



An
Coimisiún
Pleanála

Inspector's Report PL-501460-CE-26

Development	House and all associated site works
Location	Ballyvoe , Doolin , Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	2670
Applicant(s)	Marian & Colin O'Donoghue
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Michael J Queally
Observer(s)	None
Date of Site Inspection	28 th August 2026
Inspector	Ciara McGuinness

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1.0 Site Location and Description

- 1.1. The site is located in the townland of Ballyvoe, approx. 1.5km to the north of Doolin. Access to the site is from the L1036 Local Road. The junction of the L1036 with the R479, which is a Scenic Route, is c.410m to the west of the site. The site is located c.65m to the east of the Knockfin Cluster, with a number of rural dwellings in the area clustered around the Church, which is located at the corner of the junction between the R479 and L1036. The site is bound to the east, west and the north by agricultural lands.
- 1.2. The site is rectangular in shape and extends over an area of 0.3 hectares. The site has frontage onto the local road to the south. The site is relatively flat and rises away from the road at a slight gradient. The site currently comprises agricultural lands. The lands are open in nature with front boundary comprises a dry-stone wall and hedging.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a dwelling house, proprietary wastewater treatment system and all associated works. The proposed single storey house has a stated floor area of 135sqm and a maximum ridge height of 5.2m. The garage has a floor area of 35sqm and ridge height of 5.075m.
- 2.2. The vehicular entrance proposed to serve the site is located to the southwest of the site. The proposed wastewater treatment system is located in the southeastern corner of the site.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission on the 11th May 2026 subject to 11 no. conditions. Conditions were of a standard nature.

Condition 2 - requires the dwelling to be occupied as the permanent place of residence by the applicant for a minimum period of 7 years.

Condition 3 – relates to the financial contribution required.

Condition 4 – requires the finished floor level of the dwelling to be as specified on the site layout plan.

Condition 5 – relates to the external finishes to be used.

Condition 6 – requires that surface water is collected and disposed of within the site, and prevented from running onto the public road

Condition 7 - requires cables to be located underground.

Condition 8 - requires that the entrance to be as per the submitted site layout and requires that the existing boundary to be retained except where its removal is required for the construction of an entrance.

Condition 9 – relates to the installation and maintenance of the WWTS.

Condition 10 - prohibits the garage from being used for habitation or commercial activity.

Condition 11 - requires the eastern, western and northern boundaries of the site to be planted with a line of native hedgerow species. Any planting that is diseased or fails within 2 years of planting shall be replaced.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report (dated 11/05/2026) references the previous refusal on the site and notes that the proposed dwelling has now been moved in a westerly direction and is in a significantly lower and flatter area of the field. Having regard to the lower location within the receiving environment and the less visually vulnerable nature of this area within the field, it is considered that the dwelling and garage as proposed are acceptable. The applicants have also demonstrated compliance with the rural settlement strategy.

In relation to the report received from the District Office (refer to section 3.2.2 below), it is noted that additional information was received on the 28th April which demonstrates sightline availability of 275m to the northwest and 229m to the southeast. The achievement of sightlines does not require any work to third party

boundaries and the proposed development would be acceptable in terms of traffic safety and free-flow.

3.2.2. Other Technical Reports

West Clare Municipal District – Applicant has not shown how they expect to achieve sightlines.

Environment Section – It has been demonstrated that there is adequate suitable sub-soil where it is proposed locate the soil infiltration area on the site. Attachment of standard condition in relation to installation and maintenance of system is recommended.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

A submission has been received from Carmel Shannon and others which urges the Planning Authority to favourably consider the application.

A representation on the file from Cllr Bill Slattery is noted.

A submission on the file from Michael John Queally can be summarised as follows;

- There is an active enforcement file on the site (UD26-021). Any potential unauthorised issues must be resolved before permission is granted on the subject site.
- There are inconsistencies with the maps received regarding the applicant's overall landholding in the area.
- Alternative and sequentially preferable sites are available to the applicant.
- Queries were raised in relation to the applicants rural housing need.
- The proposal fails to address the previous concerns of An Bord Pleanála in relation to landscape and visual amenity impacts.
- Queries were raised in relation the accuracy of information provided.

