



An
Coimisiún
Pleanála

Inspector's Report

PL-501368-CE-26

Development	The construction of a new dwelling house, install a wastewater treatment system and all other associated site and ancillary works.
Location	Doonagore, Doolin, County Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	269
Applicants	Richard Hynes.
Type of Application	Permission.
Planning Authority Decision	Refusal of permission.
Type of Appeal	First Party
Appellant	Richard Hynes
Observers	None

Date of Site Inspection

23rd July 2026.

Inspector

Derek Daly

1.0 Site Location and Description

- 1.1. The site is located in a coastal rural area approximately 2.5 kilometres south west of Doolin in the northwest of County Clare. The site fronts onto the inner curve of a narrow local road which defines the site's northwestern boundary. The local road is part of a local road network which in turn connects to the regional road network the R478 and R 479 and eastwards to the N67. There are no dwellings on any of the remaining boundaries but it is noted that there is a relatively high concentration of dwellings in the area in particular on higher lands to the east and southeast. The site has views over the coastal landscape and there is a general fall westwards and north westwards towards the coast. Doonagore Castle a prominent local landmark is located approximately 0.2 kilometres west of the appeal site.
- 1.2. The site has a stated area of 0.3 hectares.

2.0 Proposed Development

- 2.1. The proposed development as received by the planning authority on the 22nd January 2026 was for the construction of a new dwelling house, install a wastewater treatment system and all other associated site and ancillary works.
- 2.2. The proposed dwelling which is centrally located on the site is single storied of a modern design and construction with a maximum height to the ridge of the roof of 5500mm. The footprint of the dwelling is broken up into two elements with an entry wall providing access to a living area and to a bedroom area. The floor area of the proposed dwelling is stated as 221m².
- 2.3. Access to the site is located at the northwestern corner of the site and details submitted indicate sightline visibility in both directions from the proposed access.
- 2.4. The site is serviced by a WWTP treatment plant located in the eastern area of the site and site suitability tests were submitted indicating the installation of a secondary treatment system with a polishing filter and percolation area discharging to the ground. It is proposed to connect to the public mains water supply.

- 2.5. Documentary information was submitted in relation to attendance at the local school for two years and other connections to the area and inherited lands on which the proposed site is located.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The decision of the Planning Authority was to refuse planning permission and three reasons were stated.

The first reason for refusal refers to the site's location in a heritage landscape and seascape heritage area, architectural heritage in the area, visual issues and that the development would be contrary to CDP 14.5, CDP14.6, CDP16.1, CDP16.2 and CDP16.8 of the Clare County Development Plan.

The second reason refers to the site in an area of special control and rural housing policy in particular CDP 4.14.

The third reason for refusal refers to the issue of traffic hazard due to the alignment of the road and restricted visibility.

3.2. Planning Authority Reports

- 3.2.1. Planning Report

The planning report dated the 11th March 2026 refers to development plan provisions and planning history in the area and an assessment of the development.

- 3.2.2. The assessment focused on the principle of the development in particular in the context of the rural housing policy and considered the applicant had not demonstrated either a social or economic demand to reside in the area based on documentation submitted. Issues are raised in relation to the visual sensitivity of the area and no information was submitted in relation to lands in less sensitive locations. Traffic is also referred to and the poor horizontal alignment. The impact on Doonagore Castle is also referred to including impacting on its setting.

- 3.2.3. Refusal of permission was recommended.

3.3. Other submissions

Uisce Éireann in a submission dated 30th January 2026 requested further information and that the applicant submit a pre connection enquiry to assess feasibility of connection to the public water infrastructure.

The area engineer in a submission dated 23rd February 2026 indicated applicant has not shown how it is expected to achieve sightlines and all surface water be dealt with on site.

The environment report considered that based on the site characterisation report there is adequate sub soil to locate the soil filtration area on the site and outlined conditions in the event of permission being granted.

4.0 Planning History

- 4.1.1. No planning history relating to the site.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The statutory development plan is the Clare County Development Plan 2023–2029.
- 5.1.2. Chapter 4 refers to Urban and Rural Spatial Strategy.
- 5.1.3. Section 4.2.6 refers to Single Houses in the Countryside and recognises that County Clare has a long tradition of people living in dispersed settlement patterns in the countryside, where areas such as rural townlands remain as important units of identity. The Council will continue to support this tradition in a positive manner that is consistent with the requirements of the National Planning Framework, the Regional Spatial and Economic Strategy for the Southern Region and the Section 28 Ministerial Guidelines ‘Sustainable Rural Housing - Guidelines for Planning Authorities (DoEHLG)’.

