



An
Coimisiún
Pleanála

Inspector's Report

PL-500955-CE-26

Development

Revise site layout and garage design granted under reference P22/377 and for permission to retain mobile home and container for temporary use during construction and all associated and ancillary site works.

Location

Ballymaclinaun, Liscannor, Co. Clare.

Planning Authority

Clare County Council

Planning Authority Reg. Ref.

25255

Applicant(s)

Caroline Mantle & Adrian O'Driscoll

Type of Application

Permission

Planning Authority Decision

Grant Permission + Conditions

Type of Appeal

Third Party Normal Planning Appeal

Appellant(s)

Noel Mantle

Observer(s)

Cllr. Bill Slattery

Date of Site Inspection

24th of June 2026

Inspector

Caryn Coogan

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1.0 Site Location and Description

- 1.1. The appeal site is located in a coastal area of Co. Clare. It is approximately 3km west of Liscannor village, and less than 2km from the Cliffs of Moher. The site is located in the townland of Ballymaclinaun. The local access road is the L5137.
- 1.2. The site area is 0.42ha. it is positioned west of the local road. There is a large double entrance at the southern extremity of the roadside boundary. The site is completely exposed on all four boundaries. There is a dormer dwelling immediately to the north of the site, and a vernacular cottage on the opposite side of the local road.
- 1.3. The western site boundary is a river, Ballysteen River. I noted a surface water pipe discharging from the site into the river.
- 1.4. On the subject site there are foundations laid out for a dwelling house. There is a mobile home and a metal container on the site, in the north-eastern corner of the site. There are items stored between the mobile home and the container. The container is located alongside the road inside the fence of the site.

2.0 Proposed Development

- 2.1. Planning permission to revise the site layout and garage design granted under reference P22/377 and for permission to retain mobile home and container for temporary use during construction and all associated site works.
- 2.2. The site layout and garage were previously granted under Planning Reg Refer: P22/377,

3.0 Planning Authority Decision

3.1. Decision

By Manager's Order on the 17th of February 2026, Clare Co. Co. granted planning permission for the development subject to 7No. conditions.

3.1.1. Conditions

Condition No. 3 :

The mobile home and the container shall be used solely for domestic purposes for a temporary period during construction of the dwelling and shall be removed from the site on occupation of the dwelling.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The proposal is acceptable in principle. The proposal is the relocation of a permitted dwelling with the temporary relocation of a mobile home and container on site.
- The local need was demonstrated under the previous application applied for by the applicants under 22/377.
- There will be no traffic implications
- The original proposal was to the south-west of the site beside the entrance. The site layout submitted with the current application indicates the WWTP is located to the north-west of the site with the soil polishing filter located to the south east of the site. Clarification is required.
- The dwelling is being brought forward approximately 10-17m and 5m further south, and would be orientated slightly towards the eastern boundary. However, there would not be a significant alteration to the visual amenities of the area.
- There are concerns regarding the scale and positioning of the garage. It needs to be reduced in scale and relocated.
- Further information was requested 29th of September 2026 regarding the location of the revised percolation area with adequate separation distances, there may be a revised Site Characteristics Form required. The garage is excessive in scale it must be reduced in size and remove the proposed windows.
- Following receipt of the further information, there was clarification of further information requested.

- The sand polishing filter on site is currently 35sq.m. to serve the two person mobile home. This will increase to 150sq.m. to serve the permitted dwelling house on the site.
- Permission was recommended.

3.2.2. **Other Technical Reports**

Environment Section : Full compliance with Condition 10 (a-d) of the original permission P 22/377 must be demonstrated in respect of the sewage treatment plant. There is no requirement for a new Site Characterisation Report if the proposed soil infiltration system is in the same area as P22/377. A condition is prescribed as per report of 13/02/202026

3.3. **Prescribed Bodies**

There were no submissions received.

