



An  
Bord  
Pleanála

## Inspector's Report ABP-309278-21

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<b>Development</b>	Development of 48 residential units. The application is accompanied by a Natura Impact Statement.
<b>Location</b>	Bunratty West , Bunratty , Co Clare
<b>Planning Authority</b>	Clare County Council
<b>Planning Authority Reg. Ref.</b>	19939
<b>Applicant(s)</b>	Bunratty Acquisitions Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Dun Ri Management Company
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	5 <sup>th</sup> of May 2021
<b>Inspector</b>	Adrian Ormsby

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located to the south west of Bunratty in the south of County Clare. Bunratty is c. 5km south east of Shannon and c.13km north west of Limerick City. The N18 dual carriageway runs along the southern boundary of the village and near the southern and western boundaries of the application site.
- 1.2. The site has a stated area of 2.739 ha and is a parcel of land located to the south and east of a housing development identified by existing signage at the time of the site inspection as Bunratty West Holiday Village. This village appears to have a central office unit and 28 dwelling units. The site can be accessed from this holiday village via an existing agricultural entrance.
- 1.3. At the time of the site inspection the site was in agricultural use with livestock and horses using the lands. The site rises from its boundaries to an elevated central height with a number of mature trees and hedgerows along most boundaries. Overhead wires traverse the site.
- 1.4. The north of the site shares a boundary with the existing Dun Ri housing estate with 22 number dwelling units. The boundary includes a low level concrete post and rail fence. The north east of the site provides an agricultural entrance and access to a pathway to an old church, Bunratty Graveyard and the rear area of the Bunratty Castle Hotel.

## **2.0 Proposed Development**

- 2.1. The application comprises-
  - 48 no. residential units,
    - 14 no. detached houses,
    - 28 no. semi-detached houses,
    - 6 no. terrace houses
  - Vehicular access to the proposed development via a new junction off Bunratty West Holiday Village connecting to the L3126
  - connection to existing public services

- provision of surface water attenuation
- all associated site development and landscape works on lands.

2.2. On the 30<sup>th</sup> January 2020 the Planning Authority sought further information on a number of issues most notably-

- Concerns over the layout and design and its impact on residential amenities of existing properties in the vicinity
- The design of the proposed houses is not reflective of the character of the existing village and will not assimilate having regard to the contours and levels on site.
- Pedestrian connectivity and linkages from the site through the graveyard to the east, Dun Ri estate and to the village core to be explored and shown on drawings.
- Proposal for SUDS including long term management and its location infringing on lands zoned 'Buffer Space'. An assessment of the capacity of the Clonmoney South River to receive storm water from the development.
- NIS concerns resulting from attenuation, impacts on Otters, in-combination effects and updating of the Outline Construction Management Plan.

2.3. On the 08<sup>th</sup> of October 2020 the applicants submitted further information generally addressing the concerns of the Planning Authority. The proposal now seeks 41 residential units-

- 17 no. detached houses,
- 19 no. semi-detached houses,
- 3 no. terrace houses,
- 2 duplex units
  - 1 no. one bedroom apartment 63.4 sq.m
  - 1 no. two bedroom apartment 84.9 sq.m
- Revised site boundary of 3.02ha

2.4. This was readvertised as significant further information on the 30/10/20.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant permission on the 21/12/20 subject to 25 conditions generally of a standard nature and including-

- C1
  - (b) 41 residential units only
  - (c) Mitigations measures of NIS to be implemented in full
- C2 Permanent Occupancy only
- C3 Documentation demonstrating agreement to re-route overhead power lines to be submitted
- C4 Revised design proposals and material proposals for a number of units
- C6 Archaeology condition
- C23 Water and Wastewater connection agreements

## 4.0 Planning Authority Reports

### 4.1. Planning Reports

The second planners report (dated 21/12/20) reflects the decision of the Planning Authority. The following is noted from the report-

- The applicant has made alterations to density based on the request for Further Information (FI). These changes took place in tandem with changes to the overall layout of the scheme.
- The lands are zoned residential and are within the settlement of Bunratty which is identified as a Large Village in the County Development Plan. An average density of 10 units to the hectare is recommended. The core strategy identifies a target population growth of 99 persons. This is balanced with the objective in the Bunratty Settlement Plan to *reserve lands for limited*

*residential development for permanent occupancy sufficient to meet assigned population targets.*

- To accommodate 99 persons with household size of 2.75 persons 5.4 ha was required. Only 3.42ha of land was zoned for this purpose. The current shortage of residential properties at local and national level is noted. It is considered an increase in density of units above what is recommended in the development plan can be considered.
- The application proposes a density of 17.9 units to the hectare. The site area is 3.02 ha.
- The change of use of units in the Bunratty West Holiday Homes from tourist accommodation to permanent occupancy could not have been foreseen at the time of the Development Plan and the developer of the application site maintain a reasonable expectation that their land can be developed.
- The proposed is acceptable.
- The mix of housing is acceptable.
- In terms of layout the lengthy access road is not ideal. However the design of dwellings on the western side of the site has been influenced by the Noise Impact Assessment and given the particular circumstances of the site, the layout is acceptable.
- The altered design, layout and reduced building height to the northern side of the site mitigate overlooking and the potential overlooking effect. The design of the eastern side of the development is acceptable.
- The overall design of houses has been substantially altered and incorporate cut-stone elements on the external finishes, more traditional proportions and are generally in keeping with the character of the area.
- Some concerns area raised in terms of views from the historic graveyard in the village and other design features. These are addressed by condition.
- In terms of vehicular access it appears the recommendations in the road safety audit have been integrated into the design of the development. The

applicant also proposes improvements to the junction of the access road with the public road and these are acceptable.

- In terms of pedestrian access the Dun Ri management company have made an application for the council to take the estate under control. In this context it is not considered unreasonable for pedestrian connectivity at this point.
- The applicants now propose a pedestrian walkway which will connect to the footpath at the graveyard. This is acceptable subject to the design of the path being informed by a full archaeological assessment.
- Bunratty is well served by public transport. Access to bus drop off and collection points will be convenient via the proposed pedestrian links.
- In terms of noise the applicants have submitted an Assessment of Transport Noise Impact (Traffic) on the proposed development having regard to proximity of the N18. The orientation of the development is such that the buildings screen back gardens from noise from the N18.
- The applicants have submitted proof of ownership of the Cluain Raite estate and a gravity connection to public sewer can be achieved. An upgrade of the main pumping station will be agreed with Irish Water at the connection process.
- Deficiencies with the NIS were raised. A revised AA Screening Report was submitted screening in the impacts of the attenuation system during construction and have the potential to result in silt and sediment to surface water bodies leading to the Shannon Estuary. Drainage channel to which surface water discharges do not provide suitable habitat for the Otter. There are no projects in combination with the current project will result in significant effects.
- The details submitted in relation to surface water management and flood risk are acceptable to the Planning Authority.
- The village is tightly constrained in terms of suitable sites for residential development due to the presence of extensive areas subject to flooding, the N18 by pass and large quarrying operations. The R1 site represents one of the few areas suitable for residential development.



## 4.2. Other Technical Reports

- Environmental Assessment Officer-
  - Raised a number of Issues in relation to Bat Survey, AA & NIS (wastewater discharge) and Outline Construction Management Plan. These issues were addressed at FI stage. An email report and determination report indicate satisfaction with FI response and recommend grant of permission subject to conditions.
- Estates / Taking in Charge-
  - Raised a number of Issues at FI stage. No further report on file.
- Roads Design- No concerns raised
- Road & Transportation- No concerns raised
- Fire Authority- No objections subject to conditions.

## 4.3. Prescribed Bodies

- Department of Culture, Heritage and the Gaeltacht-
  - Archaeological recommendations- Archaeological conditions
  - Heritage related observations-
    - The council must include the Shannon Wastewater treatment plant has a capacity of 12,500 with a current loading of 20,809.
    - The council should note construction and operation stages and effects, mitigation measures, the conservation objectives for the Lower River Shannon SAC (002165), Annex 1 habitats and Annex II species
- IAA- No observations
- Irish Water- No objections
- TII-

- TII will rely on the Planning Authority to abide by official policy on/affecting national roads. The authority will entertain no future claims in relation to impacts e.g. noise and visual.

#### **4.4. Third Party Observations**

4.4.1. Twelve third party submissions were received and are on file. The main planning issues raised can generally be summarised as follows-

- The proposed density is excessive and the proposal exceeds the core strategy requirement of 99 persons set out in the development plan.
- Inappropriate design and layout not in accordance with the Sustainable Residential Development in urban Areas Guidelines 2009 Urban Design Manual.
- Impact of the development on the visual setting of Recorded Monuments
- Impact of the development on the nature and essence of the village as a tourist attraction.
- Lack of pedestrian linkages to the village and concern over proposed connectivity through Dun Ri.
- Traffic concerns and design capacity of the access road to the site
- Impacts upon visual and residential amenity having regard to elevated nature of site and proximity of N18.
- Bunratty has no amenities or social infrastructure to cater for a development of this size.
- Impacts upon the bat population in the area.
- Concerns relating to overhead wires.

4.4.2. Following the submission of significant FI a further eight submissions were received which general raise the same planning concerns as outlined above.

### **5.0 Planning History**

5.1. This Site-

- None recent

## 5.2. Adjoining Site to North West-

- 19/919- Change of use of existing 28-house estate from use for short-term tourist occupation only to general residential use, **Grant**, 22/12/2019

## 5.3. Adjoining Site to North-

- 13/239- Retention and completion of 3 No. dwellings on sites 16, 17 and 18 and for the Retention of the existing site entrance, Dun Ri, **Grant**, 26/09/2013
- 12681- Development Description to Extend the Appropriate Period of Planning Permission P07/2416 for 1 No. dwelling, **Grant**, 14/12/2012
- 12/680- construction of 7 No. dwellings, **Grant**, 22/01/2013
- 07/2907- construction of 2 dwellings, **Refused**, 13/02/2008, two reasons
  - Contravene condition 1 of 06/3147 in relation to use of opens space for parking and road network
  - Impact on residential amenity, disorderly development
- 07/2416- construction of a dwelling, **Grant**, 12/01/08
- 06/3147- to construct 15 no. dwellings, **Grant**, 25/05/2007
- 04/2712- construction of 12 no. dwellings, **Grant**, 29/10/2005

## 6.0 Policy Context

### 6.1. National Planning Framework (NPF)

- 6.1.1. The NPF seeks to focus growth on cities, towns and villages with an overall aim of achieving higher densities than have been achieved to date.

#### *National Strategic Outcome 1 Compact Growth*

*From an urban development perspective, we will need to deliver a greater proportion of residential development within existing built-up areas of our cities, towns and villages and ensuring that, when it comes to choosing a home, there are viable attractive alternatives available to people.*

*Combined with a focus on infill development, integrated transport and promoting regeneration and revitalisation of urban areas, pursuing a compact growth policy at national, regional and local level will secure a more sustainable future for our settlements and for our communities.....*

6.1.2. The various policies in the NPF are structured under National Policy Objectives (NPOs). Relevant National Policy Objectives include-

- *3c- Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints<sup>1</sup>.*
- *6- Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.*
- *9- In each Regional Assembly area, settlements not identified in Policy 2a or 2b of this Framework<sup>2</sup>, may be identified for significant (i.e. 30% or more above 2016 population levels) rates of population growth at regional and local planning stages, provided this is subject to:*
  - *Agreement (regional assembly, metropolitan area and/or local authority as appropriate);*
  - *Balance with strategies for other urban and rural areas (regional assembly, metropolitan area and/or local authority as appropriate), which means that the totality of planned population growth has to be in line with the overall growth target; and*

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<sup>1</sup> This means within the existing built-up footprint of all sizes of urban settlement, as defined by the CSO in line with UN criteria i.e. having a minimum of 50 occupied dwellings, with a maximum distance between any dwelling and the building closest to it of 100 metres, and where there is evidence of an urban centre (shop, school etc.).