This is recognised in CDP 4.10 where 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.

5.1.4. The strategy recognises different strategies for rural areas and a different policy response is proposed for each of the following:

- a) New single houses in the countryside within the 'Areas of Special Control'.
- b) New single houses in the countryside outside the 'Areas of Special Control'.
- c) New single houses on infill sites in the countryside.
- d) Replacement of sub-standard habitable houses in the countryside.
- e) Refurbishment of derelict houses/structures in the countryside.
- f) New single holiday homes in the countryside. a)

5.1.5. The appeal site is located within the 'Areas of Special Control' designation and that 'Areas of Special Control' include Rural Areas Under Strong Urban Influence; Heritage Landscapes and Sites accessed from Scenic Routes.

5.1.6. CDP objective 4.14 New Single Houses in the Countryside within the 'Areas of Special Control' outlines as an objective of Clare County Council in the parts of the countryside within the 'Areas of Special

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

5.1.7. Criteria are outlined in relation to assessment of development within the 'Areas of Special Control'.

Category A – Economic Need

- i. Such persons shall be defined as persons who by the nature of their work have a demonstrable economic need to reside permanently in the rural area close to their place of work. Such circumstances will normally encompass persons involved in full time farming, horticulture, forestry, bloodstock or marine-related activities as well as others who can

demonstrate a genuine need, because of their occupation or business (not including bed and breakfasts) to live in a specific rural area.

Similar part-time occupations can also be considered where it can be demonstrated that it is the predominant occupation and that the ancillary occupation(s) are located within a reasonable daily commuting distance from the site or alternatively may be facilitated through remote working. The applicant must not already own or have owned a house in the surrounding rural area (except in sub-category iii as set out under the Social Need criteria) and needs the dwelling for their own permanent occupation. Where a person's economic need relates to their engagement in farming or bloodstock they shall have a minimum farm size of 12.5 hectares within the local rural area. Where this minimum requirement is not achieved favourable consideration will only be given where a business plan can satisfactorily demonstrate that the person's predominant occupation relates to farming or bloodstock activities on their landholding and which also demonstrates the viability of the activity(s).

Or

An applicant who is considered ineligible under the preceding category may be considered for the construction of a permanent home in the rural Area Under Special Control, subject to being able to satisfy the Planning Authority of their commitment to operate a full-time business (not including bed and breakfasts), from their proposed home in a rural area, as part of their planning application, in order for example, to discourage commuting to towns or cities. The applicant must not already own or have owned a house in the surrounding rural area (except in sub-category iii as set out under the Social Need criteria) and needs the dwelling for their own permanent occupation.

Applicants must be able to submit evidence that:

- Demonstrates that the nature of their employment or business is compatible with those specified in the demonstrable economic need criteria for rural Areas Under Special Control (i.e. that they are serving a predominantly local rural business need).

- Their business will contribute to and enhance the rural community in which they seek to live. For the two Economic Need categories outlined above, the documentation available/required will vary depending on the nature of the economic activity.

Examples of the information to be submitted with the application include:

- Details of the functional requirement to reside either at or close to their rural based business.
- The overall extent of the landholding and the location(s) of same.
- The nature of the operations associated with the economic activity.
- The planning history associated with the economic activity (where available).
- Buildings and physical infrastructure requirements associated with the economic activities.
- Number of persons employed (or to be employed).
- Livestock and herd numbers (if applicable).
- Participation in government schemes/ programmes (e.g. Bord Bia Quality Assurance, Basic Payment Scheme (BPS), GLAS, or any similar/updated programmes or schemes).
- Any other information that would support the application.

Category B – Social Need

- i. A person who is an intrinsic member of a local rural community who was born within the local rural area, or who is living or has lived permanently in the local rural area for a minimum of 10 years either as one continuous period or cumulatively over a number of periods prior to making the planning application and who has a demonstrable social need to live in the area. This includes returning emigrants seeking a permanent home in their local rural area who meet these criteria. It also includes persons who were born or lived in a rural area for substantial periods of their lives and where that area is now within an urban settlement boundary/zoned land.

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 below) and needs the dwelling for their own permanent occupation.