4.0 Planning History

The below planning history relates to the site immediately to the east of the proposed development site.

PA Reg Ref 25/207 / PL-500060-CE – Permission was refused by ACP for the construction of a dwellinghouse, garage, wastewater treatment system and all other associated site and ancillary works,

The reason for refusal is set out below;

“The site of the proposed development is located within a 'Settled Landscape', as set out in the Clare County Development Plan 2023-2029, where emphasis is placed on the selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design which are directed towards minimising visual impacts. Having regard to the topography of the site, and the elevated positioning of the proposed development, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment, and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area”.

5.0 Policy Context

5.1 Development Plan

- 5.1.1. Section 4.2.6 of the Clare County Development Plan 2023-2029 deals with Single Houses in the Countryside. It states that *“the Council will ensure that development of the open countryside takes place in a manner that is compatible with the policy objectives of the NPF and the RSES, whilst ensuring the protection of key economic, environmental, biodiversity and cultural / heritage assets such as the road network, water quality and important landscapes.”*

5.1.2. The site is situated in a rural area under strong urban influence as identified on Map H3 of the County Development Plan. In these areas, the key objectives of the Council are:

- a) To facilitate the genuine housing requirements of persons with a demonstrable economic or social need to live in these rural areas.
- b) To direct urban-generated development to areas zoned for new housing development in the adjoining urban centres, towns, villages and clusters as identified in the County Settlement Strategy and to seek to enhance the vitality and viability of these settlements.

5.1.3. The following objectives are also considered relevant to the subject site;

Development Plan Objective: Settled Landscapes CDP14.2 It is an objective of Clare County Council: To permit development in areas designated as 'settled landscapes' to sustain and enhance quality of life and residential amenity and promote economic activity subject to:

- I. Conformity with all other relevant provisions of the Plan and the availability and protection of resources;
- II. Selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design which are directed towards minimising visual impacts;
- III. Regard being had to the need to avoid intrusion on scenic routes and on ridges or shorelines.

Developments in these areas will be required to demonstrate:-

- a) That the site has been selected to avoid visual prominence
- b) That the site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies, public amenities and roads.
- c) That design of buildings and structures reduces visual impact through careful choice of forms, finishes and colours, and that any site works seek to reduce visual impact.

Development Plan Objective: 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.

Development Plan Objective: Countryside CDP 4.10 It is an objective of Clare County Council: To ensure that the countryside continues to play its role as a place to live, work, recreate and visit, having careful regard to the viability of smaller towns and rural settlements, the carrying capacity of the countryside, siting and design issues and environmental sensitivities.

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

- i. In the parts of the countryside within the 'Areas of Special Control' i.e.:

- Areas Under Strong Urban Influence
- Heritage Landscapes
- Sites accessed from or abutting Scenic Routes

To permit a new single house for the permanent occupation of an applicant who meets the necessary criteria as set out in the following categories. (Category A – Economic Need and Category B – Social Need)

- ii. To ensure compliance with all relevant environmental legislation as outlined in Objective CDP3.1 and to have regard to the County Clare House Design Guide, with respect to siting and boundary treatments.

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

5.4 Natural Heritage Designations

Black Head-Poulsallagh Complex SAC – c.1.5km to the west of the site

Black Head-Poulsallagh Complex pNHA – c.1.5km to the west of the site

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The appeal is a third-party appeal by Michael J Queally. The grounds of appeal can be summarised as follows;