<sup>2</sup> Bunratty is a settlement and not identified in Policy 2a or 2b of the NPF

- *A co-ordinated strategy that ensures alignment with investment in infrastructure and the provision of employment, together with supporting amenities and services.*
- *11- In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.*
- *16- Target the reversal of rural decline in the core of small towns and villages through sustainable targeted measures that address vacant premises and deliver sustainable reuse and regeneration outcomes.*
- *35- Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.*
- *67- Provision will be made for Metropolitan Area Strategic Plans to be prepared for the Dublin, Cork, Limerick, Galway and Waterford Metropolitan areas and in the case of Dublin and Cork, to also address the wider city region, by the appropriate authorities in tandem with and as part of the relevant Regional Spatial and Economic Strategies*
- *68- A Metropolitan Area Strategic Plan may enable up to 20% of the phased population growth targeted in the principal city and suburban area, to be accommodated in the wider metropolitan area i.e. outside the city and suburbs or contiguous zoned area, in addition to growth identified for the Metropolitan area. This will be subject to:*
  - *any relocated growth being in the form of compact development, such as infill or a sustainable urban extension;*
  - *any relocated growth being served by high capacity public transport and/or related to significant employment provision; and*
  - *National Policy Objective 9.....*

6.1.3. Other relevant sections include-

Section 2.6 Securing Compact and Sustainable Growth states-

*An increase in the proportion of more compact forms of growth in the development of settlements of all sizes, from the largest city to the smallest village, has the potential to make a transformational difference. It can bring new life and footfall, contribute to the viability of services, shops and public transport, increase housing supply and enable more people to be closer to employment and recreational opportunities, as well as to walk or cycle more and use the car less.*

Section 3 Effective Regional Development- Section 3.4 Southern Region- Mid West-

*“A Metropolitan Area Strategic Plan (MASP) will be prepared for the Limerick Metropolitan area, incorporating Shannon, through the Regional Spatial and Economic Strategy process.*

*Although focused on Limerick City and key employment and infrastructure assets at Shannon and Foynes, this regional area is supported by a strong rural economy and a varied network of towns and villages. Shannon Airport has an established role as a key travel and enterprise hub for the region, with potential for further growth.*

*Future growth will be based on leveraging national and international connectivity, higher education capacity and quality of life to secure strategic investment. This must be underpinned by sustainable employment and housing development, focused on the broader Limerick- Shannon Metropolitan area and a strengthening of the urban cores of the county towns and principal settlements, as well as in rural areas.”*

Section 5.3 Planning for the Future Growth and Development of Rural Areas

*The Central Statistics Office (CSO) defines rural as the areas outside settlements with a population of 1,500 or more people. This includes smaller settlements of fewer than 1,500 people, home to around 20% of the population of rural areas, and individual dwellings in the countryside, which*

*together comprised approximately 37% of the population in 2016<sup>31</sup>. This reflects Ireland's historic rural and village settlement pattern.....*

## **6.2. Regional Spatial & Economic Strategy for the Southern Region**

- 6.2.1. The Southern Region's strategy is to build a strong, resilient, sustainable region and have identified eleven 'Statements of the Strategy' including-

*1. Compact Growth- Strengthening and growing our cities and metropolitan areas; harnessing the combined strength of our 3 cities as a counterbalance to the Greater Dublin Area, through quality development; regeneration and compact growth; building on the strong network of towns and supporting our villages and rural areas.*

The Strategy focuses on 'Key enablers' including-

*Revitalising Rural Areas through readapting our small towns and villages and increasing collaboration between networks of settlements to seek higher value, diversified jobs for a higher quality of life*

Table 3.2 of the RSES identifies settlement types categories and identifies Cities Metropolitan Areas as the top tier in the table. The attributes of Metropolitan Areas are-

*"accessible with national and international connectivity, strong business core, innovation, education, retail, health and cultural role."*

Limerick - Shannon is identified as a Metropolitan Areas with policy levels listed as NPF, RSES, MASP, Development Plans and Local Area Plans. See Map 3.1

- 6.2.2. Limerick- Shannon Metropolitan Area Strategic Plan (MASP) See Map 3.4

The MASP area is almost evenly split, with 49% located in Co. Clare and 51% in the City and County of Limerick. Bunratty with an identified population of 349 is located within the MASP.

This MASP provides a focus on Limerick City and the Metropolitan settlement of Shannon. It sets out the framework for Limerick City and County Council and Clare

County Council and the various stakeholders to implement the NPF within the context of the RSES.

Section 5.0 Population Projections- Table 1 Population Projections for the Limerick-Shannon Metropolitan Area is summarised as follows-

Remainder Metropolitan Area (Clare- This includes Shannon and Bunratty)

Population 2016- 22,947

Projected to 2026- 25,414

Projected to 2031- 26,463

Footnote 36 also states- *“25% Headroom identified in the Roadmap can apply to the County Clare area of the Limerick-Shannon Metropolitan Area.”*

### 6.3. Ministerial Guidelines and Circulars

- 6.3.1. Circular Letter: NRUP 02/2021- Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)-

*.....The NPF also acknowledges that there is a need for more proportionate and tailored approaches to residential development. This means that it is necessary to adapt the scale, design and layout of housing in towns and villages, to ensure that suburban or high density urban approaches are not applied uniformly and that development responds appropriately to the character, scale and setting of the town or village.*

*As such, it is highlighted that in certain locations, particularly at the edges of towns in a rural context, more compact forms of development may include residential densities at a lower level than would be considered appropriate in a city or large town context. As set out below, current statutory guidance is already sufficiently flexible to facilitate greater variation in residential density at such locations.....*

#### ***Development within Small Towns and Villages***



*Small town and villages are defined within Section 6.0 of the Sustainable Residential Development Guidelines as those with a population ranging from 400 to 5,000 persons. Section 6.11 of the Guidance provides a more clearly graduated approach to the application of densities within such locations, namely:*

- *Centrally located sites: 30-40+ dwellings per hectare;*
- *Edge of centre sites: 20-35 dwellings per hectare;*
- *Edge of small town/village: 15 - 20 dwellings per hectare.*

*Section 6.0 of the Sustainable Residential Development also notes the difficulty in applying prescriptive density standards in locations that display a variety of contexts and land uses, such as those that can be found in towns and villages that have evolved organically over hundreds of years. The guidance cautions against large scale, rapid development that may overwhelm and detract from the quintessential character of towns and villages that have developed slowly and organically over time (refer to Section 6.3). There is already clear scope for greater variation in density in smaller towns, but this should not lead to provision for disproportionate development in such places through excessive zoning.*

6.3.2. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009)-

- Chapter 6 Small towns and villages- provides detailed guidance on development within smaller towns and villages, with particular emphasis on the role of housing.
- Section 6.0 states-

*Smaller towns and villages are a very important part of Ireland's identity and the distinctiveness and economy of its regions. For the purposes of this chapter, smaller towns and villages are defined as those with a population ranging from 400 to 5,000 persons. Within this overall range, there are those towns ranging in population from:*

*(a) 2000 to 5000 persons and for which Local Area Plans (LAPs) are required under the Planning and Development Act; and*

*(b) 400 to 2000 persons and for which planning authorities may prepare either LAPs or other non-statutory supplementary local development frameworks.*

- Section 6.3 provides general advice including-

*(a) Development in smaller towns and villages must be plan led*

*(b) New development should contribute to compact towns and villages.*

*(c) Higher densities are appropriate in certain locations.*

*(d) Offering alternatives to urban generated housing*

*(e) The scale of new residential schemes for development should be in proportion to the pattern and grain of existing development.*

- Section 6.11 deals with Edge of centre sites and states-

*The emphasis will be on achieving successful transition from central areas to areas at the edge of the smaller town or village concerned. Development of such sites tend to be predominantly residential in character and given the transitional nature of such sites, densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation.*

6.3.3. Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (DHLGH 2020); The application proposes thirty nine houses and two apartments, the following Sections and Specific Planning Policy Requirements (SPPR's) are therefore relevant-

Section 2.4- 1) 3) Peripheral and/or Less Accessible Urban Locations

*Such locations are generally suitable for limited, very small-scale (will vary subject to location), higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority*

*of apartments at low-medium densities (will also vary, but broadly <45 dwellings per hectare net), including:*

- *Sites in suburban development areas that do not meet proximity or accessibility criteria;*
- *Sites in small towns or villages.*

*The range of locations outlined above is not exhaustive and will require local assessment that further considers these and other relevant planning factors..*

Section 2.5 states-

*....apartments may be considered as part of a mix of housing types in a given housing development at any urban location, including suburbs, towns and villages.*

Specific Planning Policy Requirement 1 states-

*Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.*

Specific Planning Policy Requirement 3 states-

*Minimum Apartment Floor Areas:*

- *1-bedroom apartment (2 persons) 45 sq.m*
- *2-bedroom apartment (4 persons) 73 sq.m*

Specific Planning Policy Requirement 4

*In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:*

*....(ii) In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.....*

#### Specific Planning Policy Requirement 5-

- Ground level apartments floor to ceiling heights shall be a minimum 2.7m and shall be increased in certain circumstances.....

#### Appendix 1- Required Minimum Floor Areas and Standards

##### 6.3.4. Design Manual for Urban Roads and Streets

- Table 4.2: Reduced SSD standards for application within cities towns and villages. Reduced forward visibility increases driver caution and reduces vehicle speeds-
  - Forward Visibility in 60kph – 59m
- Section 4.4.5 Visibility Splays, The Y distance along the visibility splay should correspond to the SSD for the design speed of the major arm, taken from Table 4.2 while also making adjustments for those streets which are frequented by larger vehicles.

##### 6.4. **Clare County Development Plan 2017-2023**

Table 2.1 of the Plan sets out the Settlement Hierarchy for County Clare. Bunratty is identified as a Large Village.

The settlement boundary for Bunratty is identified on Page 36, Volume 3b of the County Development Plan- Shannon Municipal District. This also identifies the subject application site as largely **zoned** Residential with a specific R1 zoning objective- Lands at Bunratty West-

*This site is located in the southwest of the village, adjacent to the cemetery.  
There are existing dwellings to the northeast and northwest with Bunratty*

*Manor Hotel and the cemetery adjacent to the east. Having regard to the proximity of the site to the cemetery (which includes two Recorded Monuments), any development proposals must be accompanied by a detailed archaeological survey. This site has been identified for permanent housing and shall be developed as a whole. Vehicular access to the site shall be determined at planning application stage. It is an objective to protect the significant archaeological heritage of the laneway running alongside the graveyard. This access alongside the graveyard shall be fully explored in the context of providing pedestrian connectivity from R1 to the core area of the village, subject to any archaeological constraints being fully mitigated. Layout and design of units shall ensure that the residential amenity of existing adjacent houses is protected. A small proportion of the proposed residential land is within defended Flood Zone A. However, with suitable finished floor levels and consideration of access arrangements, development in this land parcel may be considered.*

A strip of land along the boundary of the site is **zoned** AG1- Agriculture. This is described in section 19.4 of the County Plan as-

*This zone is for the use of land for agricultural purposes and farming-related activities. Individual dwellings for permanent occupancy of established landowners and their immediate family members will be open for consideration subject to the objectives set out in Chapter 3 of this Plan and normal site suitability considerations.*

A small portion of land in the north and west is **zoned** Buffer Space. This is described in section 19.4 of the County Plan as-

*Buffer spaces are intended to provide a buffer of undeveloped land for the conservation of biodiversity, visual amenity or green space. Buffer spaces may include natural features such as floodplains, riparian zones, turloughs, valuable biodiversity areas including designated sites, amenity areas, woodlands, hedgerows, green spaces and archaeological features.*

## Other Relevant Zonings and Objectives -

### *Opportunity Sites- OP1 Shannon Shamrock Site*

*The site of the former Shannon Shamrock Hotel and Conference Facility is designated as a key opportunity site for tourism development and to facilitate any future expansion/renovation/ redevelopment of the existing premises/site. The site is centrally located and is within walking distance of all the attractions in the village. Opportunity exists to establish a use on the site which consolidates Bunratty as a tourism hub in the mid-west and harnesses the world acclaimed Bunratty brand.*

The OP1 opportunity site is zoned 'Tourism'.