Or

- ii. Special consideration shall be given in limited cases for persons who need a dwelling for permanent occupation in a rural area for exceptional health reasons. Any application for permission in this category shall be accompanied by a report or recommendation (and other relevant supporting documentation) from a registered medical practitioner outlining the reasons why it is necessary for the applicant to live in the rural area or to reside near family/carer support (or alternatively requires care support to live in close proximity to them). Where applicable the applicant shall demonstrate why their existing home cannot be adapted to meet their needs and shall also demonstrate why their need for a house cannot be accommodated either in an existing settlement or in the countryside outside of the Areas of Special Control.

In instances where the house is proposed to accommodate the person that will provide care for a person already residing in the rural area (such as elderly persons who have resided in the area over 10 years, and/or persons who qualify due to exceptional health reasons) the new dwelling must be sited adjacent to the existing dwelling, Rural Spatial Strategy which shall be taken to mean sites that are in close proximity to the dwelling of the person that will be cared for. Or iii. A person who is an intrinsic member of a local rural community, who was born within the local rural area or who is living or has lived permanently in the local rural area for a minimum of 10 years at any stage either as one continuous period or cumulatively over a number of periods prior to making the planning application, who previously owned a home and is no longer in possession of that home due to the home having been disposed of following legal separation / divorce / repossession and can demonstrate an economic or social need for a new home in the rural area.

- 5.1.8. Areas of Special Control' are identified in Volume 2 – Maps of the CDP and the site is within this designation.
- 5.1.9. Chapter 14 refers to 14.3.2.3 to Heritage Landscapes identified as 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. Heritage Landscape 4: refers to the coast which has been defined by having regard to the Heritage Council's LCA Seascape Areas 1-8, as shown on Figure 14.3 of the CDP. Heritage landscapes are also identified on map 14A and the site is within this designation.

In relation to Heritage Landscapes objective CDP14.5 requires 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. That site layouts avail of existing topography and vegetation to minimise visibility from scenic routes, walking trails, public amenities and roads;
- III. 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.

- 5.1.10. Section 14.4 refers to Seascape Character Areas and the CDP identifies 3 Regional Seascape Character Areas in County Clare including Atlantic Galway Bay and Islands and the Atlantic Clare Cliffs identified on figure 14.3.

In relation to Seascape Character Areas CDP14.6 outlines as an objective:

- a) To require that it be demonstrated that every effort has been made to visually integrate any proposed development within a Seascape Character area. This must be demonstrated by assessing the proposal in relation to:
 - Views from land to sea;

- Views from sea to land;
- Views along the coastline.

b) To ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved.

5.1.11. Section 14.5 Views and Prospects

Designated Scenic Routes throughout the County are identified in more detail on the maps contained in Volume 2 of this Plan. They are also indicated on Map 14A in this Chapter and listed in Appendix 5. The appeal site is not located on a scenic route and to impact on a designated scenic route.

5.1.12. Chapter 15 refers to Biodiversity, Natural Heritage and Green Infrastructure and objective CPD 15.3 in relation to European sites that it is an objective to afford the highest level of protection to all designated European sites in accordance with the relevant Directives and legislation on such matters.

5.1.13. Section 16.3.1 refers to Protected Structures and a record is included in Volume 4 of this Plan and Doonagore Castle is recorded as RPS 275 as a freestanding single-bay three-storey rubble stone-built medieval towerhouse which was extensively reconstructed c.1960.

5.2. National Guidance

5.2.1. **Project Ireland 2040** National Planning Framework First Revision April 2025

5.2.2. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.

5.2.3. Chapter 5 refers to Planning for Diverse Rural Places and that the National Planning Framework places a major focus on rural areas in relation to: Strengthening Ireland's rural fabric and supporting the communities who live there.

In support of the overall pattern of rural and small town development in Ireland, this Framework seeks to protect areas that are under strong urban influence from unsustainable over-development on the one hand, and to encourage population to be sustained in more structurally weak areas, that have experienced low growth or decline in recent decades, on the other, while sustaining vibrant rural communities and this is outlined in National Policy Objective 24; Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid overdevelopment, while sustaining vibrant rural communities.

In relation to the countryside a distinction is made in relation to rural areas located within the commuter catchment of cities and our largest towns and, on the other hand, rural areas located outside these catchments. A more flexible approach, primarily based on siting and design, will be applied to rural housing in areas that are not subject to urban development pressure. This will assist in sustaining more fragile rural communities and in overall terms, will need to be related to the viability of smaller towns and rural settlements.

