



Development

Retention Permission for the following:

1. of unpermitted 19.76 sqm of domestic garage to be amalgamated into the existing domestic garage and subsequent conversion of same to a one-bedroom Covid 19 Isolation accommodation for resident usage only.
2. Retention Permission of single storey shed to be used as a store.

Planning Permission for:

3. Conversion of the existing dormer bungalow to a residential care centre.
4. Construction of a 3-bed dwelling for Careers'/Nuns' accommodation.
5. Construction of an Oratory Building for residents use only.
6. Removal of existing septic tank and percolation area and installation of a new wastewater treatment system.
7. Water to be supplied by existing well.
8. An NIS is submitted as part of this proposal.
9. Upgrading of existing entrance also proposed. All of the above together with ancillary works.

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| Location | Cladagh, Clashmore, Co. Waterford, P36 EW77. |
| Planning Authority | Waterford City and County Council |
| Planning Authority Reg. Ref. | 211094 |
| Applicant(s) | Refuge of the Immaculate Heart of Mary Ltd. |
| Type of Application | Retention Permission and Permission |
| Planning Authority Decision | Grant Retention and Grant Permission |
| Type of Appeal | Third Party |
| Appellant(s) | Eamon and Yvonne Malley and Others |
| Observer(s) | None |
| Date of Site Inspection | 20.02.23 |
| Inspector | Una O'Neill |

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1.0 Site Location and Description

- 1.1. The appeal site is located c. 6km north of the N25 Cork-Waterford Road in the rural townland of Cladagh, Clashmore County Waterford. The site is c. 5.5km east of the village of Clashmore and 4.5km north of Grange. The nearest large town is Youghal, which is c. 14km to the southwest. Dungarvan is c. 19km to the northeast.
- 1.2. The site, which has a stated area of 1.9ha, is accessed from the northern section of a local secondary road, L6086. The site comprises an existing dormer house, detached garage, and a shed. The topography of the site falls steeply from the level of the existing buildings (c. 83.58mAOD) down to the road (c. 64mAOD). The site is surrounded by woodland areas which extend down to the road and on the opposite side of the road along the River Licky.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Retention of:
 - 19.76 sqm domestic garage to be amalgamated into the existing domestic garage and subsequent conversion of same to a one-bedroom Covid 19 Isolation accommodation for resident usage only.
 - single storey shed to be used as a store.
 - Permission for:
 - Conversion of existing dormer bungalow to a residential care centre.
 - Construction of a 3-bed dwelling for Carers'/Nuns' accommodation.
 - Construction of an Oratory Building for residents use only.
 - Removal of existing septic tank and percolation area and installation of a new wastewater treatment system.
 - Water to be supplied by existing well.
 - Upgrading of existing entrance.

An NIS is submitted as part of this proposal.

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to 11 conditions, including the following:

C3: Upgrade of entrance for sightlines

C7: Wastewater treatment system of Integrated Constructed Wetland (ICW)

C11: Boundary planting

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority. The following is of note:

- Subject to mitigation measures set out in the NIS, the PA is satisfied the proposal would not represent a significant risk to the integrity of the Blackwater River SAC. The retention elements of the application can be isolated and discounted in terms of potential impacts re NIS.
- Access – TIA included and traffic generation explained in terms of operation of facility. Sightlines have been demonstrated.
- Wastewater proposal by FH Wetlands Systems submitted and Surface Water Management proposal by AECOM. No issues raised by PA.
- Development Contribution Scheme does not apply as applicant is a registered charity/not for profit organisation.

3.2.2. Other Technical Reports

Heritage Officer – no report received.

District Engineer – no report on file. Report is recorded as being by way of telephone conversion with no objection noted subject to conditions.

Water Services – Proposal is satisfactory. Willow system will take time to establish, therefore until fully established request the applicant should provide a 6 monthly report.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

Eleven submissions were received. The concerns raised are largely raised in the grounds of appeal (see Section 6 hereunder).

4.0 **Planning History**

PA Reg Ref 05-674 - Permission consequent GRANTED for single storey dwelling, garage, treatment plant and entrance.

PA Reg Ref 08214 – RETENTION GRANTED and part demolition (with removal of stairs) for a garage structure. Condition attached that garage not to be used for habitable purposes, housing of animals or for commercial purposes.