*'Land zoned for tourism development shall be used for a range of structures and activities which are primarily designed to facilitate tourism development and where uses are mainly directed at servicing tourists/holiday makers and visiting members of the public.'*

Appendix 2 in Volume 1 of the CDP provides the Indicative Land Use Zoning Matrix. This indicates that residential - single dwelling (Permanent Occupation) are not generally permitted on lands zoned 'Tourism' i.e. the OP1 site. Residential – single dwelling (short-term tourist accommodation) are open for consideration on lands zoned Tourism. The zoning matrix details-

*A proposed use that is classified "will not normally be acceptable" in a specific zoning will not be accepted by the Planning Authority.*

Table 2.4 of the Plan sets out the **Core Strategy** for the County. Bunratty can be summarised as follows-

Large Village	Bunratty
Municipal Area	Shannon

Population 2011	367
Population Target 2023	466
Target Increase in Population 2011-2023	99
Target Increase in No. of Households to 2023	36
Total Required Area of Residentially Zoned Land (ha) to 2023	5.4
Total Area Zoned (given as Residential Equivalent in ha.)	3.42
Water	Yes
Wastewater	Yes

Table 2.4 and the Core Strategy are informed by the following-

- Density of 10 to the hectare for residentially zoned land and 5 to the hectare for low density residentially zoned land for large villages. A density of 5 to the hectare for small villages.
- These are average figures for calculating supplies of zoned land. Individual planning applications on low density/residentially zoned land will be considered on their own merits;
- A household size of 2.75 persons per household;

Section 2.4.2 of the plan states-

*It is not intended that the population targets for individual settlements will be rigidly implemented without any flexibility. Local factors for consideration include:*

*i Availability of services;*

*ii Demand and land availability;*

*iii The need to accommodate those who qualify to build in the countryside but who alternatively may wish to locate in a settlement;*

*iv The need to support the retention of local services e.g. schools.*

The following Development Plan Objectives are considered relevant-

- CDP3.5: Large Villages-

*It is an objective of the Development Plan: To ensure that the large villages throughout the County maintain existing population levels and services and to ensure that future growth is balanced and sustainable and is relative and appropriate to their scale, size and character.*

- CDP3.9: Monitoring and Implementation of Settlement Strategy

*It is an objective of the Development Plan:*

- a. To achieve the delivery of strategic, plan-led, co-ordinated and balanced development of the settlements throughout the County;*

- CDP3.10: Planned Growth of Settlements-

*It is an objective of the Development Plan:*

- a. To ensure that the sequential approach is applied to the assessment of proposals for development in towns and villages and to ensure that new developments are of a scale and character that is appropriate to the area in which they are located;*
- b. To restrict single and/or multiple largescale developments that would lead to the rapid completion of any settlement within its development boundary, in excess of its capacity to absorb development in terms of physical infrastructure (water, wastewater, surface water, lighting, footpaths, access etc.) and social infrastructure (schools, community facilities etc.).*

- CDP4.2: Facilitating the Housing Needs of the Population

*It is an objective of Clare County Council: a. To facilitate the housing needs of the existing and future population of County Clare through the management of housing development throughout the County in accordance with the Settlement Strategy;.....*

- CDP4.7: Housing Mix



*It is an objective of the Development Plan:*

*a. To secure the development of a mix of house types and sizes throughout the County to meet the needs of the likely future population in accordance with the guidance set out in the Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas;*

*b. To require new housing developments to incorporate a variety of plot sizes to meet the current and future needs of residents;.....*

- CDP4.15 Green Infrastructure in Residential Developments

*It is an objective of the Development Plan: To ensure that green areas associated with new residential developments enrich the quality of life of local residents and provide ecologically rich areas that enhance biodiversity and contribute to the green infrastructure network in the County.*

- CDP5.1 Sustainable Communities

*It is an objective of Clare County Council:*

*a. To ensure that future development proposals contribute to the creation of sustainable communities throughout County Clare;*

*b. To work in collaboration with all relevant stakeholders to facilitate the planning and delivery of accessible community facilities throughout the County*

- CDP8.8 Design Manual for Urban Roads and Streets (DMURS)

*It is an objective of the Development Plan: To implement the requirements and recommendations contained in DMURS in the assessment of development proposals, the preparation of design schemes and their implementation in the development of streets, roads and public realm improvement schemes in the County.*

- CDP14.2: European Sites

*It is an objective of the Development Plan:*

- a. *To afford the highest level of protection to all designated European sites in accordance with the relevant Directives and legislation on such matters;*
  - b. *To require all planning applications for development that may have (or cannot rule out) likely significant effects on European sites in view of the site's Conservation Objectives, either in isolation or in combination with other plans or projects, to submit a Natura Impact Statement in accordance with the requirements of the EU Habitats Directive and the Planning and Development Act, 2000 (as amended);....*
- *CDP15.8 Sites, Features and Objects of Archaeological Interest*  
*It is an objective of Clare County Council:*
    - a *To safeguard sites, features and objects of archaeological interest generally;*
    - b *To secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments included in the Record of Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, and of sites, features and objects of archaeological and historical interest generally (in securing such preservation, the Council will have regard to the advice and recommendations of the Department of the Arts, Heritage, Regional, Rural and Gaeltacht Affairs);*
    - c *To permit development only where the Planning Authority is satisfied that the proposals will not interfere with:*
      - *items of archaeological or historical importance;*
      - *the areas in the vicinity of archaeological sites;*
      - *the appreciation or the study of such items.*

.....

Appendix 1 sets out Development Management Guidelines including the following-

- A1.3.2 Urban Residential Development

- A1.9.3 Car Parking Residential Developments-
  - dwelling houses and apartments- 1 space for 1 & 2 bed units 2 spaces for ≥3 bed units
  - Visitor Parking- 1 space per 3 residential units
- Cycle Parking-
  - With garage: none
  - Without garage: 1 space per unit

## 6.5. Natural Heritage Designations

The site is located-

- c.320m west of the Lower River Shannon SAC (002165) and
- c. 370m north west of the River Shannon and River Fergus Estuaries SPA (004077).

## 6.6. EIA Screening

- 6.6.1. An Environmental Impact Assessment Screening report does not appear to have been submitted with the application.
- 6.6.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
  - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 6.6.3. It is proposed to construct 41 residential units. The number of units proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 2.739 ha and in this context it is considered as located ‘elsewhere’. The site area is therefore well below the applicable threshold of 20 ha.

- 6.6.4. The development proposes connecting to the public water and drainage services of Irish Water and Clare County Council. In this context I am satisfied that the proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the general area. It would not give rise to a risk of major accidents or risks to human health.
- 6.6.5. The site is not directly connected to a European Site, however I note surface water (following attenuation) will discharge to an existing open drain/drainage ditch to the west and south of the application site. This drain ultimately flows into the Lower River Shannon SAC. I also note wastewater will discharge to the Shannon Estuary following treatment at the Shannon Wastewater Treatment Plant. Therefore, there are two indirect hydrological links to European Sites. Further consideration of significant effects, if any on European Sites are set out in Section 8.12 below.
- 6.6.6. I consider that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that upon 'Preliminary Examination', an 'Environmental Impact Assessment Report' for the proposed development was not necessary in this case

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

One third party appeal has been received from Andrew Hersey Planning on behalf of Dun Ri Management Company. The grounds of appeal can be summarised as follows-

- Dun Ri is the estate to the north of the site.
- The proposal is at odds with the character of the village, the number of dwellings proposed is excessive and will not result in the organic growth of the village which is of national importance in terms of tourism.
- Sufficient permanent residential homes have already been granted by Clare County Council in the village therefore fulfilling the housing requirements for the village up to 2023 as set out in the core strategy.

- Bunratty has little to offer in terms of services for future residents. Existing pre-schools, primary and secondary schools are at capacity and not within commuting distance by walking or cycling. There are no significant shops or services in the village to cater for an enlarged population.
- The granting of development of this scale will have a negative impact on the quality of tourism offering in Bunratty.
- Permitting a population increase of 113 persons cannot be considered incremental residential growth.
- The core strategy provides for 99 persons which equates to 36 households. Planning permission P18/919 permitted a change of use of 28 properties from short term tourist accommodation to permanent residential occupation. This provides 28 units to the village's housing requirements. There are 6 houses recently built, sold and occupied in Dun Ri. There is therefore only a requirement for two additional houses to meet the Core Strategy targets.
- Taking this and the permitted 41 houses there could be a population increase of 206 persons within the lifetime of the plan. By granting permission the planning authority have materially contravened their own core strategy.
- The Council have justified the permission as the owner/developer of the lands have a reasonable expectation that their lands can be developed within the plan period. If this is the case other residential zoned lands in the village could equally be developed irrespective of the core strategy.
- The proposed development would increase the population of the village by one third without the provision of extra services such as schools, child care and convenience retail. Cumulatively with other permissions the increase would be 58%.
- The proposed development would exceed the total of all residential development which has taken place in the last 20 years all on one site. The proposal is out of scale and would result in an unacceptable increase in population. There is no school capacity and transport to schools will therefore be by car. The proposal would be contrary to objective CDP 3.10.

- Both the NPF (section 4.5) and RSES (RPO 34) prioritise Infill and Brownfield sites in city, town and village centres over greenfield sites.
- There is significant derelict property in Bunratty, the former Shannon Shamrock Hotel. This could be redeveloped for residential or mixed use purposes. The site comprises 3.41 ha and development on a portion of it would meet the requirements of proposed population allocation for at least two development plan cycles. This site is currently for sale.
- Bunratty is designated a large village in the development plan with a density of 10 to the hectare for residentially zoned land. 27 houses would be more than adequate to meet this requirement. 41 is more than one and a half times as recommended in the development plan.
- Having regard to the NPF the development represents a suburban form of density which is not appropriate in the rural setting. The proposed duplex units and density are inappropriate in this context.
- The development is located on an elevated location in the village. The proposed development will overbear Dun Ri given the variance in finished floor levels and impact upon residential amenity.
- The proposed development has not been designed in accordance with the Urban Design Manual that accompanies the 2009 SRDUA Guidelines and in particular the 12 criteria set out. The proposal does not respond to or evolved from its surrounding. It does not result in an organic extension of the village in terms of layout, building design and historic character of the village.
- As a consequence of the uniformity and suburban style of design the development will not attract permanent residential population. There are concerns they will be used as Air BnB short term letting potentially impacting upon residential amenity.
- It is remiss of the planning authority to grant permission with a condition seeking documentation showing consent to underground overhead wires. If consent is not acquired are the wires to remain overhead. If consent can't be acquired the layout will need to be altered.

- The proposed pedestrian access through Dun Ri is unwarranted and will impinge upon privacy and residential amenities. The other proposed pedestrian routes are more than adequate.
- The development will be reliant on cars for travel to work, schools, shops and services. There will be a build-up of traffic congestion and traffic safety implications.
- The Board are urged to refuse the proposed development, however, should permission be granted a number of conditions are suggested.

## 7.2. Applicant Response

The applicants response to the third party grounds of appeal has been received from HRA Planning. It can be summarised as follows:

- The main issues raised by the appellants were also raised by the planning authority at further information stage.
- Bunratty provides significant employment to the surrounding area notwithstanding its relatively small size as a village
- The subject site is approximately located in the centre of the village. The village has a number of services which are listed. The closest primary school is Clonmoney some 4km north west of Bunratty. Cratloe national school is 5.3 km east. There are hourly bus services to Ennis, Shannon, Limerick and UL.
- The proposal changed substantially from what was originally lodged. There is a reduction in numbers from 48 – 41 and an increase in open space from 18% - 24%. The revised design proposes significant recontouring of the site with the highest part of the site lowered by approx. 2m. The open space is relocated from a central position to the eastern site boundary providing a buffer to Dun Ri. Pedestrian connectivity is provided for. Units closer to Dun Ri have been revised to single storey with attic conversions.
- The revisions are more reflective of a traditional village character and cognisance of established residential properties in the area. Buildings are designed in simple form with a distinctive look sympathetic to the context of the village setting.

- The land is zoned R1 and the CDP states the site has been identified for permanent housing and shall be developed as a whole. There are only two residentially zoned areas in Bunratty- this and a 1.97 ha zoned Low Density Residential Development.
- There are no recommended density standards set out in the CDP, notwithstanding the assumptions made to calculate land requirement in the Core Strategy. Regard is had to the 2009 SRDUA Guidelines. With smaller towns and villages the guidelines generally promote densities with a range of 20-35 dwellings per ha.
- In relation to core strategy the appellant has not acknowledged the population of Bunratty decreased between the census of 2011 and 2016 from 367 to 349. Therefore the increase in population required to meet the target is 117 persons and not 99.
- Section 2.4.2 of the plan allows for flexibility with population targets and having regard to the declining population between census periods Bunratty must engage in 'catch up'.
- The argument that the grant of permission for change of use to the adjoining Cluan Raite as housing is unfounded. This was originally granted in 2005 and constructed in 2007. It is submitted that the vast majority of these houses have been permanently occupied since construction. This is confirmed by the 2016 census which details there were only 7 unoccupied holiday homes in Bunratty on census night 24/04/16 which was outside traditional holiday periods. It is submitted these houses were permanently occupied and as such accounted for in the population of Bunratty. The permission granted under 18/919 does not necessarily alter the existing status quo of the villages population in the context of the core strategy.
- The 6 houses also referenced by the appellant were granted under 04/2712 in 2004 well in advance of the 2011 and 2016 census and the CDP. It is submitted that these have been considered in the core strategy.



- The projected occupancy of 111 does not exceed the projected population growth for the village as set out in the core strategy having regard to the population decrease between 2011 and 2016.
- The scale of the development proposed must be considered having regard to the extent of land zoned for residential purposes in the CDP and core strategy. The site is one of only two plots in the village zoned to accommodate future growth. The other site is low density and further removed from the village core. The subject site is the primary site identified to accommodate growth in the village.
- The appellants refer to an existing brownfield site (OP1). This site is identified for tourism purposes only on the zoning map. The current CDP prevents the provision of permanent residential units on that site.
- In relation to design layout and visual amenity the appellants expressed similar concerns to the original proposal which has been comprehensively revised.
- The proposal has been designed to tie into the existing village character while promoting a contemporary design. Having regard to the separation buffer distance provided, orientation of dwellings, retention of mature trees and hedgerows there are no overbearing or overlooking impacts.
- The proposed houses are designed to reference the local vernacular albeit in a more contemporary style.
- The proposal is designed to accommodate permanent occupied units and are not intended for the rental market.
- The relocation and undergrounding of 110kv lines occur as a matter of course of development projects throughout the country. An application has been made to the ESB to underground the line and the applicants are awaiting a response.
- The pedestrian access through Dun Ri was requested by the Planning Authority as the Dun Ri estate is to be taken in charge.