This is outlined in National Policy Objective 28 Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere: In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements; In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2.4. Sustainable Rural Housing Development Guidelines 2005

The Rural Housing Guidelines seek to provide for the housing needs of people who are part of the rural community in all rural areas and makes a distinction between 'Urban Generated' and 'Rural Generated' housing need. Chapter 4 of the guidelines

relates to rural housing and planning applications and states that in areas under significant urban influence, applicants should outline how their proposals are consistent with the rural settlement policy in the development plan. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply are outlined in section 3.2.3, including 'persons who are an intrinsic part of the rural community'; that such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence. Returning emigrants who lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for elderly family members, or to retire should be also be accommodated. Provision is also outlined in relation to persons working full time or part time in rural areas.

The Guidelines further require that new houses in rural areas be sited and designed in a manner so as to integrate well with their physical surroundings and generally be compatible with water protection, roads, traffic and public safety as well as protecting the conservation of sensitive areas.

5.2.5. EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021.

The Code of Practice (CoP) provides guidance on domestic waste water treatment systems (DWWTSs) for single houses or equivalent developments with a population equivalent (PE) of less than or equal to 10 and sets out a methodology for site assessment and selection, installation and maintenance of an appropriate DWWTS. The CoP in the various chapters sets out in detail requirements and guidance on site characterisation, site suitability assessment, determining site suitability and the appropriate design solution in relation to an appropriate DWWDT. It also refers to designing an on-site DWWTS to treat and dispose of the waste water addressing can the soil and/or subsoil accommodate the waste water volumes; can the soil

and/or subsoil treat the waste water sufficiently and can all minimum separation distances be met.

5.3. Natural Heritage Designations

- 5.3.1. The subject site is not located within site designated as a Natura 2000 site or NHA/pNHA or approximate to such a site or having a direct connection (Source-Pathway- Receptor) to a site.
- 5.3.2. The subject site is located within 0.44 kilometres from the Cliffs of Moher SPA

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment and in this regard, I refer to Form 2 in Appendix 1 of this report. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. 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

- 7.2. The appellant grounds of appeal in summary refers to;

The appellant grounds of appeal in summary refers to;

- It was open for the planning authority to request clarification and further information on a number of matters.
- Reference is made to section 4.2.6 of the CDP and accommodation of dwellings in the countryside and also to national guidance in particular NPO15 of the NPF.

- Reference is made to the CDP designations and to section 4.10 of the CDP and in relation Category A Economic Need the applicant has inherited 17.87 hectares and the site is centrally located within the landholding.
- All options for alternative locations were considered and two sites identified were discounted owing to prominence on a scenic route and potential waste water difficulties
- In relation to visual impact the site is 4.2 kilometres from the Cliffs of Moher visitor centre and the dwelling does not obstruct views of Doonagore Castle and negligible impacts within the area.
- The applicant is open to suggestions on design.
- The applicant complies with 4.14 of the CDP in relation to rural settlement strategy.
- The road on which the site is located is very lightly trafficked and the appellant is willing to relocate the access to the northeast to facilitate sightline visibility of 95 metres to the northeast and a drawing in relation to this is submitted with the grounds of appeal. A sightline of 91.59 metres to the southwest with the relocation of the cattle crush.
- Letters in support of local need are submitted with the grounds including a letter from a medical practitioner not included in the initial submission to the planning authority.
- Details of the landholding map are also submitted.
- Photographs in relation to potential visual impact are also submitted.

7.3. Planning Authority Response

- 7.3.1. The planning authority in a response dated the 9th June 2006 refers to the reference is the grounds of appeal that views of dwelling would be imperceptible as not accurate. The submission notes that the grounds of appeal has a letter from a medical practitioner referring to care requirements of a relative living in the area which was not submitted with the original application. in relation to sightline visibility although distances of 95.5 and 91.58 metres are referred to no longitudinal sections

are submitted to demonstrate this and reference if made to the poor horizontal alignment of the road.

7.4. Other submissions.

An Coimisiún Pleanála referred the appeal to the DAU and Heritage Council and Failte Eireann under section 131 and no submissions were received.