- The applicant fails to meet the criteria set out under National Policy Objective 19 of the National Planning Framework and Objective CDP 4.14 of the Clare County Development Plan.
- The applicants already have access to alternative residential property and established, viable building sites, completely invalidating their need for rural housing.
- The appellant has set out other property available to the applicant and reasons why they should be considered more appropriate.
- No pre-planning meeting was held for the subject development.
- No evidence has been provided to discount the suitability of other sites.
- It is contended that the applicants will be provided with a property by way of inheritance.
- The development is contrary to the Landscape, Siting & Design Criteria set out in Chapter 4 of the CDP which states that *'the applicant will be required to demonstrate that no alternative sites are available in Settled Landscapes'*

- The site is a highly sensitive ridgeline directly abutting the R479 Scenic Route.
- This section of road serves as a primary transit corridor for tour buses travelling to and from the Cliffs of Moher. A new vehicle access creates a traffic hazard.
- The Planning Authority's decision to grant permission is a breach of the Boards guidance that alternative sites should be considered.
- The Planning Authority have interpreted the Boards silence on rural housing need as an implicit endorsement or verification of the applicant's site selection. A full de novo assessment is required in this regard.

7.2. Applicant Response

None.

7.3. Planning Authority Response

The Planning authority considers that the revised proposal and the information received with the application adequately addresses the previous refusal reason. The applicants have demonstrated compliance with the rural settlement strategy, and it has been demonstrated that the site is technically suitable to accommodate the development as proposed. It is requested that the grant of permission is upheld.

7.4. Observations

None.

8.0 Assessment

- 8.1. 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:

- Rural Housing Need
- Siting and Visual Impact

8.2. Rural Housing Need

- 8.2.1. The appellant has queried whether the applicants have a genuine rural housing need. Section 4.2.6 of the Clare County Development Plan (CDP) 2023-2029 sets out policy in relation to single houses in the countryside. Within the open countryside, the Plan identifies two types of areas for rural housing: 1. Areas under strong urban influence and 2. Remaining rural areas. As illustrated on Map H3 of the CDP the appeal site is located with the Rural Area Under Strong Urban Influence. Areas under Strong Urban Influence are also Areas of Special Control and as such Objective CDP 4.14 of the plan applies. Part (i) of this objective states that applicants for a new single house for permanent occupation in areas under strong urban influence must meet either the economic or social criteria set out in the categories under that objective.
- 8.2.2. The applicants are Colin and Marion O'Donoghue. The applicants are the stated owner of the lands which are described as 'family lands'. As detailed in the application form the applicants have resided in the locality since their birth and are currently renting in the area. The applicants have submitted letters from their primary and secondary schools which confirm they attended school locally. Information on the file indicates that the first parties work as a farmer/builder (Colin) within Doolin and a Clerical Officer (Marion) in Ennistymon. Birth certificates and letters from employers have also been submitted.
- 8.2.3. In relation to CDP 4.14, Category A – Economic need (i) refers to 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. This category will normally encompass persons involved in fulltime 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. 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 and where a person's economic need relates to farming the minimum farm size is stated as 12.5 hectares. The application documentation notes that the proposed site is located close to the farmyard and buildings where Colin carries out his day-to-day farming activities. While I note receipts have been submitted for livestock and meal, no details have been submitted with regards to the extent of the farm or the nature of the operation. In the absence of these details I cannot confirm that the applicants would fall under this category.

- 8.2.4. Category B – Social need (i) refers to persons with a demonstrable social need to live in a particular local rural area, who have never owned a house in the rural area and who wish to build their first home on a site within their rural area, which is deemed as being within 10km of where they have lived permanently, for a minimum of 10 years. In relation to the issue of a demonstrable social need, the applicants (Colin and Marion) state that they have never owned a home and wish to build their first home on a site that is within 10km of their family homes, where they have lived all their lives. Based on the information on file and the home addresses supplied by the applicants (which I consider to be within 10km of the site), I consider that the applicants comply with this criterion.
- 8.2.5. On the basis of the information provided on file, the applicant has demonstrated that they have a housing need for the specific area, and I conclude that the applicant falls into a category provided for in Objective CDP 4.14 of the Clare Development Plan 2023-2029. Therefore, I conclude that the applicant meets the qualification criteria to build a rural dwelling at this location in accordance with the provisions of the Development Plan.