- There are alternative transport options for future residents which will contribute to greater modal shift. The proposal will not give rise to significant increase in traffic in the village and will not adversely impact residential amenities of the area.

### **7.3. Planning Authority Response**

A response to the appeal has been received from the Planning Authority which can be summarised as follows-

- The Planning Authority is satisfied the majority of issues raised in the appeal have been addressed in the 'Planners Report' dated 23/01/20 and 21/12/20.
- The development has a density of 17.9 ha. The two adjoining residential schemes have a density of 21 units per ha and 14.85 units per ha. The development is not considered excessive.
- In relation to the brownfield site in the village centre the site is zoned for Tourism Use (TOU2) and is identified as an Opportunity Site (OP1). It has not been identified as a key site for residential development in the village.
- The Planning Authority is satisfied the revised scheme at FI stage with increased separation distances have addressed concerns of overbearing.
- The potential use of houses for Airbnb and short term letting that exceed the available exemptions would be a planning enforcement issue. There is no information to substantiate concerns that unauthorised development may occur.

### **7.4. Observations**

- None

## **8.0 Assessment**

### **8.1. Introduction**

8.1.1. I have examined the application details and all other documentation on file, including the submissions received in relation to the appeal. I have inspected the site and have had regard to relevant local/regional/national policies and guidance.

8.1.2. I consider the substantive issues arising from the grounds of this third party appeal, and for the purpose of assessing the appeal, relate to the following-

- Zoning and the Principle of the Development
- Core Strategy
- Density
- Village Development
- Visual and Residential Amenity
- Sunlight and Daylight
- Apartment Standards
- Traffic and Pedestrian Linkages
- Wastewater Treatment
- Other Matters
- Appropriate Assessment

### **8.2. Zoning and the Principle of the Development**

8.2.1. The subject site is largely zoned Residential with a specific R1 zoning objective. This objective details that the site has been identified for permanent housing and shall be developed as a whole. The objective also requires development proposals to be accompanied by a detailed archaeological survey given the proximity of the site to a cemetery and two recorded monuments. A strip of land along the south west boundary of the site is zoned AG1- Agriculture. A small portion of land in the north and west is zoned Buffer Space which seeks to provide a buffer of undeveloped land

for the conservation of biodiversity, visual amenity or green space. In terms of zoning I am satisfied the development is acceptable in principle.

### 8.3. Core Strategy

- 8.3.1. Clare County Councils Development Plan, which was implemented in 2017, identifies Bunratty as a 'Large Village' (Tier 5) in the settlement hierarchy of the County. Table 2.4 of the Plan outlines Clare's 'Core Strategy Population Targets' for its settlement hierarchy. It clearly identifies Bunratty as a 'Large Village' with a population in 2011 of 367 with a target population of 466 by 2023 i.e. an increase of 99 people and/or 36 households over the lifetime of the plan.
- 8.3.2. The core strategy outlines a number of assumptions including a density of 10 to the hectare for residentially zoned land and a household size of 2.75 persons. The table also clearly outlines planning applications on residentially zoned land will be considered on their own merits.
- 8.3.3. The appellants have referred to a grant of permission on the 22/12/2019 by Clare County Council under 19/919 for the change of use of an existing 28 house estate from use for short-term tourist occupation only to permanent residential use. The appellant also refer to 6 houses recently built, sold and occupied in Dun Ri. The appellants contend these developments have already significantly provided for the projected household numbers (36) as set out in the core strategy.
- 8.3.4. The Council have indicated that the change of use of units permitted under 19/919 to the Bunratty West Holiday Homes from tourist accommodation to permanent occupancy could not have been foreseen at the time of the Development Plan and the developer of the application site maintain a reasonable expectation that their land can be developed.
- 8.3.5. The applicants identify the population of Bunratty decreased between the census of 2011 and 2016 from 367 to 349 and therefore the increase in population required to meet the core strategy target is 117 persons and not 99. I have confirmed a population of 349 was recorded in the 2016 census<sup>3</sup>. This source also shows that the

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<sup>3</sup> [https://census.cso.ie/sapmap2016/Results.aspx?Geog\\_Type=ST2016&Geog\\_Code=DC1525CA-8628-4A69-BE2B-9E0EE8BA228B#SAPMAP\\_T5\\_500](https://census.cso.ie/sapmap2016/Results.aspx?Geog_Type=ST2016&Geog_Code=DC1525CA-8628-4A69-BE2B-9E0EE8BA228B#SAPMAP_T5_500)

settlement boundary recording a population of 349 does not align with the Bunratty Settlement Plan boundary as set out in the Development Plan. I have not been able to identify the settlement boundary used to record population in the 2011 census. I also have not been able to identify any reason why the CSO boundaries would differ from 2011 and 2016.

8.3.6. The applicants challenge the appellant's argument in relation to the grant of permission for change of use to the adjoining holiday home development (Cluan Raite) to permanent housing under 19/919. The applicants assert this ground of appeal is unfounded and these units were constructed in 2007. They submit that the vast majority of these houses have been permanently occupied since their construction. They refer to the 2016 census which details there were only 7 unoccupied holiday homes in Bunratty on census night and as such they have been accounted for in the population of Bunratty. The applicants also argue that the 6 houses built in Dun Ri were granted under 04/2712 in 2004 well in advance of the 2011 and 2016 census and the CDP and these have been considered in the core strategy.

8.3.7. I note the CSO 'Census of Population 2016 - Profile 1 Housing in Ireland'<sup>4</sup> Appendix 2 provides a number of relevant definitions for the purpose of the 2016 Census including-

- *Private Household*

*A private household comprises either one person living alone or a group of people (not necessarily related) living at the same address with common housekeeping arrangements - that is, sharing at least one meal a day or sharing a living room or sitting room. In order to be included in the household, a person had to be a usual resident at the time of the census. Therefore, visitors to the household on Census Night were excluded, while usual residents temporarily absent (for less than 12 months) were included.*

*A permanent private household is a private household occupying a permanent dwelling such as a house, flat or bed-sit.*

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<sup>4</sup> <https://www.cso.ie/en/releasesandpublications/ep/p-cp1hii/cp1hii/bgn/>

- *Housing Stock*

*‘the total number of permanent residential dwellings that were available for occupancy at the time of census enumeration. In this report, the housing stock consists of permanent private households (inhabited by both usual residents and visitors), holiday homes, vacant houses or apartments along with dwellings where all the occupants were temporarily absent on Census Night’.*

- 8.3.8. Based on the above definitions it would appear to me that ‘holiday homes’ were included in the count of ‘housing stock’ in the 2016 census. However ‘visitors’ to the holiday homes were not counted as part of the private household. As a result, I cannot say with any certainty that the people who occupied the ‘holiday homes’ on the night of the 2016 Census fall under the definition of ‘private household’ or if they were ‘visitors’ and therefore excluded. However, it clear that the 28 ‘holiday homes’ in Cluan Raite were included in the housing stock figure of the census.
- 8.3.9. I note there are 22 existing houses in the Dun Ri estate. The planning history section above outlines a brief history of this estate and it is clear to me that 22 units have been permitted. In particular I note planning references 04/2712, 04/2712 and 12/680. In this regard it is reasonable to assume that when making the Development Plan and consequently, its core strategy the planning authority would have had appropriate regard to extant permissions or sites under development at that time.
- 8.3.10. Clare County Council’s Core Strategy clearly identifies a target household increase of 36 units and a population target of 466, both by 2023. The applicants argument of a population decrease from 367 to 349 in census periods 2011 and 2016 is reasonable. I do have some concerns in relation to the differing settlement boundary’s used by the Planning Authority and the CSO, however I do not consider this will have a material bearing on this assessment as it is quite likely the same boundary was used for the 2011 census. I accept the applicants contention that a population increase of 117 for the Development Plan period is appropriate. However the projected household target of 36 remains.
- 8.3.11. The granting of planning permission 19/919 for the change of use of 28 holiday homes to permanent occupation is an unusual scenario and I would agree with the Planning Authority it is one that would not have been envisaged at the time of the Development Plan.

- 8.3.12. As per the CSO definitions identified above, the applicants argument that the majority of these properties were permanently occupied at the time of the 2016 census is in my opinion, questionable. I would also consider it inappropriate to have regard to unauthorised development in the calculation of existing populations and households for the purpose of the core strategy.
- 8.3.13. The application proposes 41 units. The core strategy sets an assumption of 2.75 persons per household and on this basis the application would see a population increase of 113 people. If planning permission 19/919 is not considered, the proposed development suggests a population increase to 462 persons just below the projected population of 466 persons as set out in the core strategy.
- 8.3.14. The proposed housing mix provides a number of different unit types including one and two bedroom apartments which would cater for different demands and household sizes. The provision of 41 units exceeds the projected household provision of 36 in the core strategy. Assuming an average person per household of 2.75 providing a population of 113 I do not consider the breach of 5 units to be significant especially having allowed for the housing mix and two apartments.
- 8.3.15. However, I cannot ignore the provision of the 28 number units now permitted under 19/919. These houses have been permitted in the lifetime of the current development plan as permeant housing and the use of same as permanent housing places significantly different pressures on existing infrastructure than holiday homes would, and in particular these pressures include social infrastructure. The permission granted under 19/919 and the subject application would provide 69 additional households with a possible population of 190 extra people significantly in excess of 113 persons which I have considered reasonable in the context of the population projections. An increase of 190 people would appear to be contravene the core strategy.
- 8.3.16. The appellants have argued Clare County Council's decision to grant permission contravenes materially the core strategy. However I note section 2.4.2 (Page 30) of the Development Plan clearly states-

*'It is not intended that the population targets for individual settlements will be rigidly implemented without any flexibility. Local factors for consideration include:*

- i. *Availability of services;*
- ii. *Demand and land availability;*
- iii. *The need to accommodate those who qualify to build in the countryside but who alternatively may wish to locate in a settlement;*
- iv. *The need to support the retention of local services e.g. schools.'*

The application proposes to connect to the existing public water supply and wastewater services. The site is zoned for residential development and the development would be an appropriate expansion of Bunratty within the settlement boundary. Demand in the context of the country's housing crisis is well known. The application is for 41 units with a reasonable housing mix that could accommodate those who qualify to build in the countryside but may wish to locate in Bunratty. The provision of 41 units would put pressures on existing services including social infrastructure, however it is this pressure that would support the retention of the limited local services that already exist in Bunratty and the general area. Accordingly I do not agree that the proposed development would contravene materially the core strategy of the Development Plan. Flexibility in core strategy targets are provided for and the provision of 5 units including two apartments over the household target of 36 is not considered significant.

8.3.17. Since the making of the Development Plan, the strategic importance of Bunratty has now been identified by the Regional Spatial and Economic Strategy for the Southern Region, i.e. Bunratty is identified within the Limerick – Shannon Metropolitan Area. On a regional level, Bunratty is now be categorised as a Tier 1 settlement i.e. the Limerick- Shannon Metropolitan Area as per Table 3.2- Settlement Typology of the RSES. The Clare County Development Plan has not been varied to include for the provisions of the RSES. I expect this categorisation to be recognised through the ongoing Clare County Draft Development Plan 2022-2028 process.

8.3.18. Section 5.0 of the Limerick and Shannon 'Metropolitan Area Strategic Plan' MASP deals with Population Projections for the MASP area. It refers to National Policy Objective 68 of the NPF which states-

*'A Metropolitan Area Strategic Plan may enable up to 20% of the phased population growth targeted in the principle city and suburban area, to be*



*accommodated in the wider Metropolitan Area i.e. outside the city and suburbs or contiguous zoned area, in addition to growth identified for the Metropolitan Area.*

*This will be subject to:*

- *Any relocated growth being in the form of compact development, such as infill or sustainable urban extension.*
- *Any relocated growth being served by high capacity public transport and/or related to significant employment provision; and*
- *National Policy Objective 9.'*

I note the phased population growth to be accommodated in the wider Metropolitan Area is yet to be determined pending the new Clare Development Plan. However, I consider Bunratty and in particular the application site is well located within the Metropolitan Area to benefit from such population growth. The proposal is in my opinion a sustainable extension on residentially zoned land within the settlement boundary of the village, Bunratty is well located in the context of significant employment provision at Shannon Airport, Limerick City and tourist related employment within the village itself (Bunratty Castle and Folk Park). Bunratty is also reasonable well served by public transport with existing bus stops very accessible from proposed pedestrian links in this application to the village. I consider appropriate development of residential zoned land within an existing settlement boundary and within the Metropolitan area generally accords with NPO 9.

