.
- 8.2.7. The appeal refers to an alleged unauthorised vehicular entrance point opened by the farmer of these lands at an unspecified nearby location, stated to be under the ownership of Coillte. The appellant states that this access point was made in order to compensate for the loss of access through the site. The applicant's response however states that the site is still in use for agricultural access. As the alleged unauthorised access point is not on the subject site, and as it has been demonstrated that access to the adjacent lands will not be lost by virtue of the proposed development, I am satisfied that the matter of this alleged unauthorised development is outside the scope of this appeal and that enforcement is under the remit of the Planning Authority.
- 8.2.8. Lastly, the appeal refers to a cluster of dwellings being created which all relate to the one family and that this would set a precedent. In my view, the pattern of development already in existence resembles a linear/ribbon form of development and not a cluster. Secondly, any proposed development is assessed on its own merits and each applicant must demonstrate compliance with local need criteria. In this regard and particularly having regard to the infill nature of the site, I do not agree that any precedent would be set by permitting the proposed development.

8.3. **Residential Amenity**

- 8.3.1. The appeal suggests that the proposed layout and design would negatively impact the residential amenity of the adjoining property due to concerns regarding overlooking, impacts to privacy and an overbearing design. The location of the proposed dwelling is such that the proposed front elevation is roughly aligned with the rear elevation of the appellant's dwelling to the west. This aligns with the overall stepped pattern in the building line of all 5no. existing dwellings which follows a bend in the road
- 8.3.2. The applicant's response to the appeal clarifies that the separation distance in this location is 7.9m at its narrowest to the shared boundary while the site layout drawing suggests that at its widest, at the south, the setback is over 9.3m.

- 8.3.3. The shared boundary comprises mature and mixed species native hedgerow and trees which will be retained in full and supplemented. This boundary would provide significant screening in my view between the two dwellings. Having inspected the site in winter conditions with no leaves in place and having regard to the proposed location of the new dwelling in relation to the location of the appellant's dwelling, I consider there would be very little potential for overlooking from the proposed ground floor glazing on the western elevation to the rear elevation of the existing dwelling and into windows of the appellant's dwelling.
- 8.3.4. I do note photographs submitted with the appeal showing the hedgerow at the northeast corner of the appellant's private open space is c. 1m in height which does allow intervisibility between the sites. I also note from those photographs that the ground level in the appellant's property rises to the north. The proposed dwelling would be situated further south adjacent to an area of taller and denser hedgerow and parallel to the appellant's garage providing significant screening from the appellant's dwelling. In this regard, in the event that the boundary hedgerow was retained as it currently exists with no enhancements or supplementary planting, I consider that the only likely intervisibility between the two properties would be between their respective areas of private open space.
- 8.3.5. Further, only one first floor window is proposed on the western elevation which would serve a bathroom and which would be finished with opaque glazing. I am satisfied therefore that no overlooking would occur from the proposed first floor.
- 8.3.6. When the additional planting is implemented I consider it likely there would be little to no intervisibility between ground floor windows of the two dwellings or their respective private open spaces. I recommend a condition is attached to ensure all landscaping is implemented in the interest of clarity.
- 8.3.7. In my view, the proposed layout together with the existing boundary and proposed supplementary planting comprises a sufficient and appropriate boundary in a rural area with acceptable setbacks to uphold residential amenity to adjoining properties. I do not agree that overlooking would occur to any degree as to negatively impact the residential amenity or privacy of the appellant's property.
- 8.3.8. I note condition no.3 requires the finished floor level to be reduced by a further 0.5m and the entire structure to be relocated a further 0.5m to the east. Both these measures will

further aid a reduction in overlooking, however in principle I consider the design is adequate without these measures to ensure residential amenity is upheld.

- 8.3.9. With regard to overbearing design, I note the ground level on the subject site is higher than some of the appellant's site. The site layout drawing states the finished floor level in the appellant's dwelling is 56.4m while the finished floor level in the proposed dwelling would be 57.2m and if reduced by 0.5 as required by condition no. 3 it would have a finished floor level of 56.7m. This differential is minimal and immaterial in my view.
- 8.3.10. The appellant's dwelling comprises a dormer structure approximately 6-6.5m in height while the ridge level of the revised dwelling would be 8.45m in height with the aforementioned set back of 8-9m. The mature treeline between the dwellings would provide significant screening as well as a sense of scale taller than both dwellings.
- 8.3.11. In this regard, the proposed dwelling does represent a taller structure than the appellant's dwelling however I consider that the dwelling design is not overbearing or visually dominant due to the proposed set back and the presence of the mature tree. I consider the scale to be acceptable and appropriate to the context of the site and surrounding area, and do not consider it likely to create a sense of enclosure as set out in the appeal. Further, as the dwelling is situated to the side of the appellant's garage, and not directly to the rear of the dwelling, views from the majority of the appellant's dwelling will remain unaffected or immaterially so.