8.3. Siting and Visual Impact

- 8.3.1. The appellant has also queried the siting of proposed development at this location abutting a scenic route and considers that the applicant fails to have regard to the previously refusal of permission on the site. The appellant considers that more appropriate alternative sites are available to the applicant.
- 8.3.2. The site is located on the northern side of L1036 Local Road. I note that the proposed development has been located further to the west from what was previously proposed under PA Reg Ref 25/207/ PL-500060-CE. The location of the proposed development is now in a lower, flatter part of the landholding which I

consider to be a significant improvement on what was previously proposed. I note for the previously proposed development that the Finished Floor Level (FFL) had been reduced from 100.475m to 100.25m at further information stage with Planning Authority requesting by way of condition that the FFL be further reduced to 100m. I note the submitted plans now show a FFL of 98.75m for the proposed development.

8.3.3. The subject site is located within a rural area that is within a 'Settled Landscape'. As per the requirements of Objective CDP14.2, development is permissible in a Settled Landscapes subject to selection of appropriate sites in the first instance, together with consideration of the details of siting and design which are directed towards minimising visual impacts. I am satisfied that the siting of the dwelling at the lowest part of the site and the one-storey design of house have been selected to minimise visual prominence. It is also a requirement to avoid intrusion on scenic routes and on ridges or shorelines. I note that there is a scenic route c.410m to the west of the site, however given the separation distance and intervening land uses, I do not consider that the proposed development would have an impact on the route.

8.3.4. I note the appellant has made reference to the Landscape, Siting & Design Criteria for new houses in the countryside as set out in Chapter 4 of the CDP. The appellant has quoted an excerpt of this provision and considers that the applicant is required to demonstrate alternative sites available. I note the full section of text reads as follows;

'For proposed sites located in Heritage Landscapes and/or sites that are accessed from or abutting Scenic Routes, the applicant will be required to demonstrate that no alternative sites are available in Settled Landscapes, the Shannon Estuary Working Landscape or the Western Corridor Working Landscape.'

8.3.5. This specific provision relates Heritage Landscapes and/or sites that are accessed from or abutting Scenic Routes. As outlined above, the proposed development is located in a Settled Landscape and not a Heritage Landscape. Furthermore, the proposed development site is not accessed from or abutting a Scenic Route. Therefore, I consider that the applicant is not required to demonstrate that no alternative sites are available.

8.3.6. The appellant considers that the subject application is a breach of the Commissions guidance in the previous appeal in relation to the consideration of alternative sites. I note the Inspectors Report for the previous appeal considered that the siting of the

proposed development and subsequent visual impact would not be acceptable. The report noted that in the inspector's opinion that there would be '*be scope to move the dwelling further to the west*'. The applicant had outlined other alternative sites available to them in their response to the previous appeal. The Inspectors Report considered that alternatives had not been fully explored and '*noted that there may be planning merit in doing so*'. At no point of the Inspectors Report is it stated that the demonstrating of alternatives is a requirement of the Development Plan in such circumstances. Furthermore, the report does not outline any explicit direction for the applicant. I would note that each application is assessed on its own merits and the scope of this assessment relates only to the permission sought as described in the development description and illustrated in the drawings submitted.

8.3.7. As outlined above, there is no requirement to consider alternative sites.

Notwithstanding, I note that the applicant has again provided details of other available sites and reasons why they are not deemed preferable. I acknowledged the information put forward, however I note the scope of this appeal is to assess the development before me. In this regard, I am satisfied that the revised proposals have appropriately addressed the issues raised in the assessment of the previously proposed development. I consider that the siting of the proposed development on a lower location within the landholding within a Settled Landscape complies with the provisions of Objective CDP 14.2 and that the proposed development would not cause injury to the rural character or visual amenities of the area.