8.3.19. Having regard to the above and in particular the changed regional context of Bunratty in the Limerick-Shannon Metropolitan area as per the RSES, I consider the proposed development provides for an acceptable number of residential units on suitably zoned lands and generally complies with the provisions of the County Development Plan core strategy where section 2.4.2 clearly allows for flexibility in population targets.

#### **8.4. Density**

- 8.4.1. The appellants argue that the proposed development of 41 units is more than one and a half times the density recommended in the development plan and that 27 houses would be more than adequate to meet the Development Plan requirement.
- 8.4.2. The applicant's contend there are no recommended density standards set out in the Development Plan, notwithstanding the assumptions made to calculate land requirement in the Core Strategy. They refer to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 (SRDUA) which generally promote densities with a range of 20-35 dwellings per ha for smaller towns and villages.
- 8.4.3. The Planning Authority refer to the two adjoining residential schemes which have density of 21 units per ha and 14.85 units per ha. In this context they do not consider the proposed density of 17.9 to be excessive.
- 8.4.4. The Core Strategy as set out in Table 2.4 of the Development Plan outlines a number of assumptions including a density of 10 to the hectare for residentially zoned land for 'Large Villages'. The table also clearly outlines planning applications on residentially zoned land will be considered on their own merits. In this regard I tend to agree with the applicants that the Development Plan does not recommend density standards.
- 8.4.5. The application originally proposed 48 residential units on a site area of 2.739 ha. Following a request for further information the applicants have revised the development to provide for 41 residential units and have increased the site area by revising the boundary to provide pedestrian access to the village core alongside the existing graveyard to the south east of the site. The revised site area is indicated as 3.02 ha. In the applicants response to the appeal they detail a net developable area of 2.3ha (excluding the access road) and a proposed density of 17.9 units per hectare (See proposed site layout plan drawing submitted with FI).
- 8.4.6. Appendix A of the SRDUA Guidelines provides guidance on the calculation of net densities. In this regard I note the access road to the site is an existing road into the Bunratty West Holiday Village and in this context it is appropriate not to include same in the calculation of net density.

- 8.4.7. In the Planning Authority's second planners report and their response to the appeal they refer to a density of 17.9 units per hectare. In this context I am satisfied the proposed density for the development is 18 units per ha.
- 8.4.8. In relation to proposed density standards and having regard to Bunratty's designation within the Limerick – Shannon MASP as set out in the RSES, Clare County Council's designation of Bunratty as a 'Large Village' (5<sup>th</sup> tier) in the Settlement Strategy, the sites residential zoning, its location adjoining the core area of the village and the requirement to provide pedestrian connectivity from the site to the village core, I am satisfied considerations for the density of the subject application should be assessed against section 6.11 of the SRDUA Guidelines i.e. 'Edge of Centre Sites'. This places an emphasis on achieving successful transition from central areas to areas at the edge of the smaller town or village concerned. The guidelines states-

*Development of such sites tend to be predominantly residential in character and given the transitional nature of such sites, densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation.*

- 8.4.9. The proposed development does not provide a density within the range of 20-35 units per hectare which the guidelines consider appropriate. However the guidelines does not suggest a density of 18 units per hectare would be inappropriate. As set out in section 6.11, the emphasis is on achieving a successful transition from the central village area to the edge of the village. I note the Planning Authority have advised the two adjoining residential schemes have a density of 21 units and 15 units per ha and that the proposal is not considered excessive.
- 8.4.10. Circular NRUP 02/2021 provides clarity in relation to the interpretation and application of current statutory guidelines including the SRDUA 2009. This circular states-

*it is necessary to adapt the scale, design and layout of housing in towns and villages, to ensure that suburban or high density urban approaches are not applied uniformly and that development responds appropriately to the character, scale and setting of the town or village.*

8.4.11. Having regard to the above, the character, scale and setting of existing development within Bunratty, the provision of pedestrian connectivity to the village core, the residential zoning of the application site and the proposed housing mix, I consider a density of 18 units per ha to be acceptable in this context.

## 8.5. Village Development

8.5.1. Notwithstanding its location within the Limerick – Shannon MASP, Bunratty remains a small settlement in the context of County Clare. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 (SRDUA) provides guidance on development within smaller towns and villages, with particular emphasis on the role of housing. In particular Chapter 6 deals with Small Towns and Villages and defines smaller towns and villages with a population ranging from 400 to 5,000 persons. Section 6.0 of the guidelines describes ‘towns’ ranging in population from 2,000-5000 persons and 400-2000 persons. In my opinion, it is therefore reasonable to consider Bunratty as a ‘Village’ in the context of the SRDUA Guidelines and I note it is considered a ‘Large Village’ in the Development Plan.

8.5.2. Section 6.3 of the Guidelines provides general advice for development of Villages which I summarise as-

- a. Development in smaller towns and villages must be plan led
- b. New development should contribute to compact towns and villages. It is appropriate that investment in public services is utilised properly through the prioritisation of development that either re-uses brown-field development land such as central area sites and backlands or through the development of acceptable “green-field” sites at suitable locations within the immediate environs of the village concerned.
- c. Higher densities are appropriate in certain locations.
- d. Proposals offer alternatives to single homes in rural areas and urban generated housing.
- e. The scale of new residential schemes for development should be in proportion to the pattern and grain of existing development.

- 8.5.3. The site is located on zoned lands within the identified settlement boundary. The Development Plan states that this site has been '*identified for permanent housing and shall be developed as a whole*'. In this regard I am satisfied that development in Bunratty and in particular the application site is 'plan-led' in accordance with section 6.3 (a) of the Guidelines.
- 8.5.4. The appellants argue that the NPF and the RSES prioritise Infill and Brownfield sites in village centres over greenfield sites. They point to a derelict property in Bunratty, the former Shannon Shamrock Hotel that could be redeveloped for residential or mixed use purposes. Both the applicants and the Planning Authority detail that the 'Tourism' zoning of the Shannon Shamrock Hotel site precludes residential development. While the premise of the appellants argument is correct in relation to the NPF and RSES, it is clear to me in this context, that the subject site which is zoned residential is an appropriate 'greenfield' site for residential development as per section 6.3 (b) of SRDUA Guidelines. The Shannon Shamrock Hotel site would appear to be precluded by reason of its zoning objective from development as proposed in this application. The proposed development site is in my view a sustainable urban extension between two existing/permitted residential developments- Cluain Raite and Dun Ri. The proposal would contribute to compact and sequential development of the village, provides direct pedestrian connectivity to the village core and will connect to existing public services. I am satisfied the proposal complies with section 6.3 (b) of the SRDUA Guidelines.
- 8.5.5. As discussed in section 8.4 I am satisfied the proposed density complies with section 6.3 (c) of the SRDUA Guidelines. I also consider the provision of detached, semi-detached, terraced housing and two apartments will provide alternatives to single homes in rural areas and urban generated housing as per 6.3 (d) of the Guidelines.
- 8.5.6. In terms of the pattern and grain of existing development the guidance in section 6.3 (e) of the guidelines specifically states-

*For villages of under 400 in population, the typical pattern and grain of existing development suggests that any individual scheme for new housing should not be larger than about 10-12 units\* (\*Allowing for more than one scheme) due to an absence of a sufficiently developed local infrastructure such as schools and community facilities to cater for development.*

- 8.5.7. The current Development Plan clearly identifies Bunratty as a 'Large Village' with a population of less than 400 people. However, the current Development Plan which was adopted in 2017 while having due regard to the SRDUA Guidelines has zoned the lands of the subject application R1 residential development. The Plan clearly states-

*'this site has been identified for permanent housing and shall be developed as a whole.'*

Section 6.3 (e) of SRDUA guidelines details that it is the function of development frameworks such as LAP's to make recommendations regarding the appropriate scale of overall development of individual housing schemes and to match the scale and grain of existing development within an overall development boundary. I am satisfied that this provision has been incorporated into the Development Plan and therefore development of the application site for *permanent housing as a whole* is appropriate in this instance and in accordance with section 6.3 (e) of the SRDUA guidelines.

- 8.5.8. I note the significant concerns raised by the appellants in relation to the level of services in Bunratty for future residents. They outline that existing pre-schools, primary and secondary schools are at capacity and not within commuting distance by walking or cycling. They add there are no significant shops or services in the village to cater for an enlarged population.
- 8.5.9. In the response to the appeal the applicants detail that Bunratty has a number of services including a shop, petrol station, restaurants cafes and a significant tourist attraction in Bunratty Castle and Folk Park. They detail the closest primary schools are 4km and 5.3 km from Bunratty. They highlight the availability of hourly bus services to Ennis, Shannon, Limerick and the University of Limerick.
- 8.5.10. I accept the proposal could lead to an increase in population and demand for local services. However I again note the core strategy provides for flexibility in terms of population targets. In my opinion, services are generally only provided where demand exists and responds to planned and permitted growth. The population of Bunratty has been shown to be falling over the last two census periods and the proposed development if permitted could contribute to reverse this decline by providing new housing, which in turn would help sustain existing services and lead to

a demand for new services. The impact of the development in the context of existing services in Bunratty and its location within the Limerick – Shannon MASP is considered appropriate.

- 8.5.11. Having considered the proposed development in the context of its village scale, I am satisfied the proposed development would be plan-led, would contribute to a compact village with pedestrian connectivity to the village core, would avail of and help sustain existing services, physical and social infrastructure, would lead to an appropriate urban/village extension of a greenfield site within the existing Bunratty settlement boundary. I consider that the proposed development complies with the provisions of the SRDUA 2009 Guidelines for villages.

## **8.6. Visual and Residential Amenity**

- 8.6.1. The applicants have raised a number of concerns in relation to overall layout and design of the development. These include the elevated location of parts of the site and its overbearing impact. They argue that the proposed development has not been designed in accordance with the Urban Design Manual that accompanies the 2009 SRDUA Guidelines and in particular the 12 criteria set out. Notably they consider the proposal does not respond to and has not evolved from its surrounding or result in an organic extension of the village. The appellants appear to consider these concerns will ensure the development will not attract permanent residential population and instead will be used for Air BnB short term letting which could impact upon existing residential amenity.
- 8.6.2. The applicants contend that the proposal has changed substantially through the further information stage from what was originally lodged including a reduction in unit numbers from 48 – 41 and an increase in open space from 18% - 24%. Open space has been relocated from a central position to the eastern site boundary providing a buffer to Dun Ri. The two houses closest to Dun Ri have also been revised to single storey with attic conversions.
- 8.6.3. As detailed in sections 8.4 and 8.5 above the 2009 SRDUA Guidelines also offer advice for development in small towns and villages (Chapters 3 and 6) in relation to form and density, location and site selection and layout and design considerations. The Guidelines are accompanied by a companion document- Urban Design Manual-

A best practice guide that set out a number of broad design principles for such developments.

- 8.6.4. Having reviewed the original proposal and that submitted at Further Information stage I would consider that the overall design and layout of the proposed development is generally acceptable having considered the relevant sections of the Guidelines and the Design Manual. The overall density and design of units appear to be in keeping with the densities and general design of adjoining housing developments. The siting and separation distances would not have an overbearing affect. I would consider the proposed development would not have a negative impact on visual and residential amenity of the area.
- 8.6.5. I note the Planning Authority have sought revisions to the design of the eastern elevation and height of units 26 and 27 (apartments) and the design of the eastern elevation of unit 41. They seek enhanced finishes in keeping with the southern elevation of unit 19.
- 8.6.6. The apartment building of unit 26 and 27 is c. 9.3m high and forms a semi-detached style block with the house no. 28. In my opinion reducing the height of this part of the apartment building by 1 metre will have a disproportional and unwarranted impact on no. 28. I do not consider the proposed height of the building would negatively impact upon visual or residential amenity. The eastern gable elevations to no's 26, 27 and 41 are at the end of cul de sacs facing public open space, towards the old church ruins, the graveyard and pedestrian connectivity to the village. In my opinion these elevations would benefit from enhanced finishes as suggested by the planning authority. This can be addressed by condition should the Board decide to grant permission.