3.4. **Third Party Observations**

The third-party objection cited the following:

- Planning Policy- the Rural Area Under Strong Urban Pressure, accessed from a scenic route and is directly opposite a protected structure
- Drawings are inaccurate and misleading the mobile home is located closer to the boundary than indicated.
- Visual impact
- Negative impact on residential amenity
- Raises concern with the duration of retention of permission
- Garage is excessive in scale and positioned poorly on the site.
- Impact on Protected Structure

4.0 **Planning History**

4.1. **Planning Reference 22/377**

Planning Permission granted to Caroline Mantle and Adrian O Driscoll to build a new dwelling, garage, install a wastewater treatment system and all other associated site

works. This is the parent permission for the overall development, and the current appeal relates to a number of alterations to the development granted planning permission under P22/377.

4.2 Planning Ref: 07/2764 Immediate North of the site, applicant's brother

Noel Mantle was granted planning permission for a dwelling, garage and sewage treatment plant, subject to an occupancy condition. Retention of site boundaries and site layout was granted under planning reference 21/1240.

5.0 Policy Context

5.1. Development Plan

The relevant is the Clare County Development Plan 2023-2029

CDP 4.10 Countryside Objective

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.

According to Figure 14.1 Maps of Landscape Character Areas

The subject site is located on the landscape designated as *Coastal Farmland and Islands*.

According to Figure 14.2 Map of Landscape Charter Areas

The site is located in an Area called 'No. 3 Cliffs of Mohair and Lahinch.

14.3.2.3 Heritage Landscapes

'Heritage Landscapes' are those areas within the County where sensitive environmental resources – scenic, ecological and historic - are located. These landscapes are envisioned as the most valued parts of the County, that are important to the people of County Clare as well as to wider national and international communities. The principal role of these landscapes is to sustain natural and cultural

heritage. The word 'sustain' is used to convey the idea of keeping something alive, as opposed to 'conserve' or 'preserve' which might imply that something is static.

CDP14.5 It is an objective of Clare County Council: To require that all proposed developments in Heritage Landscapes demonstrate that every effort has been made to reduce visual impact. This must be demonstrated for all aspects of the proposal - from site selection through to details of siting and design. All other relevant provisions of the Development Plan and the RSES must be complied with. All proposed developments in these areas will be required to demonstrate; I. That sites have been selected to avoid visual prominence II. III. That site layouts avail of existing topography and vegetation to minimise visibility from scenic routes, walking trails, public amenities and roads; That design for buildings and structures minimises height and visual contrast through careful choice of forms, finishes and colour and that any site works seek to reduce the visual impact of the development.

14.5 Views and Prospects

County Clare contains a number of valuable views and prospects which offer a very attractive cross-sectional view and overall impression of differing landscapes as one traverses the County. These views and prospects, many of which are located along identified scenic routes, are interwoven with the settled, working and heritage landscapes outlined above. The Council recognises that in some areas the land adjoining these scenic routes has relatively limited capacity (both environmentally and in terms of scenic amenity) to accommodate individual houses in significant numbers. In such areas, the Council will aim to protect sensitive areas from injurious development, while providing for development and change that will benefit the rural community.

Scenic Routes CDP14.7

It is an objective of Clare County Council: a) To protect sensitive areas from inappropriate development while providing for development and change that will benefit the rural community; b) To ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact; and c) To ensure that

appropriate standards of location, siting, design, finishing and landscaping are achieved.

5.2. Natural Heritage Designations

The site is 1.9km from the Cliffs of Moher SPA, and 3.84km of the Inagh River Estuary SAC.

6.0 EIA Screening

- 6.1. 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 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

The appellant is the owner and occupier of the adjoining dwelling directly north of the application site.