PA Reg Ref 20672 – Application WITHDRAWN for retention of garage and amalgamation with existing garage to use as 3 bed accommodation for staff; retention of shed; permission for conversion of 8 bed dormer bungalow to residential care centre; construction of 3 bed dwelling for guardians/nun accommodation; construction of oratory with 2 bed accommodation; removal of septic tank and percolation and installation of a new wastewater treatment system; wate to be supplied by existing well.

5.0 **Policy Context**

5.1. **National Policy**

- Project Ireland 2040 National Planning Framework (2018)
- Regional Spatial and Economic Strategy for the Southern Region (January 2020)

5.2. Waterford City and County Development Plan 2022-2028

- Table 2.2 Settlement Hierarchy and Typology – Clashmore (4km west of the appeal site) is identified as a Class 4B Rural Village; Dungarvan is identified as a Key Town.
- Section 2.10 'Rural Areas' states that the countryside will continue to be a living and lived in landscape, focussing on the requirements of rural communities and their economies, based primarily on agriculture, forestry tourism and rural enterprise, while at the same time avoiding an over-spill urban generated development and protecting environmental quality.
- Section 2.10.1, Rural Area under Strong Urban Influence - the provision of rural housing shall be based on considerations of economic, social or local housing need to live in a rural area, together with siting and design criteria. Regard will be had to the viability of our smaller towns and rural settlement nodes in the implementation of rural housing policy.
- CS 13 Settlement Strategy - In a manner consistent with the settlement typologies and respective policy objectives of the SRSES, we will:
 - Support the development of Waterford City as the Regional Capital, a University City and international location of scale and primary driver of economic and population growth in the Southern Region.
 - Support the development of Dungarvan/Ballinroad as a Key Town of significant influence in a sub-regional context and a Gaeltacht Service Town.
 - Support the development of Tramore in a manner which encourages a more self-sustaining model of settlement, and a move away from an over-dependence on employment in Waterford City; and,
 - Support the development of our urban and rural settlements to provide for the demands of their communities and encourage networking between settlements to build economic resilience and rationalise the sustainable provision of services while structuring and implementing the settlement hierarchy in a manner consistent with the RSES Sustainable Place Framework

- Chapter 7
 - Equality, Social Inclusion and Participation Policy Objectives – Policy SC07: Consider cultural diversity and ethnic minorities in planning for the needs of communities and ensure community facilities and social services provided are accessible for all individuals, communities and sectors of society, including people with disabilities, people with special needs, elderly, youth, marginalised and disadvantaged groups.
 - Community Facilities Policy Objectives - Policy SC11: To co-operate with all service providers in the provision of new health, educational, library, social and community facilities through the re-use of existing institutional buildings and community facilities or where new buildings are required that they would be suitable for multi-use.

5.3. Natural Heritage Designations

The following sites are noted:

Blackwater River (Cork/Waterford) SAC (002170) – 110m from the site

Ardmore Head SAC (002123) – 7.1km from the site

Helvick Head SAC (000665) – 12.9km from the site

Ballymacoda (Clonpriest and Pilmore) SAC (000077) – 13.2km from the site

Blackwater Estuary SPA (004028) – 5.3km from the site

Helvick Head to Ballyquin SPA (004192) – 5.7km from the site

Dungarvan Harbour SPA (004032) - 9.6km from the site

Ballymacoda Bay SPA (004023) – 11.8km from the site

5.4. EIA Screening

Under Item 10(b)(i) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2022, where more than 500 dwelling units would be constructed, the need for a mandatory EIA arises. The proposal is for the development of one new dwelling for carer accommodation, development of existing dwelling as a care centre and retention of c. 19sqm of unpermitted area to a garage,

as well as a chapel. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well below the relevant threshold, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal has been lodged by one agent representing eleven appellants. The grounds of the appeal is summarised as follows:

- The Refuge of the Immaculate Heart of Mary is a collective of individuals from several catholic organisations across the country, with connections to other centres in the country and outside the country. The facility is referred to as Pobail Mhuire. The proposed development is unlikely to be addressing a local only community need.
- Proposed houses do not comply with the county's Settlement Strategy in respect of rural areas which is aimed at addressing the need of local rural community members for dwelling houses. The proposal does not relate to rural housing but to a service/rehabilitation facility. Its locational need is a preference/choice. It is not a proposed local community facility as it will be of no benefit to the local rural community.
- The proposal is for two dwellings in addition to a semi-completed dwelling and a 12 seater oratory, the requirement of which is questioned. The proposals do not comply with the rural housing policy.
- Policy CS3 relating to social inclusion is not applicable as guests/residents are not required to be socially included in the community and members of the local community are unlikely to have access to the proposed facilities.
- Policy CS4 is not applicable as it relates to provision of services for the communities and local areas of Waterford and the development is unlikely to

serve the immediate local area or even the wider area, but could be more of a national or international catchment.

- Arguments by the council in relation to if proposal had been smaller it would be exempt, are a moot point and inapplicable.
- The proposal will have a huge negative physical impact given the scale and number of buildings proposed, which are not in keeping with the landscape.
- The proposal will have a high negative social and psychological impact on neighbours and the community.
- Proposal is for a material change of use from a dwelling to a rehabilitation centre. As confirmed at a public meeting with the developer, the centre will house vulnerable women in the care of nuns with no oversight from the HSE, HIQA or any other body.
- Development may result in visitors, which may include previous/current drug dealers and/or their associates.
- Drug abuse can lead to long term health conditions. The vulnerable women in the facility will most likely need constant medical oversight and attention and such provision is not available in the local area. The closest doctor is in Ardmore, Dungarvan and Middleton. Emergencies could arise with inadequate response times.
- The Design Statement contains a number of inaccuracies which were highlighted in the previous application (subsequently withdrawn) and not corrected. The nearest national school is Ballycurrane, not Clashmore, and there is no medical facility in Clashmore.
- Ballycurrane National School (51 pupils) is c. 700m northwest of the development and 1.5km by road. Car parking, footpaths and public lighting have been improved in the area of the school. Footpaths are well used for walking. Parents feel the location of a drug rehabilitation centre so close to the school will have negative impacts on the school and upcoming pupil numbers, with quite a number of parents considering moving their pupils should it go ahead, which would affect viability of the school which is at the heart of the community.

- Road access is substandard, with poor alignment, intervisibility, sharp steep bends and compromised sightlines. There will be additional loading of the local road network, additional traffic and road safety hazard, and a danger to pedestrians and children cycling, as well as for patients/guests going for a walk.
- Inland Fisheries Ireland identifies the catchment area of the site being a 'high quality (pearl mussel present) sensitive area with poor percolation on the development site'.
- Concerns in relation to surface water and waste generation given the number of residents.
- Notwithstanding the proposed reed bed system, concern raised in relation to the operation of the system. In the event of the failure of the willow bed system the result is likely to prove catastrophic to the ecology of the area, in particular the SAC. The precautionary principle would suggest the proposed development is unsuitable and would likely have a negative impact on water quality and the qualifying interests of the SAC and should be refused.
- Earthworks will result in increased sedimentation to the River Licky and associated Blackwater River SAC (pearl water mussel), which is 146m downslope to the south of the site.
- Concern in relation to quality and capacity of the well.
- Contradiction in relation to whether using a plastic liner in the wetland system or just heavy clay soil.
- If permission granted, conditions will be required in relation to appointment of a qualified ecologist, attenuation and surface water mitigation measures, operation of the willow bed reed system to be confirmed prior to occupation of residential units and associated management plan.

6.2. Applicant Response

The applicant has responded to the third party grounds of appeal, with the submission summarised as follows:

- Refuge of the Immaculate Heart of Mary Ltd are a charitable organisation aiming to provide sanctuary to young women as part of their recovery from addiction.
- Quiet rural areas away from urban environments are better locations for rehabilitation and being in an urban area is counter productive due to easier access to substances that were the source of addiction and therefore there is an increased risk of relapse.
- Residents using the facility will be post detoxification. They will be treated elsewhere and this location is for recovery, post detoxification. There will be no drug based medical interventions and it is not a medical facility or a clinic.
- The facility will be a refuge and offer educational programmes to residents including life skills, hospitality, catering and gardening, and help residents to find employment. There are similar centres around the country in rural locations, eg Knock (communitycenacolo.ie).
- It is a closed facility and residents are not allowed outside the facility. They will be allowed walk the grounds with a guardian.
- The nearest house is 400m to the west. There is a large landholding with the facility suitable for gardens to serve the facility.
- Drug use has increased significantly in rural Ireland and there is a need for this facility in the southeast, as per the appendix submitted.
- The proposal will not in any way impact on the local community and is a suitable use for a rural area.
- The applicant has no issue with a condition regulating use of the proposed carers accommodation and oratory to the residential care centre. These uses are ancillary to the overall healthcare facility and not akin to a single rural house.
- Proposal is a minor intensification of an exempted use rather than a new use on site.