## **8.7. Sunlight and Daylight**

- 8.7.1. The Planning Authority and the appellants have not raised concerns relating to the impact of the development in terms of Daylight and Sunlight. The impact of developments in this regard on residential amenity for existing residents as well as the quality of the residential amenity for future residents is however a relevant planning consideration. It is therefore considered appropriate to assess these impacts further. The relevant impacts include-



- Existing Development-
  - Diffuse Daylight to existing properties (VSC)
  - Sunlight to existing properties (APSH)
  - Sunlight to existing amenity spaces
- Proposed Development
  - Daylight to houses and apartments (ADF)
  - Sunlight to proposed amenity spaces

8.7.2. I note Appendix 1 of the Clare Development Plan deals with Development Management Standards. Paragraph A1.2 details that developments in excess of three house will require a design statement to be submitted. The statement should address a number of matters including overshadowing. I have not been able to identify any other daylight or sunlight requirements in the Development Plan. I note section 6.6 of the Apartment Guidelines details that –

*Planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’ when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision.*

8.7.3. I note BS 8206-2 has now been superseded by BS EN 17037: 2018 ‘Daylight in buildings’. I am satisfied this replacement document does not have a material bearing on the outcome of this assessment.

8.7.4. The applicants have submitted a Design Statement with the application including a revised version having regard to the amendments made at Further Information stage. The design statement appears silent as regards to Daylight and Sunlight impacts but I do note the two houses closest to the existing Dun Ri have been designed as bungalows (with attic space). The remainder of buildings in the development are typical two storey housing.

8.7.5. BRE209 and BS EN 17037 provides a number of measures that contribute to assessing Daylight and Sunlight impacts including those identified in section 8.7.1. I

consider these measures appropriate for the consideration of related Daylight and Sunlight concerns in respect of properties in the immediate environs of the application site as well as the development itself.

8.7.6. In terms of impacts to existing property 'Site Layout Plan' Drawing No. 101A submitted in response to FI shows the proposed development in the context of nearby properties. I note the nearest houses to existing houses in Dun Ri estate are set back 28.85m and 32.35m. The nearest house in Cluain Raite is 48.85m from a proposed house. The houses closest to Dun Ri are identified as E and E1 and are stated as 'bungalows'. They are provided with hipped roofs and ridge heights of 6.451m with side gables to Dun Ri. The house closest to Cluain Raite is identified as A1 and stated as a 'detached corner house'. It has a ridge height of 8.214m and a standard pitch orientated towards Cluain Raite.

8.7.7. Having considered the separation distances between these houses, the orientation of the three existing houses and their private amenity spaces, the level differences between the sites and the number of existing windows within 90 degrees of due south, I am satisfied that

- existing diffuse daylight will not be significantly affected by the proposed development as per the first test of Figure 20 of BRE 209.
- existing sunlight to private amenity spaces will not be significantly affected as per the provision of section 3.3.3 of BRE209.
- existing sunlight to the interiors of these existing three will not be adversely impacted by the proposed development as per Summary box 3.2.11 of BRE209

8.7.8. The Average Daylight Factor (ADF) relates to the quality of light proposed developments receive and is considered an important measure of residential amenity for future occupants of the proposed development. Appendix C of the BRE209 Guidelines sets out Interior Daylighting Recommendations and details minimum standards of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms in proposed developments. BS 8206-2 (now superseded by BS EN 17037: 2018 'Daylight in buildings'), and therefore BRE209, provides that where rooms are used for combined purposes e.g. kitchen and living rooms, the appropriate standard is the

ADF that is highest for any of the uses. Thus, insofar as kitchens are combined with living rooms the appropriate ADF standard would be 2%.

- 8.7.9. The applicants have not submitted any information in relation to daylight level proposed to the houses or apartments. I note all these properties are dual aspect with the vast majority of shared kitchen/dining rooms benefitting from more than two large areas of glazing. All of the houses also benefit from a separate living space/sitting rooms.
- 8.7.10. Only the two apartments share a kitchen/living space (and no other separate sitting space). Apartment G2 benefits from 5 areas of glazing to the kitchen living space with some of these south facing. I note the shared kitchen/living space to apartment G3 is north west facing. This apartment is located at first floor level and should receive more daylight than ground floor spaces with similar orientations. This kitchen/living space benefits from an enclosed and setback private terrace. All of the terrace space that bounds the kitchen living area appears to be floor to ceiling glazing at c. 7sq.m. This and a c. 2.6 sq.m window to the front elevation should provide for sufficient daylight to the apartment.
- 8.7.11. I note house kitchen/dining areas to type F only benefit from one window, however these windows are considered quite large with a glazed area of c.3.6m. I also note these windows generally face south east.
- 8.7.12. I am satisfied that adequate levels of daylight will be achieved in the proposed new development.
- 8.7.13. Section 3.3.7 of BRE 209 recommends that at least half of gardens and open spaces should receive at least two hours of sunlight on March 21<sup>st</sup> (the Equinox). The applicants have not submitted an assessment in this regard.
- 8.7.14. The proposed houses are two storey with the exception of house type E and E1. House ridge levels range from c. 6.45m to c. 8.9m. Having considered the orientation of houses I am satisfied that at least half of all private back gardens will receive at least two hours of sunlight on March 21<sup>st</sup>.
- 8.7.15. Apartment type G2 has a large south facing private space to the rear which will receive at least two hours of sunlight on March 21<sup>st</sup> . Apartment G3 has a north-west facing private enclosed terrace. In my opinion it is unlikely that half of this space will

receive at least two hours of sunlight on March 21<sup>st</sup> and therefore does not appear to comply with the recommendations of BRE209.

8.7.16. Notwithstanding this, I note section 1.6 of BRE 209 specifically details that the advice given is not mandatory and should not be seen as an instrument of planning policy. In this regard I note the proximity of this apartment to a large area of proposed public amenity space. I am satisfied this recommendation of BRE209 can be relaxed in this instance.

8.7.17. Having considered all of the above I am satisfied the proposed development will not have a negative impact on the residential amenity of existing property in the area and for future occupants of the development in terms of impacts from daylight and sunlight.

## **8.8. Apartment Standards**

8.8.1. Amongst 39 houses, the application also proposes 2 duplex style apartments. The Planning Authority have raised no concerns in relation to the proposed apartment standards. For clarity purposes duplex units are considered apartments.

8.8.2. Section 2.4 of the Guidelines generally details criteria for identifying location in 'cities and towns' that may be suitable for apartment development. However, the Guidelines clearly includes 'Sites in small towns or villages' under the criteria titled 'Peripheral and/or Less Accessible Urban Locations'.

8.8.3. Section 2.5 specifically states-

*'While the provision of apartments may not be required below the 45 dwellings per hectare net density threshold, they can allow for greater diversity and flexibility in a housing scheme, whilst also increasing overall density. Accordingly, apartments may be considered as part of a mix of housing types in a given housing development at any urban location, including suburbs, towns and villages.'*

8.8.4. Having regard to section 8.5 of this assessment, I am satisfied the provision of two apartments as part of the overall scheme is an acceptable consideration subject to the other requirements of the 2020 Apartment Guidelines. The proposed

development will therefore be assessed against the following and appropriate Specific Planning Policy Requirements of the 2020 guidelines- SPPR 1, 3, 4 and 6.

#### 8.8.5. SPPR 1

The proposed development is for one no. 1 bedroom apartment and one number 2 bedroom apartment with 39 houses. The proposed apartment/duplex mix is compliant with SPPR 1 of the Apartment Guidelines in the context of the overall scheme and section 2.5 of the Guidelines.

#### 8.8.6. SPPR 3

This requirement sets out minimum requirements for apartment floor areas and in particular requires-

- 45 sq.m for 1-bedroom apartment (2 persons)
- 73 sq.m for 2-bedroom apartment (4 persons) and

Having reviewed the drawings I note-

- The one bed apartment has a stated floor area of 63.4 sq.m
- The two bed apartment has a stated floor area of 84.9 sq.m

The proposed development complies with SPPR 3.

#### 8.8.7. SPPR 4

This SPPR requires a minimum of 50% dual aspect apartments in a single scheme in 'Intermediate Locations'. Having reviewed the drawings submitted with the application, both apartments benefit from dual aspect layouts.

#### 8.8.8. SPPR 5

This SPPR requires ground level apartments to have floor to ceiling heights of a minimum of 2.7m. The application proposes one ground level apartments with a stated floor to ceiling height of 2.7m. The proposed development complies with SPPR 5.

#### 8.8.9. Other Requirements

The apartment guidelines sets out a number of other requirements-

- Appendix 1 details requirements in relation to '*Required Minimum Floor Areas and Standards*' for living/dining/kitchen areas, bedrooms, storage, private amenity space and communal amenity space. Having reviewed the submitted drawings, the proposed development appears to meet most of these requirements. Significant areas of public open space have been provided and it is not considered reasonable to provide dedicated communal amenity space for the two apartments in this context. Storage space requirements for both apartments are indicated as provided to standard, but this requirement is not clearly identified in the layout drawing. However in the context of the larger than required floor areas for both apartments there are no concerns in this regard.

#### 8.8.10. Conclusion

I consider the site can be described as located in a 'Peripheral and/or Less Accessible Urban Location' as per the 2020 Apartment Guidelines. In accordance with Section 28 1 (c) of the Planning and Development Act, 2000-20 (as amended) and Section 1.19 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, December 2020', I consider the proposed development complies with all relevant SPPR's and significantly with the requirements of the 2020 Apartment Guidelines.

### 8.9. **Traffic and Pedestrian Linkages**

#### *Traffic*

- 8.9.1. The Appellants have raised concerns the development will lead to a build-up of traffic congestion and have traffic safety implications.
- 8.9.2. The applicants argue that proposal will not give rise to significant increase in traffic in the village and will not adversely impact residential amenities of the area.
- 8.9.3. The proposed development will provide for 81 car parking spaces dedicated to the houses and apartments. 14 visitor car parking spaces and 2 electric car parking spaces are also provided. 2 parking spaces appear to have been provided to 38 of the houses in accordance with the section A1.9.3 of the development plan. There appears to be only one dedicated space to house type G1 which is a three bed house. House type G2 and G3 are both apartments and one space is provided each.

I am satisfied the proposed car parking provision significantly complies with the requirements of the Development Plan.

- 8.9.4. The development will be accessed via a new entrance and junction onto the existing access road that serves the Bunratty West Holiday Village to the north of the application site. The access road connects to the 'Old Bunratty Road' or L-3126 as described in the public notices. In the original application the red line site boundary did not include the existing access road although it was outlined in blue showing it as within the applicants ownership. Following the submission of further information I note the red line now includes for the existing access road.
- 8.9.5. The existing access road will link the application site to the L-3126 and Bunratty village via an existing entrance. The original and FI submitted drawings do not appear to show sightlines from the junction of this road. I note this entrance is located onto a 60kph section of the L-3126. DMURS suggest sightlines and stopping sight distances of 59m are required in both directions.
- 8.9.6. As part of the FI request a Stage 2 Road Safety Audit has been submitted which recommends works for the development including to the junction of the access road with the L-3126. These works appear to have been included for in the revised drawings including those shown in Drawing 134 A1.
- 8.9.7. I have not been able to identify a sight line or stopping sight distance drawing form the proposed access road to the L-3126. However having visited the site I note the proposed entrance to the access road is existing and safe access and egress to the road appears to be available. I note the lands are zoned for development and the Planning Authority have raised no concerns in this regard.
- 8.9.8. I do not consider the proposed development would lead to significant traffic congestion in Bunratty Village.

#### *Pedestrian Linkages*

- 8.9.9. The appellant has raised concerns in relation to the proposed pedestrian access through Dun Ri. They consider it unwarranted and will impinge upon privacy and residential amenities of the existing houses in Dun Ri. They argue the other proposed pedestrian routes are more than adequate.

- 8.9.10. The applicants contend that the pedestrian access through Dun Ri was requested by the Planning Authority as the Dun Ri estate is to be taken in charge. The planning reports clearly support this position.
- 8.9.11. The provision of a pedestrian entrance from the site through the boundary with the Dun Ri housing estate is intended to provide for increased permeability and direct access to the village core.
- 8.9.12. Section 3.14 of the 2009 SRDUA Guidelines sets out a number of design principles that should influence the layout and design of streets in residential areas. In particular they detail that convenient access needs to be provided between and within areas, particularly to larger community and commercial facilities and to places of work. Routes within the area should be accessible and as direct as possible.
- 8.9.13. The SRDUA Guidelines are accompanied by a companion document- Urban Design Manual- A best practice guide. This document sets out 12 principals of best practice design including connections, inclusivity and layout. Permeability and ease of access are central features in these principals and the Urban Design Manual. In this context I am satisfied that it is entirely appropriate to provide pedestrian connectivity from the application site through the Dun Ri estate and on to the village.