- The grant of permission is a direct contradiction between the planning authority's assessment of the original planning granted under P22/377 and now granted under P25/255 with the relocation of the development closer to the public road and designated scenic route, increased dominance of the revised larger garage size, inaccuracies of the application documentation, the absence of the revised site characterisation form for the relocated wastewater treatment system, and the retention of a visually intrusive temporary structure on the site.
- Relevant sections of the Clare County development Plan 2023-2029 are cited. CDP 14.5 Heritage Landscapes, CDP 14.7 CDP 16.1 Protected Structures

- **Planning History/ Backgrounds** : Under the previous application, P22/377 the Council raised concerns about the siting of the dwelling, overall scale of house, visual impact. The site was taken from Caroline's Father and they would reside beside her brother. The applicants justified the scale, height and location of the dwelling stating it would be lower than the existing dwelling to the north. The applicants argue the dwelling would remain visually recessive and would not impact on views from the scenic route. And now the applicants want to move the dwelling and garage 8metres forward, and to increase the floor level of the dwelling, retain the mobile home and storage container and revise the location of the sewage treatment system. The current application is a total contradiction of their arguments relating to P22/377.
- The **drawings are inaccurate and misleading**. The layout drawings do not accurately depict the full extent and arrangement of the existing development currently on the site, including the precise position and ancillary areas associated with the mobile storage container. The container is located on the boundary. No Site Assessment has been undertaken given the fact that the percolation areas has been resized and the WWTS has been relocated.
- Rather than reducing prominence as required under the Clare County Development Plan, the proposed layout pushes the dwelling and a garage onto a far more exposed and intrusive position closer to the public road which is a designated scenic route. The floor areas have been
- **Visual Impact:** Rather than reducing the prominence of the dwelling and garage, the applicant's have increased it under the current proposal. The route is a designated scenic route. The house will be significantly more prominent when viewed from the public roads. The larger garage is now positioned forward on the site rather than occupying a more recessive position. The structure should be more subordinate on the site. The proposal is unacceptable opposite a protected structure and along a scenic route. It directly conflicts with Policy CDP 14.5 and CDP 14.7 which are aimed at reducing visual impact. The unauthorised mobile home and container compound the negative visual impact. The appellant had unobstructed views of the coastline before the container and mobile were placed on the site. In

addition, a concrete mini-pillar has been installed at the front boundary of the site which has not been included for retention in the application.

- The development does not represent an appropriate form of development within this Heritage Landscape and is not consistent with the established character of this sensitive area.
- **Impact on Residential Amenity** The proposal will have a serious and unreasonable impact on the appellant's property. The proposal relocates the dwelling 5-11 metres forward of the previously permitted building line and increases the finished floor level. The existing structures on the site and the revised layout will have a seriously negative impact on the appellant's residential amenities. The structures are unsightly and visually intrusive and diminish the setting and amenity of the appellant's property.
- **Impact on Protected Structure:** The application is directly opposite Protected Structure RPS No. 606, Volume 4 of Clare County Development Plan 2023-2029. CDP16.1 requires the character and setting to be safeguarded from unsympathetic and intrusive development. The retention of the mobile home and container detract from the historic Character and visual setting of the protected structure. The moving forward of the development increases its prominence on the site and the setting of the protected structure. The garage has been repositioned by way of further information to be in line with the front wall of the dwelling. However it is larger than previously permitted and occupies a more visually assertive position on the site.
- **Duration of Retention :** The permission grants retention of the mobile home and container until the dwelling is occupied. This is a loose and unsatisfactory form of condition. There should be a clear and finite date for the removal of the structures. The condition as worded could result in the structures remaining on the site for a considerable number of years. This condition may also be unenforceable because it is not clear when the structures will be removed. The structures could remain on the site until 2032 and beyond.
- **Relocation of Wastewater Treatment system:** The layout is materially different to that permitted under Permission P22/377. There is no revised Site Characterisation Report or percolation testing to demonstrate that the new

location is satisfactory. This omission creates uncertainty that the system can meet with the EPA requirements.