- The development plan policy does not support or prevent the construction of an oratory in a rural location. A 'place of worship' is open to consideration in an agricultural area [Development Plan 2017, as extended].
- The wastewater treatment system is a significant upgrade to the existing defunct septic tank and percolation area. A zero discharge willow bed treatment system is proposed with no run off of treated effluent to ground or surface water. Treated wastewater discharges by way of evapotranspiration through the willow plants.
- Attenuation tank, silt traps and SUDS measures proposed to address surface water run off for a low flow rate and reduced siltation potential. Improvement over current situation.
- The development is located uphill of the River Licky, which outfalls to the River Blackwater, which is a designated Natura 2000 site. A Stage 2 NIS has been submitted. The report concludes no significant impact.
- Traffic impact assessment submitted. Sightlines are achievable, subject to maintenance of boundaries. Concerns regarding traffic safety are unfounded.
- Design – the proposal is for a collection of small-scaled nondescript buildings on a large development site, hidden from the public road by mature trees and hedgerows.

6.3. Planning Authority Response

None.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Impact on the Local Community
- Design & Impact on Visual Amenity
- Water Services
- Traffic and Car Parking
- Appropriate Assessment (see Section 8 hereunder)

7.1. Principle of the Development

- 7.1.1. The proposed development is for the conversion of an existing dormer bungalow to a residential care centre, the construction of a 3-bed dwelling for Carers'/Nuns' accommodation, and the construction of an Oratory Building for residents use only, as well as elements of retention and permission to replace the existing wastewater treatment system. The residential care centre is proposed to accommodate nine people, who are recovering from addiction, with the residents stated to be post detoxification stage. There will be three carers on site. It is proposed residents will remain on the site for 26 weeks and educational programmes will be offered. The applicant in their submission states the centre is not proposed for detoxification, there will be no drug based medical interventions, and it is not a medical facility or a clinic.
- 7.1.2. The grounds of appeal consider the proposal for additional houses does not meet the rural housing guidelines, the proposal is not just addressing local need, and overall it will have a negative impact on the community. It is contended that this use is not appropriate at this location.
- 7.1.3. Section 11 of Volume 2 of the development plan states in relation to zoning, that 'Where no specific use zoning is indicated, the primary use can be assumed to be

that already existing in the area and it is likely to be either Primarily Agricultural or Primarily General Urban Development. All lands outside of the designated settlements and land zoning maps is regarded to be zoned as Agriculture...'. Furthermore, section 11.2.1 defines 'white lands', as '...all areas outside zoned and/or designated settlement. These lands are chiefly in agricultural use, and may contain some isolated development. Such lands are not currently zoned under any land use classification'. The proposed development is on 'white lands'. Under Table 1.1, titled Land Use Zoning Objectives, white lands are given the code O1, however no corresponding zoning objective is given and I note O1 is not a land use class listed with the others in the zoning matrix in table 11.2. I note there is no reference to a Residential Care Centre in the land use zoning matrix, however such matrix lists are not exhaustive lists of all potential uses. The development plan states uses not covered in the Land Use Matrix may be allowed in accordance with the written provisions of the Development Plan. It is recognised in the development plan that white lands while mainly in agricultural use can contain some development, therefore, while it is not listed in the use type, I consider it reasonable to consider the proposal on its merits against normal planning criteria. I examine hereunder in more detail the proposed care centre and oratory use in terms of development plan policy.