#### 8.10. **Wastewater Treatment**

- 8.10.1. The application proposes connecting to the Public Sewer. Section 4.0 of the Services Report submitted with the application and dated November 2019 (stamp dated 29/11/2019) details discharge will be to the existing foul water pumping station at Gallagher's. This section does not detail treatment and final discharge.
- 8.10.2. A report from Irish Water dated 10/12/2019 indicates no objections to the proposal. The Planning Authority's first Planners Report dated 30/01/20 details some issues that appear to be those set out on the Pre-Connection Enquiry Letter from Irish Water which is provided in Appendix K of the Services Report.
- 8.10.3. The first Planners Report also states-

*"The most significant issue is the capacity of the waste water treatment plant in Shannon to which the developers propose to connect. The plant is currently operating over its design capacity but I note that the primary issue in this*



*regard relates to the treatment of waste from the industrial/manufacturing activities in Shannon and not in relation to the treatment of additional domestic waste.”*

Further information on this and Appropriate Assessment issues was suggested.

- 8.10.4. However it would appear the concerns over the capacity of the wastewater treatment plant in Shannon and its impact upon European Sites did not make it into the request for Further Information.
- 8.10.5. The final Planners Report (21/12/20) suggests that the applicant has responded to the issues raised in the Pre-Connection Enquiry Letter from Irish Water including for the upgrade of the main pumping station at Gallagher's.
- 8.10.6. The Planners Report goes on to detail that the matters including the upgrade of the pumping station and the correspondence from Irish Water as a result of the pre-connection enquiry are included in the Services Report received on the 8<sup>th</sup> of October 2020.
- 8.10.7. Concerns in relation to impacts upon European Sites will be addressed in the section 8.10 of this report- Appropriate Assessment.
- 8.10.8. I note that since the lodgement of the application the Shannon Wastewater Treatment Plant has recently been subject to upgrade<sup>5</sup>. These works have improved the wastewater treatment performance, increased the capacity at the plant and ensure compliance with the Wastewater Treatment Regulations. The Irish Water website indicates these works have been completed and I note the capacity is now 28,500 pe<sup>6</sup>. I am satisfied there are no concerns in this regard.
- 8.10.9. I note the application proposes connecting to the existing wastewater network in Cluain Raite and will be pumped to the Shannon WWTP from the existing pumping station at 'Gallagher's'. The ability to connect to the pumping station is provided for with the application site. The need for an upgrade of Gallagher's are considered matters for the consent of Irish Water. Should permission be granted I recommend a

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<sup>5</sup> <https://www.water.ie/projects/local-projects/shannon-sewerage-scheme-a/>

<sup>6</sup> <https://www.clarecoco.ie/your-council/about-the-council/chief-executive-reports/2021/chief-executives-report-september-2021-44002.pdf>

condition be attached ensuring appropriate consents facilitating access to Gallagher's pumping station have been received.

## **8.11. Other Matters**

### **8.11.1. Overhead Wires**

- I note concerns raised by the appellants in relation to overhead wires which traverse the site and plans to place these underground. The Planning Authority have conditioned (C3) documentation to be submitted showing re-routing of same as agreed with the ESB.
- The applicants submitted a drawing (PL2047-E-101) in response to Further information showing proposals to underground the existing 110kv line through the site and generally under a road. I see no major issues with this proposal but agreement will need to be reached with ESB Networks.
- I note the condition of the Planning Authority clearly does not insist overhead wires should be placed underground. Rerouting of 110kv overhead wires underground, within or around application sites is not unusual and I see no major issue with the condition of the Planning Authority. Reaching agreement is a matter for the applicants and ESB Networks and if such agreement involves revising the layout of the development then such revisions would generally require a new planning application which for obvious reasons cannot be considered as part of this appeal. I am satisfied such works can be achieved and agreed without requirement to amend this application.

### **8.11.2. Short term letting**

- I note the concerns raised in regard to the potential for the proposed units to be used for Air BnB short term letting. The applicants have not applied for short term letting use of the units and accordingly I cannot give any considerations of such possible uses. I also note that any unauthorised use of the properties would be an enforcement matter that falls within the jurisdiction of Clare County Council.

### **8.11.3. Suggested Conditions by the Appellants**

- I note the appellants have suggested a number of conditions should the Board decide to grant permission. These include omitting the pedestrian entrance to Dun Ri with mature trees to be planted along this boundary, hours of operations from 9am to 5 pm with no weekend working, dust mitigation measures to include monthly window cleaning of existing properties at the developers expense, noise mitigation so as not to exceed 50dBA, measures to ensure no loss of water pressure to Dun Ri and the houses shall not be used for short term letting.
- The matter of the pedestrian linkage between the site and use of the proposed house for short term letting have been considered previously in this assessment.
- The applicants have submitted a Landscape Layout Plan Drawing No. L-201a which provides for retention of a mature tree close to the area of the proposed link to Dun Ri and proposes a beech hedge to be planted inside the existing fence save for the area of the linkage. A number of other trees are also proposed along the boundary with Dun Ri. I consider the Landscape Plan as proposed by the applicant to be acceptable.
- Limiting the hours of operation as suggested by the appellants would in my opinion only serve to extend the amount of time required to complete the development. Operating hours of 0800 to 1900 Mondays to Fridays inclusive and between 0800 to 1400 hours on Saturdays are considered reasonable allowing for possible deviation to these time in certain circumstances as agreed with the Planning Authority.
- Unfortunately noise and dust are a consequence of the construction stage of any development. Notwithstanding this, I acknowledge the reasonable and understandable concerns of the appellants. However such concerns should also be balanced against the needs to complete the development in a reasonable and timely way. Mitigation measures for noise and dust can be managed in accordance with a Construction Management Plan which can be conditioned for agreement with the planning authority. In my opinion it is not reasonable to insist the developer should clean windows of existing properties in the area on a monthly basis.

- Concerns relating to the effects of the development on water pressure in the area are in my opinion matters for Irish Water. I note Irish Water have raised no concerns in this regard.

## **8.12. Appropriate Assessment**

### **8.12.1. Introduction**

The original application was accompanied by a Stage 1 Screening Report and Stage 2 Natura Impact Assessment both prepared by Pádraic Fogarty, Openfield Ecological Services. An updated Natura Impact Assessment was submitted to address a request for Further information including impacts of the attenuation system on the Clonmoney South River, the impact to Otters and an assessment of in-combination effects.

### **8.12.2. Submission of the NPWS, the Local Authority's Environmental Assessment Officer reports and the Planners Reports**

I note the NPWS submitted comments to the Local Authority on the original application for 48 units. In particular they stated the Shannon Wastewater Treatment Plant has a current capacity for 12,500 population with the current loading at 20,809. Ultimate discharge is to the estuary and SAC and SPA. The NPWS requested the council include this in the screening of the development.

The Planning Authority's Environmental Assessment Officer first report dated 23/01/21 outlined potential significant effects from hydrological pathways to European Sites. In particular concerns were raised in relation to the NIS and the capacity of the Wastewater Treatment Plant in Shannon to accommodate additional loading arising from the proposed development. It was suggested the NIS be updated in this regard as the ultimate outfall is to the Lower River Shannon cSAC.

In the section dealing with public health and wastewater the first Planners Report states-

*...the plant discharges to the Shannon Estuary which is a designated Special Area of Conservation and Special Protection Area and this constitutes a direct*

*hydrological link between the proposed development and European sites. It is essential to the progression of the development that it can be satisfactorily demonstrated that there will be no significant effects on the Conservation objectives or qualifying interests of European Sites. The proposed development will increase the loading at the Shannon waste water treatment plant and this must be taken into consideration in the appropriate assessment process.*

*The NIS which was submitted with the application does not sufficiently address the capacity of the waste water treatment plant in Shannon to accommodate the additional loading arising from the proposed development. While it notes a new wastewater connection will be required it does not provide an analysis or assessment in relation to the ability of the plant to accommodate the nutrient load or the additional quantity of loading to the plant. The NIS should be updated to take on board this potential impact given the ultimate outfall is to the Lower River Shannon SAC.*

Further Information was suggested on these issues but having reviewed the request for further information (point 6) I note these matters were not specifically included and no further reference to these matters appear evident in the second Environmental Assessment Officer report (10/11/20), the final planners report or the Section 177(V) Determination by the Planning Authority.

### **8.12.3. Stage 1 – Screening**

The application was accompanied by a Stage 1 Screening Report prepared by Pádraic Fogarty, Openfield Ecological Services.

Following a request for further information by the local authority the applicant submitted a revised Stage 1 Screening Report again prepared by Pádraic Fogarty, Openfield Ecological Services.

Both versions of the submitted Screening Reports have been considered submitted used for the purpose of this Appropriate Assessment screening.

The applicant's final AA Screening Report concludes that-

*“Hydrological pathways exist to the Shannon Estuary; significant effects cannot be ruled out to the following areas:*

- *Lower River Shannon SAC*
- *River Shannon and River Fergus Estuaries SPA*

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

#### 8.12.4. The Proposed Development and Receiving Environment

The application site is a greenfield site and in agricultural use. The proposed development is for 41 residential uses, one new entrance and revisions to existing entrance to the public road. The site is not located within a designated European site however it is note the site is located c. 300 - 370m from designated sites.

#### 8.12.5. European Sites

Given the location of the site, and the nature and scale of the proposed development, I consider the following designated sites as set out in Table 1 to be within the zone of influence of the subject site-

Table 1-

Site Name & Code	Qualifying Interest / Special Conservation Interest	Distance
Lower River Shannon SAC 002165	1029 Freshwater Pearl Mussel <i>Margaritifera</i> 1095 Sea Lamprey <i>Petromyzon marinus</i> 1096 Brook Lamprey <i>Lampetra planeri</i> 1099 River Lamprey <i>Lampetra fluviatilis</i> 1106 Atlantic Salmon <i>Salmo salar</i> (only in fresh water) 1110 Sandbanks which are slightly covered by sea water all the time 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1150 *Coastal lagoons 1160 Large shallow inlets and bays 1170 Reefs 1220 Perennial vegetation of stony banks 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 1310 Salicornia and other annuals colonizing mud and sand 1330 Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) 1349 Bottlenose Dolphin <i>Tursiops truncatus</i> 1355 Otter <i>Lutra</i> 1410 Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) 3260 Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation	c. 320 m to the east of the site.

	6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) 91E0 *Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)	
River Shannon and River Fergus Estuaries SPA  004077	A017 Cormorant <i>Phalacrocorax carbo</i> breeding + wintering A038 Whooper Swan <i>Cygnus</i> wintering A046 Light-bellied Brent Goose <i>Branta bernicla hrota</i> wintering A048 Shelduck <i>Tadorna</i> wintering A050 Wigeon <i>Anas penelope</i> wintering A052 Teal <i>Anas crecca</i> wintering A054 Pintail <i>Anas acuta</i> wintering A056 Shoveler <i>Anas clypeata</i> wintering A062 Scaup <i>Aythya marila</i> wintering A137 Ringed Plover <i>Charadrius hiaticula</i> wintering A140 Golden Plover <i>Pluvialis apricaria</i> wintering A141 Grey Plover <i>Pluvialis squatarola</i> wintering A142 Lapwing <i>Vanellus</i> wintering A143 Knot <i>Calidris canutus</i> wintering A149 Dunlin <i>Calidris alpina</i> wintering A156 Black-tailed Godwit <i>Limosa</i> wintering A157 Bar-tailed Godwit <i>Limosa lapponica</i> wintering A160 Curlew <i>Numenius arquata</i> wintering A162 Redshank <i>Tringa totanus</i> wintering A164 Greenshank <i>Tringa nebularia</i> wintering A179 Black-headed Gull <i>Chroicocephalus ridibundus</i> wintering A999 Wetlands	c. 370 m to the east of the site.

#### Conservation Objectives-

- SAC- Available to view at- [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO002165.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002165.pdf)
- SPA- Available to view at- [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO004077.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004077.pdf)

I am satisfied that other European sites proximate to the appeal site can be 'screened out' on the basis that significant impacts on such European sites could be ruled out, either as a result of the separation distance from the appeal site, the extent of marine waters or given the absence of any direct hydrological or other pathway to the appeal site.

#### 8.12.6. Test of Likely Significant Effects

The project is not directly connected to or necessary to the management of any European site. The proposed development is examined in relation to any possible

interaction with European sites to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

Based on the source-pathway-receptor model and taking account of the characteristics of the proposed development in terms of its nature, location and the scale of works, the sites proximity to European sites and having regard to the NIS carried out for the County Development Plan and implications for this site, the following issues are considered for examination in terms of likely significant effects on European sites-

- Potential for impacts on water quality as a result of inadequate wastewater treatment and discharge to the River Shannon
- Potential for construction and operation related impacts from surface water and proposed SUD's on water quality in nearby watercourses and downstream impacts to the River Shannon.
- Potential disturbance to habitats on the Lower River Shannon SAC i.e. otter during construction and operation from noise, lighting and increased recreation.