8.0 Assessment

8.1. The main issues in this appeal relate to the principle of development in the context of national guidance and the provisions of the CDP on rural housing, landscape and visual amenity, site specific matters including traffic and services and heritage both built and natural which are reflected in the grounds of refusal as stated and matters raised in the grounds of appeal. Appropriate Assessment also requires to be considered. I am satisfied that no other substantive issues arise.

8.2. The principle of the development

The proposal as submitted is for the construction of a new dwelling house, install a wastewater treatment system and all other associated site and ancillary works.

8.2.1. In section 5 of the report, I have outlined the main provisions at national and county level relating to consideration and assessment of housing in rural areas.

8.2.2. I would note that the site is located within a highly scenic coastal landscape and within area of special control and sets out detailed provisions when assessing rural housing in this area.

8.2.3. The provisions as stated in the CDP reflect national guidance and the need to distinguish between urban generated rural housing and rural generated housing and tailoring policy and objectives for different rural areas. The CDP identifies that the site is within an area of Special Control and also criteria for assessment of proposals in the rural area for housing in the countryside including criteria relating to economic need and criteria relating to social need. The criteria largely reflect a demonstrable economic need to reside permanently in the rural area close to their place of work. Similar part-time occupations can also be considered where it can be demonstrated that it is the predominant occupation and that the ancillary occupation(s) are located within a reasonable daily commuting distance from the site or alternatively may be

facilitated through remote working. Where a person's economic need relates to their engagement in farming or bloodstock it is indicated that they shall have a minimum farm size of 12.5 hectares within the local rural area.

In relation to social need, being an intrinsic member of a local rural community refers to a person who was born within the local rural area, or who is living or has lived permanently in the local rural area for a minimum of 10 years either as one continuous period or cumulatively over a number of periods prior to making the planning application is outlined and special consideration is given in limited cases for persons who need a dwelling for permanent occupation in a rural area for exceptional health reasons including in instances where the house is proposed to accommodate the person that will provide care for a person already residing in the rural area (such as elderly persons who have resided in the area over 10 years, and/or persons who qualify due to exceptional health reasons) the new dwelling must be sited adjacent to the existing dwelling.

8.2.4. The provisions as stated are I consider reasonable.

8.2.5. In the grounds of appeal, the appellant has responded citing that compliance with the policy and provisions set out in the CDP. Referring to specific provisions, it is indicated that;

In relation to the consideration of economic need the applicant/appellant has inherited a landholding of 17.87 hectares and in this regard, I note that this exceeds the having a minimum farm size of 12.5 hectares and the dwelling is centrally located within this holding details of which were submitted with the grounds of appeal.

It is also indicated that alternative locations within the holding were considered and discounted owing to prominence on a scenic route in the southern area of the holding and lands to the north were discounted owing to issues with wastewater treatment. The site inspection of the site and area would indicate that the lands to the south are more visually prominent and would impact on the scenic route. Visual impact will be further considered in this report.

The appellant has submitted details in relation to current place of employment in Ennistymon and an intention to carry out part time agricultural activity on the holding. The place of employment is within a reasonable commuting distance.

In considering economic need the CDP defines persons who by the nature of their work have a demonstrable economic need to reside permanently in the rural area close to their place of work. Such circumstances will normally encompass persons involved in full time farming, horticulture, forestry, bloodstock or marine-related activities as well as others who can demonstrate a genuine need, because of their occupation or business (not including bed and breakfasts) to live in a specific rural area. Similar part-time occupations can also be considered where it can be demonstrated that it is the predominant occupation and that the ancillary occupation(s) are located within a reasonable daily commuting distance from the site or alternatively may be facilitated through remote working.

The provisions of the plan in relation to economic need I consider provide for a commitment to operate a full-time business based to the area. While the applicant has a landholding and an intention to farm the holding the documentation would appear to indicated farming as the part time occupation and a full time occupation within a commuting distance of the appeal site.

Specific to social need and establishing that the appellant has intrinsic links to the area it is noted that the appellant did for a period of two years attend the local national school and frequently spent time in the area and resided in Kilrush in the southwest of the county but there is no clear documentation submitted to indicate that the appellant has lived permanently in the immediate/local rural area for a minimum of 10 years either as one continuous period as outlined in the CDP.

The appellant has also referred to caring for an elderly relative and the need to reside in close proximity and the national guidance does permit consideration for this and the provisions of the CDP do likewise. The development plan provisions do refer to this as a special consideration that where the house is proposed to accommodate the person that will provide care for a person already residing in the rural area (such as elderly persons who have resided in the area over 10 years, and/or persons who qualify due to exceptional health reasons) the new dwelling must be sited adjacent to the existing dwelling.