8.4. **Traffic**

8.4.1. The appellant considers that the proposed development would result in a further traffic hazard given the site's location near a dangerous bend and on a heavily trafficked road. A report on file from the Municipal District Office notes that sightlines have not been demonstrated by the applicant. I note that unsolicited further information was submitted to the Planning Authority on the 28th of April which demonstrates sightline availability of 275m to the northwest and 229m to the southeast. The achievement of sightlines does not require any work to third party boundaries. I am satisfied that the sight distances for the proposed access meets the requirements as set out in Section A1.6.2 of the Development Plan with Table A2 requiring a 90m distance on a road with a design speed of 60 km/hr.

8.4.2. I note from my site visit and from my review of the plans, that the proposed development is located along a straight stretch of road. From my observations on site, I did not consider the road to be heavily trafficked. The addition of the proposed development will add little to the current volumes of traffic on the local road network and I do not agree with the appellants that it presents a safety risk. Having regard to the foregoing, I consider that the proposed development is acceptable in terms of vehicular access and traffic considerations.

9.0 AA Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c.1.5km from Black Head-Poulsallagh Complex SAC.

The proposed development comprises the development of a single dwelling. Refer to Section 2 of this report for further details.

No nature conservation concerns were raised in the planning application/appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows insert as relevant:

- Nature of works e.g. small scale and residential nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account screening determination by the PA

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality.

Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

The proposed development has been designed in accordance with EPA codes of practice and best practice guidance, ensuring that appropriate measures are incorporated to prevent pollution, control runoff, and protect both surface water and groundwater receptors.

Furthermore, the development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive.

Accordingly, the proposed development is considered to be compliant with the requirements of Article 4

11.0 Recommendation

I recommend that permission is GRANTED for the following reasons and considerations, and subject to the conditions set out below.

12.0 Reasons and Considerations

Having regard to the sites location in a rural area under strong urban influence and the applicant's demonstrated need for rural housing in accordance with the criteria set out in Objective CDP 4.14 and Category B – Social Need i., together with the siting, scale and design of the development in a Settled Landscape in accordance

with Objective CDP 4.14, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the landscape or visual amenity of the area, would not result in the creation of a traffic hazard or be injurious to public health, and would be an acceptable form of development at this location. The proposed development would, therefore, 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, 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 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.
(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.

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.

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.

3. The finished floor level of the proposed dwelling shall be as specified on the site layout plan received by the Planning Authority on 18th March 2026 and shall not be modified in any way without prior consent from the Planning Authority.

Reason: To reduce the impact of the proposed house on the landscape, in the interest of visual amenity.

4. (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.
(b) The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

5. The existing front boundary wall shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

Reason: In the interest of visual amenity.

6. (a) The eastern, northern and western boundaries of the site shall be planted with a line of native hedgerow species.
(b) The landscaping shall be implemented not later than the first planting season after commencement of the development. Any planting that is diseased or fails within 2 years of planting shall be replaced.

Reason: To protect the character of the rural area.

7. (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.

(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.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

8. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application 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.
- (b) Treated effluent from the septic tank/ 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.
- (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 septic tank/ 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.

Reason: In the interest of public health and to prevent water pollution

9. 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 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.

Ciara McGuinness
Planning Inspector

4th September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	501460
Proposed Development Summary	House and all associated site works
Development Address	Ballyvoe, Doolin, 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.
(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)?	
☐ 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	
☒ 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)	State the Class and state the relevant threshold - Class 10(b)(i) construction of more than 500 dwellings - The proposed development is for 1 dwelling and is therefore sub-threshold - Preliminary examination required (Form 2)
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) [Delete if not relevant]
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3) [Delete if not relevant]

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	501460
Proposed Development Summary	House and all associated site works
Development Address	Ballyvoe, Doolin, Co. Clare
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of 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.
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.	Briefly comment on the location of the development, having regard to the criteria listed The development is situated in a rural area on improved 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.

wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. 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.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required. X

There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.
There is a real likelihood of significant effects on the environment.	EIAR required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)