#### **8.12.7. Potential Effects**

All foul water from the proposed development would be discharged via the public system to the Shannon WWTP. I note the reports of the NPWS and the Councils Environmental Awareness Officer and that the existing WWTP would appear to be significantly over capacity. Concerns raised included nutrient loading and wastewater discharge to the European Sites.

I note the screening report submitted by the applicant details that the proposal will add to the loading of the WWTP which is operated by Irish Water under licence from the EPA. Irish Water have submitted an observation on this application in which they raise no objections. Notwithstanding this, pollutants arising from the proposed development, either during construction or operation, could reach the designated sites in sufficient concentrations to have a significant effect on the designated sites in view of their qualifying interests and conservation objectives.



The proposed development is to utilise Sustainable Urban Drainage Systems (SUDs) including attenuation and therefore it is considered there will be no significant or adverse change to the quantity or quality of surface water leaving the site and draining to the Shannon Estuary.

The submitted Screening Report identifies potential effects from pollution during construction i.e. the removal of top soil and excavations etc leading to loss of silt and sediment to surface waters. Such pollution could effect invertebrate life in intertidal habitats which could have knock on effects to birds using the SPA. This may arise from the impact to intertidal or subtidal habitats from pollution during the construction phase.

The Planning Authority raised concerns in relation to the impact of the proposed development and the location of the attenuation tank on otters (a Qualifying Interest) within or in close proximity to the riparian zone.

#### **8.12.8. In-combination Impacts**

I note the screening report submitted with the application refers to ongoing implementation of the Water Framework Directive will lead to overall improvements in water quality along the Shannon River.

The screening report considers this proposal should be considered as part of the wider development of Bunratty as part of the County Development Plan. The Plan was also subject to AA by the Local Authority.

I do not consider there to be any other specific planning applications in the immediate area that could have in combination effects with the proposed development on the identified European Sites.

#### **8.12.9. Conclusion**

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the

project individually (or in combination with other plans or projects) could have significant effects on the following European Sites-

- Lower River Shannon SAC 002165
- River Shannon and River Fergus Estuaries SPA 004077

in view of these site's Conservation Objectives, and Stage 2 Appropriate Assessment is therefore required. The applicants have submitted a NIS with the application and a revised NIS at Further Information Stage.

#### 8.12.10. **Stage 2 – Appropriate Assessment**

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of each European site

##### Compliance with Article 6(3) of the EU Habitats Directive

The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

#### 8.12.11. **Screening- the need for Appropriate Assessment**

Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded that the proposed development individually or in-combination with other plans or projects will not have a significant effect on the following European sites-

- SAC- Lower River Shannon 002165
- SPA- River Shannon and River Fergus Estuaries 004077

#### 8.12.12. **The Natura Impact Statement (NIS)**

Following a request for Further Information the application includes a NIS dated October 2020, prepared by Pádraic Fogarty, Openfield Ecological Services, which examines and assesses likely effects of the proposed development on the European Sites listed above.

The NIS concludes that-

*‘This report contains an analysis of the proposed project and its relationship with areas designated under the Habitats and Birds Directives. Pathways exist between the development site and two such areas and these have been described in detail. Following this analysis, it is concluded that significant effects to the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries cannot be ruled out. Specifically, this may arise from the impact to intertidal or subtidal habitats from pollution during the construction phase. Arising from this assessment, mitigation has been proposed. With the implementation of these measures adverse effects to the integrity of the SAC will not occur. This conclusion is based on best scientific knowledge. In the light of the conclusions of the assessment of the implications for the site, in view of the conservation objectives of the site and in view of best scientific in combination with other projects, will not adversely affect the integrity of the Lower River Shannon SAC’.*

There appears to be some discrepancies in the NIS including one reference to Limerick County Council as the Planning Authority. This discrepancy is considered a likely typing error. The NIS refers to the proposal being for 48 home residential units despite the revision to 41 units at FI stage and the absence of a Figure 1 as referred to in the NIS report. This discrepancy does not have a material bearing on the findings of the NIS as it would have taken in to consideration the worst case/greater level of development. I also note Figure 4 shows the amended site layout for 41 units.

Having reviewed the documents on file, I am satisfied that the information allows for an assessment of any adverse effects of the development, on the conservation

objectives of the identified European sites alone, or in combination with other plans and projects.

#### 8.12.13. **Implications of the proposed development on the integrity of each European site**

##### *Potential Impacts of the Development:*

The main aspects of the proposed development that could adversely affect the conservation objectives of European sites include-

- Potential for impacts on water quality as a result of inadequate wastewater treatment and discharge to the River Shannon
- Potential for construction and operation related impacts from surface water and proposed SUD's on water quality in nearby watercourses and downstream impacts to the River Shannon.
- Potential disturbance to the Lower River Shannon SAC during construction and operation from noise, lighting and increased recreation.

##### *Wastewater and Water Quality*

The NIS details that the proposed development will increase the quantity of wastewater to be generated and discharge from Bunratty is to a treatment plant in Shannon operated under licence from the EPA. The NIS states there is no evidence that negative effects to water quality are arising from this discharge.

I note the NPWS submitted comments to the Local Authority on the original application. In particular they stated the treatment plant has a current capacity for 12,500 population with the current loading at 20,809. I also note the report of the Councils Environmental Awareness Officer dated 23/01/20 and concerns in relation to the ability of the treatment plant in Shannon to accommodate additional loading from the development. This report further details the NIS does not provide an analysis or assessment in relation to the ability of the plant to accommodate the nutrient load quantity or additional quantity of loading to the plant given the ultimate outfall is to the Lower River Shannon SAC. The Officer requested this be addressed through FI but it would appear these concerns did not issue to the applicant in the formal FI request.

I note Clare County Council's first planning report states-

*"The plant is currently operating over its design capacity but I note that the primary issue in this regard relates to the treatment of waste from the industrial/manufacturing activities in Shannon and not in relation to the treatment of additional domestic waste."*

Following receipt of the FI a further report was received from the Environmental Assessment Officer. This does not appear to make any further reference to the matter of Wastewater Treatment and discharge to the SAC.

In my opinion the submitted NIS is lacking in information in terms of the existing capacity of the treatment plant in Shannon to cater for the proposed development including if it can accommodate the treatment, additional nutrient load and discharge to the River Shannon.

However and as discussed in section 8.10.8 of this report the Shannon Wastewater Treatment Plant has recently been subject to upgrade. These works have improved the wastewater treatment performance, increased the capacity at the plant and ensure compliance with the Wastewater Treatment Regulations. The Irish Water website indicates these works have been completed and I note the capacity is now 28,500 pe.

Given the nature of the site, and its location within the development boundary of the village, on residentially zoned land and the scale of the proposal, the proposed development would give rise to an insignificant increase in the loading at the Shannon Wastewater Treatment Plant, which now has sufficient capacity to facilitate the development. In any event connection to the public system would be subject to Irish Water consent and would only be given where compliance with EPA licensing in respect of the operation of the plant would not be breached. I also consider that the distances are such that any pollutants in discharge post treatment from the Shannon WWTP would be minimal and would be sufficiently diluted and dispersed. I am satisfied that wastewater from the proposed development will not have a significant effect and would not adversely affect the integrity of the identified European sites.

### *Surface Water and Water Quality*

During the operation stage of the development the NIS details that the proposed attenuation measures incorporated into the design of the surface water drainage system will ensure there can be no impact upon quality or quantity of surface water run-off. Surface Water discharge following attenuation is shown in Figure 4 of the NIS which is drawing 120-A1 submitted at FI stage. This shows outfall to the existing open drain along the western boundary of the site. The NIS details the proposed 'homes' are designed with SUDs and no changes to the quantity or quality of run off is predicted.

During the construction stage of the development there is potential for pollution of surface waters impacting upon drainage ditches, the Bunratty West Stream and ultimately the River Shannon. The applicant has proposed a number of Mitigation Measures in this regard as set out in 'Step 4' of the NIS-

- Guidance from Inland Fisheries Ireland- robust silt curtain
- Bunded storage of dangerous substances e.g. oils, fuel
- Staff Training
- Pollution prevention during construction including specific measures detailed in section 2.6 and 2.10 of a submitted Construction Environmental Management Plan (CEMP)

I am satisfied these measures are sufficient to address potential impacts from pollution during construction and operation and the potential for deterioration of habitats and birds using the European Sites.

### *Potential disturbance*

The applicants were requested to address these concerns having particular regard to the Otter which is a Qualifying Interest of the Lower River Shannon SAC. The applicants have submitted a revised NIS which details there are no impacts which arise to Otters from this project. The NIS details that small streams and ditches like those to which surface water are proposed to connect do not provide suitable habitats for otters. Habitats further downstream from the site which could support

other activity are distant from the site so no disturbance effects are considered to arise. In this regard and having considered the other mitigation measures proposed I am satisfied the proposed development will not be likely to have significant effects on European Sites.

#### 8.12.14. **In-combination Effects**

The applicants NIS refers to-

- the ongoing implementation of the Water Framework Directive and details it will lead to overall improvements in water quality along the Shannon River.
- The proposal should be considered as part of the wider development of Bunratty as part of the County Development Plan. The Plan was also subject to AA by the Local Authority.

The submitted NIS does not provide any information of other planning applications in the area. I have not been able to identify any other applications of note and accordingly I do not consider there to be any significant concerns in this regard.

#### 8.12.15. **Conclusion**

The proposed development has been considered in light of the requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites- Lower River Shannon 002165 and SPA- River Shannon and River Fergus Estuaries 004077, or any other European site, in view of those site's Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed development alone (and in-combination plans and projects) including possible construction and operational related, wastewater treatment, surface water drainage and disturbance matters. Measures designed to prevent adverse effects have been incorporated into the submitted NIS and the Construction Environmental Management Plan. There is therefore no reasonable doubt as to the effectiveness of these measures and therefore no doubt as to the absence of adverse effects from

the proposed development on the conservation objectives of the identified European Sites.

## **9.0 Recommendation**

I recommend that permission is granted subject to the following conditions-

## **10.0 Reasons and Considerations**

10.1. Having regard to the location of the application site in an area largely zoned R1 and for Residential development within the Bunratty Settlement Boundary as set out in the Clare County Council Development Plan 2017-2023, the designation of Bunratty within the Limerick - Shannon Metropolitan Area as detailed in the Regional Spatial & Economic Strategy for the Southern Region, the general pattern and density of development in the area and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum of development, housing mix and appropriate density for the area, would not seriously injure the residential or visual amenity of the area, would not detract from the character and setting of the village, would be acceptable in terms of design and quantum of development and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 29<sup>th</sup> day of November 2019 and, as amended, by the further plans and particulars submitted on the 08<sup>th</sup> day of October 2020 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. All mitigation measures in the Natura Impact Statement and Construction Environmental Management Plan submitted to the planning authority on the 08<sup>th</sup> day of October 2020, shall be implemented in full and shall be supervised by a suitably qualified ecologist and bonded engineer.

**Reason:** In the interest of environmental protection, public health and orderly development.

3. Details of the materials, colours and textures of all the external finishes to the proposed development, including revised and enhanced proposals to the east facing gable elevations of units 26, 27 and 41 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

5. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works and shall comply with all relevant aspects of DMURS.

(b) All recommended measures in the Road Safety Audit report submitted to the planning authority on the 08th day of October 2020 shall be implemented to the satisfaction of the planning authority.

Reason: In the interest of pedestrian and traffic safety.

6. (a) All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses and apartments to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) No car parking spaces shall be sold, rented or otherwise sub-let or leased.

Reason: in the interest of sustainable transportation.

7. Proposals for naming and numbering of the proposed scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

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

Reason: In the interest of public health.

9. Prior to commencement of development and subject to confirmation that third party consents facilitating access to Gallagher's pumping station have been obtained, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such

complaints and its response to them, which may also be inspected by the planning authority.

Reason: In the interest of amenities, public health and safety.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management

12. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities within each house and apartment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400

hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

14.

- a. 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 developer to facilitate the provision of broadband infrastructure within the proposed development.
- b. Prior to commencement of development details shall be submitted for the written agreement of the Planning Authority demonstrating the re-routing of the 110kv powerline on the site has been agreed with ESB Networks. These details shall include a timeframe of such works.

Reason: In the interests of visual and residential amenity.

15. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed lighting system shall be fully implemented and operational before any of the residential or commercial units are made available for occupation.

Reason: In the interests of amenity and public safety.

16. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas and the site shall be landscaped in accordance with the Landscape Layout Plan (L-201a) submitted to the planning authority on the 08<sup>th</sup> day of October, 2020. This work shall be completed before any of the units are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

17. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

18. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

19. Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the

number and location of each house unit), pursuant to Section 47 of the Planning and Development Act, 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development

21. 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 Bord 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.

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Adrian Ormsby  
Planning Inspector

23<sup>rd</sup> September 2021