- **Non-compliance with Planning Conditions :** A commencement notice was submitted on 12/04/2024 and works have proceeded on the site. However there is insufficient evidence to demonstrate that planning reference P22/377 has been complied with. No landscaping scheme was submitted even though Condition No. 7 required this before the development commenced. Again Condition No. 9 required details of the external finishes of the dwelling to be lodged prior to the commencement of the development, and these were not submitted. There has been no report regarding the sewage treatment system as specified under Condition No. 10. There is serious uncertainty regarding compliance with condition no. 10, in terms of a certified report. The Planning Report is satisfied Condition No. 10 has been complied with, however based on the documents on the planning file it not clear if the conditions have been complied with.

7.2. **Applicant Response in the case of a 3rd Party Appeal**

- The appeal is vexatious by a close family member. There are no legitimate planning or environmental grounds for the appeal. The Comision is asked to request the private information associated with the case and to examine the vexatious and shameful nature of the appeal. It is not included in the correspondence due to the sensitive nature of the information. It is requested it is dismissed under Section 138(1) of the Planning and Development Act 2000.
- **Background:** The appellant, Noel Mantle was granted planning permission under P07/2764 to construct a dwelling on the neighbouring site. He qualified under the local need, but he has never lived in the house. He lives in Ennis and rents out the house. The house was not constructed in the correct position, and retention was granted under reference P21/1240.
- When the applicants applied and was granted planning permission for her dwelling under P22/337, there were no third-party objections to same. The applicant's and appellant's father died in January 2023.

- The original dwelling is considered by the applicants to be too close to the river and they wanted to move it forward under the current planning application. The P.A. advised them to reapply for planning permission.
- **Scenic Route Compliant:** The appellant pointed out policy on scenic routes but clearly had no such concerns in his own planning application or with the incorrect location of his dwelling in respect of permission 07/2764.
- **Protected structure:** This is a limp ground of objections particularly when the appellant's dwelling is closer the protected structure.
- **Inaccurate and misleading Drawings:** The planning authority carried out a thorough examination. At no stage during the assessment did the appellant mention the inaccurate drawings.
- **Visual Impact:** The appellant's concerns are nauseating given the location of his own dwelling and the fact he does not reside in the area. The planning authority were satisfied about the visual impact of the development.
- **Residential Amenity:** The proposal contributes to the de facto cluster which is in keeping with the Moher/ Clahane area.
- The appellant's dwelling is located 18m from the roadside and his polishing filter is offset in a similar fashion to the current proposal
- The garage was reduced in height and scale as per the further information submitted.
- The houses are historically close to the road
- The mobile home and container is a temporary measure while the dwelling is constructed by direct labour.

7.3. Planning Authority Response

The proposal relates to an alteration of positioning of a previously granted dwelling and ancillary works associated with the development of a dwelling.

7.4. **Observations**

A submission from Cllr. Bill Slattery was made stating the family are making brave efforts to provide a home for themselves. The appeal has been used for personal reasons.

8.0 **Assessment**

8.1. I have considered the planning history, the planning application file, the appeal documents and visited the subject site. I consider the appeal can be assessed under the following headings:

- Principle of the Development
- Design and Layout
- Visual Impact
- The Temporary Structures
- Relocation of Wastewater Treatment System
- Other Issues

8.2 **Principle of the Development**

8.2.1 There is an existing planning permission on the subject site granted under planning reference **P22/377** to the same applicants for a new dwelling, garage, wastewater treatment plant and other associated site development works. The principle of a dwelling house/ sewage treatment system on the appeal site was rigorously assessed by the planning authority. The third-party appellant did not object to the original parent permission. Most of the issues submitted by the third party on appeal, were addressed comprehensively by the planning authority under the parent permission, P22/377. This current planning application / appeal merely relates to revisions to the permitted layout, which in my opinion are minor alterations. Condition No. 2 of the planning authority's decision to grant permission, specified the development was to be carried out in accordance with the parent permission, Reference P22/377, and the permission for the revisions will expire on 14th of September 2027, as per the expiry date of the parent permission.