In the grounds of appeal documentation not presented to the planning authority is submitted in relation to the relative which indicates an address in a different townland to the appeal site and the actual site of the relative's dwelling is not specifically

identified and it would not appear therefore that the new proposed dwelling would be sited adjacent to the existing dwelling of the relative or that alternative lands adjacent to the existing dwelling of the relative are available to be considered.

To conclude while it is noted that the applicant has to some degree indicated ties to the area, I do not consider that that the appellant on the basis of the documentation submitted has not sufficiently demonstrated an economic or social need to reside in this rural area defined as an area of special control.

8.3. Landscape and visual amenity

- 8.3.1. The site is located in a relatively open elevated rural area with commanding views over the coastline. I would accept that given the nature of the landholding siting a dwelling on the landholding does present challenges in relation to siting and design and areas of the holding would to the southeast and east be more visually prominent and location closer to the coast also present visual issues. Notwithstanding this the appeal site is visually obtrusive in the context of the area in which it is located.
- 8.3.2. The dwelling as proposed is single storied with a maximum height to roof ridge level of 5500mm. The site offers limited screening to assimilate into the receiving landscape and the proposed dwelling would be visible from the coastal area, the sea and immediate area. The proposals as submitted do not provide for any amelioration or integration into the receiving landscape and it is noted that the provisions of CDP do require that planning applications in 'Heritage Landscapes' will generally be required to include landscape and visual impact assessments to demonstrate that the related objectives are being achieved and this has not been presented.
- 8.3.3. I therefore consider that the reason for refusal which refers to in objective CDP14.5 which requires that all proposed developments in Heritage Landscapes demonstrate that every effort has been made to reduce visual impact is reasonable and also in seascape character areas that the requirements as stated in objective CDP14.6 requiring that it be demonstrated that every effort has been made to visually integrate any proposed development within a Seascape Character area in relation to views from land to sea; views from sea to land and views along the coastline and also to ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved has been addressed.

Given the open nature of the landscape in which the site is located the dwelling as proposed would be visually prominent and impact on the receiving landscape. I also consider that in relation to considering a dwelling on the site the onus is on the applicant/appellant to demonstrate that every effort was made to ameliorate the level of visual impact arising and that every effort has been made to visually integrate any proposed development on the site and this is not presented in the documentation submitted. No visual impact assessment or measures to address visual impact are presented.

8.4. Site specific matters including traffic and services.

- 8.4.1. Traffic hazard is referred to as a reason for refusal referring to restricted visibility at the proposed access and it is noted that the area engineer in a submission indicated applicant has not shown how it is expected to achieve sightlines.

In the grounds of appeal, the appellant has submitted revised entrance details which relocate the entrance centrally on the site frontage and that the revised details will provide for facilitating sightline visibility of 95 metres in both directions.

The site frontage is located along an inner curve of the road and the initial proposal as submitted to the planning authority did not satisfactorily address the provision of sightline visibility. I would acknowledge that the road is lightly trafficked as indicated in the grounds of appeal. I would have no objections to the revised entrance details submitted with the grounds of appeal and that in a grant of permission the revised entrance be provided.

- 8.4.2. In relation to services, it is proposed to connect to the public watermain and that Uisce Éireann requested further information and that the applicant submit a pre connection enquiry to assess feasibility of connection to the public water infrastructure. I consider this matter can be addressed by condition.
- 8.4.3. In relation to surface water, I note the request of the area engineer for details in relation to this however I consider this matter can be addressed satisfactorily by condition in a grant of permission.
- 8.4.4. In relation to treatment of foul water proposes a WWTP treatment plant located in the eastern area of the site the applicant submitted a site characterisation report and site suitability tests indicating the installation of a secondary treatment system with a

polishing filter and percolation area discharging to the ground in accordance with the requirements of the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021 as amended. Based on the documentation submitted I would have no objections to the details as submitted.