8.4. Other Matters

- 8.4.1. The appeal suggests that the further information site notice was not erected on time whereas the applicant disputes this. I am satisfied that the affected third parties were adequately informed as the application file includes a letter addressed to the appellant notifying them that the further information response was deemed significant. In this context I am satisfied that sufficient public consultation was carried out to provide interested parties with adequate response periods.
- 8.4.2. The appeal contends that the context of the site was inadequately described in terms of vehicular movements and traffic safety. I noted during the site inspection that the public road serving the site is a narrow, single carriageway, tertiary road in poor condition. I did not meet any other vehicles on the road during the site inspection and in my opinion, its condition, alignment and location removed from large centres of populations all lend itself to being described as very lightly trafficked. In my view, the addition of a small number of

daily vehicular movements associated with a residential development for a single dwelling is not likely to result in any notable increase in traffic movements in the area.

9.0 AA Screening

- 9.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.1.2. The subject site is situated 1km west of the River Shannon and River Fergus Estuaries Special Protection Area (SPA) and the Lower River Shannon Special Area of Conservation (SAC).
- 9.1.3. No nature conservation concerns were raised in the planning appeal.
- 9.1.4. 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.
- 9.1.5. The reason for this conclusion is as follows :
- The small-scale and domestic nature of the works.
 - The 1km separation distance between the site and the closest European site and the lack of connectivity.
 - The proposed on-site wastewater treatment system, and
 - Taking into account screening report/determination by Clare County Council.
- 9.1.6. 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.
- 9.1.7. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1.1. The subject site is located 1km west of the river Fergus estuary. There are two streams both named 'Ballynacally-010' on the EPA catchments.ie GIS system in close proximity to the site. One is situated 300m north while the second is situated 550m southeast. The site

is situated in the Shannon Estuary north catchment area and the Owenslieve sub-catchment. The underlying aquifer is the Lissycasey aquifer which is described as a poorly productive bedrock system with 'X' vulnerability which refers to 'rock at or near the surface'. Soil is described on that GIS system as well-drained fine loamy drift with siliceous stones while subsoil is described as having bedrock close to the surface.

10.1.2. No water deterioration concerns were raised in the planning appeal.

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

10.1.4. The reason for this conclusion is as follows:

- The small-scale and domestic nature of the works.
- The separation distance between the site and waterbodies.
- The proposed on-site wastewater treatment system

10.2. Conclusion

10.2.1. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend that planning permission is granted in accordance with the conditions set out below.

12.0 Reasons and Considerations

Having regard to the location of the infill site in an Area of Special Control, the provisions of the Clare County Development Plan 2023-2029 including Objectives CDP 4.14 and CDP 4.16 and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be appropriate in terms of design, scale and layout and would not seriously injure the amenities of the area or of neighbouring residential properties or result in a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 08th day of October 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p>

	<p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>The proposed development shall be amended as follows:</p> <p>(a) The finished floor level of the house shall be reduced by 0.5m.</p> <p>(b) The house shall be sited a further 0.5m in an eastern direction.</p> <p>Prior to the commencement of development the applicant shall submit a revised site layout plan providing for the above for the written agreement and approval of the Planning Authority.</p> <p>Reason: In the interest of residential amenity and protection of the rural character of the area.</p>
4.	<p>(a) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.</p> <p>(b) The external walls shall be finished in neutral colours such as grey or off-white.</p> <p>(c) All stone shall be local and natural with no reconstituted stone or brick permitted.</p> <p>Reason: In the interest of visual amenity.</p>

5.	<p>The garage shall not be used for human habitation, or any commercial activity or for any other purpose other than a purpose incidental to the enjoyment of the dwelling house.</p> <p>Reason: In the interest of residential amenity and the orderly development of the area.</p>
6.	<p>The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with details submitted.</p> <p>Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p>
7.	<p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p>Reason: In the interest of traffic safety and to prevent flooding or pollution.</p>
8.	<p>(a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on [date] and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.</p>

	<p>(b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.</p> <p>(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p>Reason: In the interest of public health and to prevent water pollution</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the [residential] amenities of property in the vicinity.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of</p>

the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Sarah O'Mahony
Planning Inspector

18th March 2025

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500392-CE-25
Proposed Development Summary	Construction of a dwelling, garage, onsite wastewater treatment and private well.
Development Address	Ballynacally, 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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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).	
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 development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	Class 10 (b)(i) Construction of more than 500 dwelling units Threshold = 500 units. Proposed development = 1no. unit.
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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Form 2 - EIA Preliminary Examination

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	The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of

<p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>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).</p>	<p>The development is situated in a rural area on agricultural land which is abundant in the area. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.</p>
<p>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</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>

effects and opportunities for mitigation).	
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.

Inspector: _____ Date: _____