8.2.2 In my opinion, the significant new issue of the current application, which did not apply to the parent permission, P22/377, is the retention and temporary permission of the mobile home and metal container on the site during the construction phase.

8.2.3 Under the previous planning application P22/377, the following issues that have been raised in the current grounds of appeal, were addressed and accepted by Clare Co. Co.:

- The applicant was a daughter of the landowner, (who has passed away since the dwelling house was permitted on the site). She complied with the development plan policies relating to a dwelling in a rural area.
- The applicant was requested further information regarding the house design, finishes, visual impact at that time. It was considered the third appellants dwelling(north of the appeal site) would be more prominent than the proposed development on approach to the site from the north. The planning authority considered the proposed dwelling to be modest in height and scale.
- The original proposal included a number of site constraints which were acknowledged by the planning authority and determined the layout of the overall development. These included the issue this was the only suitable site within the overall landholding, and there was a need to ensure the proposed dwelling was a sufficient distance from the adjoining river located along the western site boundary.

8.2.4 Essentially, the overall development, the subject of this appeal, has the benefit of planning permission, which is not due to expire until 2027. The applicants can proceed with the original permission, however, they decided to move the proposed dwelling further away from the bounding river to the west. During the construction of the foundations, (I noted foundations on site during my inspection) the applicants became concerned about the proximity of the dwellinghouse to the river. Under the current proposal, the permitted dwelling has been brought forward closer to the road in the current application. The front building is circa 5m closer to the roadside boundary. The proposed detached garage is to the north of the dwelling on the same

front building line as the dwelling (per the revised drawings submitted by way of further information on the 23rd of October 2025).

8.2.5 I have no objections in principle to the proposed modifications to the permitted layout. Having examined the river and the flat configuration of the subject site, I fully accept the applicant's justification for moving the building line forward on the site.

8.3 Design and Layout

8.3.1 As stated the overall layout was permitted under planning reference 22/377. The dwellinghouse has been moved forward 5metres towards the public road away from the river located along the western site boundary. The proposed dwelling is a modest low profile single storey dwelling with a ridge height of 6.5m. The ridge height is 1.2m lower than the third-party appellant's house to the north of the site. The increases in finished floor areas of the house and garage are marginal. The increase in the floor area of the detached garage from 40sq.m. to 45sq.m. is marginal, and I do not foresee any material impacts. The sewage treatment plant is roughly in the permitted location, it has been brought slightly further south from the permitted location.

8.3.2 On balance, I do not consider the revised overall design and layout to be significantly different from the original permitted design on the subject site.

8.4 Visual Impact

8.4.1 The third-party appellant has argued the relocation and enlargement of the proposed dwelling and garage conflicts with the development plan policies regarding the Heritage Landscape, Scenic Routes and the setting of the Protected Structure on the opposite side of the road.

8.4.2 In my opinion, given the planning history relating to both sites, I would consider the third party's concerns to be disingenuous. His own dwelling was granted planning permission under reference 07/2764. The dwelling was the subject of a further application to regularise the original permission under reference 21/1240. Both applications were applied for by immediate family members, within a Heritage Landscape, along a scenic route and adjacent to a protected structure. The protected structure referred to in the appeal is closer to the appellant's dwelling than the proposed dwelling. The building line of the appellant's dwelling and the revised

building line of the current proposal are very similar. The third-party appellant's dwelling has a higher ridge height, larger built footprint and similar building line to the proposal on the appeal site.

8.4.3 I find no basis for the appellant's grounds of appeal regarding the proposed dwelling and garage, and I consider these grounds should be dismissed by the Comision.

8.5 The Temporary Structures- Mobile Home and Container

8.5.1 The planning application includes for the retention of a mobile home and metal container for the temporary use on site during the construction period of the dwellinghouse and garage.