8.5. Heritage

- 8.5.1. The reason for refusal refers to impacting on the context and setting of Doonagore Castle. Doonagore Castle is recorded as RPS 275 in volume 4 of the CDP and is referred to as a freestanding single-bay three-storey rubble stone-built medieval towerhouse which was extensively reconstructed c.1960 which has commanding views over the area. The castle is located approximately 250 metres to the east of the appeal site and is readily visible from the appeal site. Although both the castle and the appeal site are to some degree intervisible to each other I do not consider that a dwelling on the appeal site given the distance and location on a different public road to the site of the castle would impact on the setting and context of the castle. I do not consider that a dwelling on the site would impact on views to the castle across the site from the local road network in the vicinity of the site and that the prominent views of the castle are from the local road immediately adjoining the castle and the approach to the castle from the east on this local road.

9.0 AA Screening

- 9.1. I have considered the proposal for construction of a new dwelling house, install a wastewater treatment system and all other associated site and ancillary works in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located on a rural area.
- 9.2. The nearest site is the Cliffs of Moher SPA site code 004005 located approximately 0.4 kilometres to the south west is one of the most important seabird colonies in the country, with nationally important populations of five species, A009 Fulmar *Fulmarus glacialis*, A188 Kittiwake *Rissa tridactyla*, A199 Guillemot *Uriaaalgae*, A200 Razorbill *Alca torda*, A204 Puffin *Fratercula arctica* and A346 Chough *Pyrrhocorax pyrrhocorax* and includes species listed in Annex I of the E.U. Birds Directive. The species are largely sea birds who inhabit the cliff faces.

- 9.3. The proposed development comprises in effect a relatively minor development as outlined in section 2 in the Inspectors report. 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 European Site. The reason for this conclusion is as follows; the nature of the development, the distance to designated sites and the absence of pathway to these sites.
- 9.4. I conclude that 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 and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

- 10.1. I recommend that permission be refused.

11.0 Reasons and Considerations

1. The proposed site is located within a designated Heritage Landscape and Seascape Character Area and also in an open and visually vulnerable coastal landscape. Having regard to elevated, exposed open nature of this coastal site, the limited screening available within the site and its environs the bulk, mass and scale of the proposed dwelling and the views of the site from the local road network and coastal area it is considered that the proposed development as submitted would have an adverse visual impact on the character of the designated Heritage Landscape and Seascape Character Area and the stated provisions and objectives of the Clare County Development Plan 2023-2029 in particular objectives CDP14.5 and CPD14.6 which requires that all proposed developments in Heritage Landscapes demonstrate that every effort has been made to reduce visual impact and every effort is made to visually integrate any proposed development the provisions of which are considered to be reasonable. It is therefore considered that the proposed development having regard to exposed location in the landscape would visually and significant impact on the amenities of the Heritage Landscape and Seascape Character Area and the stated objectives of the Clare County

Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.

2. The proposed is located within an area designated as an area of Special Control Clare in the County Development Plan 2023-2029. Provisions relating to an assessment of individual housing in the open countryside as outlined in objective CDP4.14 specify criteria for assessment of residential development requiring demonstration with an economic and social need to permit a dwelling within this designation which are considered to be reasonable. It is considered that based on the documentation submitted the applicant has not established a social and economic as required in the provisions outlined in objective CDP4.14 would be contrary to the said stated objective and would therefore be contrary to the proper and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Derek Daly
Planning Inspector

6th August 2026

Form 1 - EIA Pre-Screening

Case Reference	PL-501368-26
Proposed Development Summary	Construction of a new dwelling house, install a wastewater treatment system and all other associated site and ancillary works.
Development Address	Doonagore, Doolin, County Clare.
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	☐ X Yes , it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ X Yes , it is a Class specified in Part 1 .	
☐ No,	
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?	
x 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.	
No , the proposed development is of a Class and meets/exceeds the threshold.	
Yes , the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	

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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Derek Daly Date: 6th August 2026

Form 2 - EIA Preliminary Examination

Case Reference	PL-501368-26
Proposed Development Summary	Construction of a new dwelling house, install a wastewater treatment system together with all associated site works.
Development Address	Doonagore, Doolin, County 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 (	<i>The development provides for a dwelling in rural area where public services are not fully available. 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.</i>
Location of development (	<i>The development is situated in an area which is a coastal rural area. The development is located within sensitive habitats, designated sites and landscapes of identified significance in the County Development Plan</i>
Types and characteristics of potential impacts	<i>Having regard to the nature of the proposed development and the availability of piped services there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</i>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on	EIA is not required.

the environment.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	No
There is a real likelihood of significant effects on the environment.	No

Inspector: Derek Daly Date: 6th August 2026