



An
Coimisiún
Pleanála

Commission Order
ABP-322250-25

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: 2560013

Appeal by Michael Duffy of 1 Clós na hEaglaise, Kilfenora, County Clare against the decision made on the 12th day of March, 2025 by Clare County Council to grant subject to conditions a permission to Uisce Éireann care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: The proposed development which will service and consist of alterations to the Kilfenora wastewater treatment plant and percolation area development approved by An Bord Pleanála under reference number ABP-305756-19, and consists of: (1) disconnection and capping of existing gravity effluent pipe (pipework to be retained in situ); (2) the installation of a new gravity effluent pipe and connection to pumping station; and, (3) all ancillary site development and excavation works above and below ground necessary to facilitate the development at Ballybreen (Townlands), Kilfenora, County Clare.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the applicable policy context, including the provisions of the Clare County Development Plan 2023-2029 wherein Objective CDP 11.32 – Wastewater Treatment and Disposal supports the implementation of Uisce Éireann Investment Plans and advocates the provision, by Uisce Éireann, of adequate wastewater treatment facilities, and having regard to nature and scale and extent of the proposed development comprising minor alterations to previously permitted wastewater infrastructure, the Commission was satisfied that, subject to compliance with the conditions set out below, the proposed development would support the delivery of the development plan policy. The Commission was also satisfied that, subject to compliance with the conditions set out below, the proposed development would not exacerbate flooding, would not have a significant impact on ecology or on European Sites in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that East Burren Complex Special Area of Conservation (Site Code 001926); Corofin Wetlands Special Protection Area (Site Code 004220); Inagh River Estuary

Special Area of Conservation (Site Code 000036); and Moneen Mountain Special Area of Conservation (Site Code 000054) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the aforementioned sites in view of these sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

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

In completing the Appropriate Assessment, the Commission 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 aforementioned European Sites. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

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. The mitigation measures contained in the Natura Impact Statement submitted to the planning authority on the 16th day of January 2025 shall be implemented in full.

Reason: To protect the integrity of European Sites.

3. The mitigation measures contained in the Ecological Impact Assessment (EcIA) submitted to the planning authority on the 16th day of January 2025 shall be implemented in full.

Reason: In the interest of environmental protection and nature conservation.

4. The controls and measures contained in the Construction, Environmental Management Plan (CEMP) submitted to the planning authority on the 16th day of January 2025 shall be implemented in full.

Reason: In the interest of environmental protection and nature conservation.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.

Reason: In the interest of public health.

Patricia Calleary

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Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this *18* day of *July* 2025.