8.5.2 The planning authority's decision to grant planning permission included Condition No. 3 which specified the two structures would remain on site only during the construction of the dwelling and shall be removed from the site following the occupation of the dwelling.

8.5.3 In my opinion, the two structures detract considerably from the visual qualities of the Scenic Route and the Heritage Landscape and associated policies in the Clare County Development Plan 2023-2029. The metal container, located along the roadside boundary is a considerable blemish on the rural landscape. Furthermore, there is storage of materials outside of the container, which is unsightly, including bins, gas cylinders etc. The mobile home is positioned forward on the site, in the north-eastern portion of the site, in close proximity to the road. Having regard to the coastal backdrop on the approach along the local road from the north, both structures are incongruous temporary buildings and in my opinion, wholly inappropriate on the scenic landscape.

8.5.4 The site location is only a short distance from the iconic Cliffs of Moher. The natural aesthetics of the immediate area is a flat coastline. In my opinion, the siting of the temporary structures on the site maximises the visual intrusion on the landscape, also significantly compromises the scenic qualities of the area.

8.5.5 I refer to the Clare County Development Plan 2023-2029

Scenic Routes CDP14.7

It is an objective of Clare County Council: a) To protect sensitive areas from inappropriate development while providing for development and change that will

benefit the rural community; b) To ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact; and c) To ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved.

In my opinion, the two structures conflict with the stated development policy. The two structures are two inappropriate developments, that detract from the scenic qualities of the scenic route, and their siting along the roadside maximises their visual impact on the sensitive landscape.

8.5.6 I would be inclined to refuse retention of permission for both structures. However, because they are only on the site for the construction period of the dwellinghouse, I recommend that they are removed from the site within two (2) years of the decision. This is consistent with expiry date of the parent permission, P22/377 which is the 14th of September 2027. It will give the applicant's a reasonable time to finish and complete the development before occupying the dwellinghouse.

8.6 Relocation of Wastewater Treatment System

8.6.1 The sewage treatment plant was permitted under the parent permission P22/377. I note from the applicant's submission of Clarification of Further Information on the 22/01/2026 there are photographs of the polishing filter being constructed on site to serve the mobile home. The sand polishing filter is currently 35sq.m. which will increase to 150sq.m. to serve the proposed dwelling house. It is evident that the polishing filter consists of layers of imported stone, a membrane layer, and a topsoil finish.

8.6.2 The location of the treatment system is in close proximity to the system permitted under P22/377 and was designed following a comprehensive Site Characteristics evaluation. The system was designed in line with the EPA Guidelines. The wastewater treatment system and polishing filter was permitted and will remain in the north-eastern portion of the site. The Environment Section of the planning authority was satisfied no additional Site Characteristic Report was required because the sewage treatment system was located in the same south eastern section of the subject site.

8.7 Other Matters

- The alleged non-compliance with planning conditions attached to P22/377, is a matter for Clare Co. Co. and beyond the remit of the Commission.
- Given the separation distances, orientation and overall design, I do not consider the proposed development will impact on existing residential amenities. In fact, the third-party appellant has not substantiated his claims in terms of loss of privacy or overshadowing

9.0 AA Screening

9.1 I have considered the revisions to the development permitted under planning reference P22/377 in light of the requirements S177U of the Planning and Development Act 2000 as amended.

9.2 The subject site is located approximately 1.9km from the Cliffs of Moher SPA, and 3.84km of the Inagh River Estuary SAC.

9.3 The proposed development comprises a dwelling, garage, together with a sewage treatment works and polishing filter, entrance and associated site works. Under this current application it includes the retention of two temporary structures, a mobile home and a metal container.

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:

The site is located approximately 3.84km of the Inagh River Estuary SAC

The separation distance from the stream running along the western boundary of the site, and the installation of a polishing filter

- Taking into account the determination by Planning Authority.
- 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.

