

An
Bord
Pleanála

Board Order ABP-317829-23

Planning and Development Acts, 2000 to 2022

Planning Authority: Clare County Council

Application by Clare County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Bord Pleanála on the 18th day of August 2023.

Proposed Development: The proposed development will consist of the construction of a new housing estate consisting of:

- 8 number residential units comprising of: 2 number three-bedroom, two-storey semi-detached dwellings; 3 number two-bedroom, two-storey semi-detached dwellings; 3 number two-bedroom, single-storey semi-detached dwellings,
- 14 ancillary car parking spaces within the development,
- the construction of vehicular and pedestrian access points to the site from Dun Na Mara housing estate,
- alterations to ground levels to accommodate the development,
- varied boundary treatments and landscaping works,
- surface water management will include hydrocarbon interceptor and construction of 297 metres of surface water sewer together with manholes along the Killard Road L-2028 to an existing open drain on the Killard Road,

- footpath to N67 national road and link to village, and
- all ancillary site works.

All located at Kilkee Road, Doonbeg, County Clare.

Decision

APPROVE the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the European Union Habitats Directive (92/43/EEC),
- (b) the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended)
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- (d) the conservation objectives and qualifying interests for the Mid-Clare Coast Special Protection Area (Site Code: 004182), Carrowmore Dunes Special Area of Conservation (Site Code: 002250) and the River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077),
- (e) the policies and objectives of the Clare County Development Plan 2023-2029 and the results of the Strategic Environmental Assessment and Appropriate Assessment of this plan undertaken in accordance with the Strategic Environmental Assessment Directive (2001/42/EC),
- (f) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024),

- (g) the nature and extent of the proposed works as set out in the application for approval,
- (h) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (i) the submissions received in relation to the proposed development, and,
- (j) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment Stage 1:

The Board agreed with the screening assessment, appropriate assessment and conclusions contained in the Inspector's report that the Mid-Clare Coast Special Protection Area (Site Code: 004182), Carrowmore Dunes Special Area of Conservation (Site Code: 002250) and the River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077) are European Sites for which there is a likelihood of significant effects.

Appropriate Assessment Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Mid-Clare Coast Special Protection Area (Site Code: 004182), Carrowmore Dunes Special Area of Conservation (Site Code: 002250) and the River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077), in view of the Sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the Sites' conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below including requiring compliance with the submitted details and with the mitigation measures, the proposed development would not have significant negative effects on the environment and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed 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 any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement relating to the proposed development, shall be implemented in full or as required to comply with the following conditions. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority, placed on file and retained as part of the public record.

Reason: In the interests of protecting the environment, the protection of European Sites and biodiversity and in the interest of public health.

3. Prior to the commencement of development, the local authority shall submit and agree in writing with Transport Infrastructure Ireland a comprehensive Design Report. This report shall be in strict accordance with the technical design standards and publications set forth by Transport Infrastructure Ireland, particularly in reference to Transport Infrastructure Ireland Publication DN-GEO-03030. The report shall detail the specifications, structural integrity, and

safety measures of the proposed retaining wall adjacent to the N67 national road, ensuring it is fit for purpose within the transitioning speed limit zones.

Reason: To safeguard road user safety and to ensure stringent compliance with the design and safety standards as required by Transport Infrastructure Ireland for developments adjacent to national roadways.

4. Prior to the first occupation of dwellings, the measures outlined in the Road Safety Audit shall be fully implemented.

Reason: To ensure the safety of all road users and pedestrians.

5. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare, in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP) incorporating all mitigation measures set out in the Natura Impact Statement and conditions set out herein. The CEMP shall include a Traffic Management Plan and Waste Management Plan which shall adhere to best practice, standards and protocols. All construction phase parking shall be accommodated within the site. All plans prepared shall be placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment and in the interests of traffic safety and waste management.

6. The local authority shall install a silt trap, hydrocarbon interceptor and provide a maintenance schedule for the attenuation tank. Details shall be placed on file and retained as part of the public record.

Reason: To ensure sustainable drainage and environmental conservation, reduce pollution risks, preserve water quality for European Sites, and protect sensitive species and habitats.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the local authority for such works and services.

Reason: In the interest of public health.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the local authority to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0700 and 1900, Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays, and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances.

Reason: In order to safeguard the amenities of property in the vicinity.

10. A suitably qualified Ecological Clerk of Works shall be retained by the local authority to oversee the site clearance and construction of the proposed development. The ecologist shall have full access to the site as required and shall oversee the implementation of mitigation measures. Upon completion of works, an ecological report of the site works shall be prepared by the appointed Ecological Clerk of Works to be kept on file as part of the public record.

Reason: In the interests of biodiversity and the protection of European Sites



11. Proposals for a development name and numbering scheme, and associated signage shall be agreed upon prior to the commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme. A justification for the development name and numbering

scheme shall be prepared, placed on file and retained as part of the public record.

Reason: In the interest of urban legibility.

12. The car parking facilities hereby approved shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.



Eamonn James Kelly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 3rd day of May, 2024