10.0 Water Framework Directive

10.1. The subject site is located alongside and east of Ballyateen River of a water body. The development comprises a single storey dwelling domestic garage and associated works.

10.2. I have assessed the development seeking permission 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 and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.3. The reason for this conclusion is as follows:

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

10.5 Conclusion

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. I refer the Board to Appendix 2 for my screening assessment

11.0 Recommendation

11.1. I recommend the planning authority's decision to grant planning permission for the development be upheld by the Commission.

12.0 Reasons and Considerations

Having regard to:

- the provisions of the Clare County Development Plan 2023-2029
- The permitted development under Planning Register P22/377
- the nature, scale, and location of the proposed development,
- the pattern of development in the surrounding area

It is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of properties in the vicinity, would be acceptable in terms of road safety, would not adversely impact scenic route and would be acceptable in terms of visual amenity. Therefore, the proposed development would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, in particular the revised layout date stamped 23rd of October 2025 and 22nd of January 2026, 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.

Reason: in the interest of clarity

2. (a) The proposed development shall be carried out in accordance with the parent planning permission on the site granted under planning reference P22/377.

(b) This permission shall expire on the expiry date of Planning Reference P22/377 which is the 14th of September 2027.

Reason: In the interests of clarity.

3. The grant of retention of permission for the mobile home and metal container during the construction period on site, is for a period of two (3) years only from the date of this decision. Both temporary structures shall be removed from the site following the two-year period.

Reason: To protect the visual amenities of the area associated with the designated scenic route.

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.”

Caryn Coogan

Planning Inspector

02/07/2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500955-CE-26
Proposed Development Summary	Revise Site Layout and garage design granted under reference P22/377, and for permission to retain mobile home and container for temporary use during the construction period.
Development Address	Ballymaclinaun, Liscannor, 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ 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?	

☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Schedule 5 Part 2 Class 10 (b) (i) – Construction of more than 500 dwelling units. Schedule 5 Part 2 Class 11 (c) – Wastewater treatment plants with a capacity greater than 10,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule
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)?	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PI-500955-CE-26
Proposed Development Summary	Revise Site Layout and garage design granted under reference P22/377, and for permission to retain mobile home and container for temporary use during the construction period.
Development Address	Ballymaclinaun, Liscannor, 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 proposed development is for a house and WWTS. It is a modest development and would not involve any demolition works. It would not require the use of substantial natural resources and would not pose a risk of major accident and/or disaster. Normal pollution and nuisance can be expected during the construction phase. The site is in a rural area and there are an existing houses adjacent to the north and east. The proposed development would be similar to existing development in the vicinity. The WWTS has been considered in the report. It is to accommodate a single house and waste generation would be very limited.
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	The development is situated in a rural area on grassland which is relatively abundant in the area. The area is a scenic costal area in the west of Ireland. The site is located along a scenic route and a high amenity area. It is not far from the iconic landscape of the Cliffs of Moher. There is a river located along the western site

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).	boundary. There is a protected structure to the east of the site, which is a protected structure.
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).	The proposed house and WWTS would have no significant environmental impact. It would be consistent with the existing pattern of development in the immediate vicinity, it would be located away from any environmentally significant area, and the proposed development is substantially below a threshold that could be considered relevant for EIA.
Conclusion	
There is no real likelihood of significant effects on the environment.	EIA is not required. Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report.

Inspector: _____ Date: _____

Appendix 3

Screening the need for Water Framework Directive Assessment Determination

The subject site is located in Ballymaclinaun, Liscannor, Co. Clare. The nearest water body is the Ballyateen River (good ecological status), located along the western site boundary. The groundwater body is Beahy -010 (good water body status).

The proposed development is detailed in section 2.0 of my report. No water deterioration concerns were raised in the planning appeal. I have assessed the development proposed of one dwelling at the site in Ballymaclinaun and I 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/or 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.