- 7.1.4. At a high level, the development plan states that it is recognised that realising the Vision for Waterford will be predicated on a healthy society based on the following social determinants: Economic Stability; Social and Community Context; Neighbourhood and built environment; Access to health care; and Education. The Development Plan identifies key strategic aims and actions to address each of these determinants with a view to reducing inequality and improving the well-being, health and lives of all citizens and their communities. The policies of the development plan are generally targeted at HSE/primary care facilities and no specific provision or commentary is given in relation to residential care centres or rehabilitation type facilities. However, I note Policy SC 11 states: 'To co-operate with all service providers in the provision of new health, educational, library, social and community facilities through the re-use of existing institutional buildings and community facilities or where new buildings are required that they would be suitable for multi-use'. I further note Policy SC 07 Equality Social Inclusion and Participation Policy objective which seeks to 'Consider cultural diversity and ethnic minorities in planning for the

needs of communities and ensure community facilities and social services provided are accessible for all individuals, communities and sectors of society, including people with disabilities, people with special needs, elderly, youth, marginalised and disadvantaged groups'. I consider the facility as described will provide for a care service to marginalised individuals in the community, who are post detoxification of their addictions. I do not consider the third party view that such facilities should be considered only in the context of the immediate local community need is applicable. This is a care facility which does not limit access based on where you are from. There is nothing excluding the people of Waterford accessing such a service and I see no planning issue in relation to where people who use the service come from. Issues around traffic are assessed separately in section 7.5 of this report.

- 7.1.5. The third party submission objects to the proposal on the basis that the applicant does not comply with the rural housing policy for the proposed dwellings and there is no local need at this location. I note under the Planning and Development Regulations 2001 as amended, use of a building as a house materially differs from use of a building for the provision of care to people in need of care. The use proposed of a care facility therefore is not required to comply with the rural housing policy as permission is being sought for a care centre and not a residential dwelling.
- 7.1.6. An issue is raised by third parties in relation to the facility not being operated by the HSE, however, as acknowledged in the development plan, a number of public, voluntary and private agencies are responsible for the provision of healthcare facilities within the County. I consider this use is not strictly for a health care facility, but a residential care facility. There is nothing preventing such facilities being operated on a private versus public basis. I do not consider the lack of HSE involvement a significant planning issue.
- 7.1.7. I accept the use is as a care centre for marginalised individuals, offering a community type service as opposed to a medical service and that such a use is in principle acceptable on these 'white'/unzoned lands, subject to consideration of all other relevant planning criteria as set out and assessed hereunder. Should the Board be minded to grant permission, I consider a condition ensuring all buildings are operated as part of the care facility and not sold/leased as independent residential dwellings would be warranted.

7.2. Impact on the Local Community

- 7.2.1. The grounds of appeal raise concern in relation to the negative impact of having this care facility proximate to the existing community and local school and potential for the area to be frequented by drug addicts given the past of the residents. Concern is also raised that medical facilities to serve residents are not proximate to the site and given their vulnerability this is considered important.
- 7.2.2. I acknowledge the serious reservations expressed about this facility, which would be a unique facility in this rural area. In examining this issue, I have had regard to the development model/rationale as submitted by the applicant, which is to provide this service for vulnerable women away from urban areas and out of reach of abusive substances and abusive settings. I have had regard to the limited scale of the facility in terms of numbers attending (nine women in total at any one time, plus three carers) and the operational model of the facility which aims to limit interaction with the wider community and to support the women attending within the confines of the development site. I further note there is not a high concentration of residential properties in the immediate vicinity of the appeal site. Given the very rural nature of this location and the nature of the service being proposed, I consider concerns raised that drugs users would be attracted to the facility or that residents would pose a serious threat to the community are unfounded. I have considered the applicants rationale for locating the proposed facility in a rural location instead of an urban location and I am satisfied that this care facility at this rural location is acceptable given the specific operational requirements of the development and having regard to its limited scale. I do not consider the proposal will have a significant negative impact on the residential amenity of the area.

7.3. Design and Impact on Visual Amenity

- 7.3.1. The existing dwelling and garage are well screened from the public road. While the garage has the appearance externally of a part domestic unit, it is stated that it is in use as a garage. I note the history on the site in relation to the garage whereby the area proposed for retention was supposed to be demolished and the structure was not to be used for habitable purposes. The area in question for retention is modest in

scale and overall the scale of the structure is acceptable in the existing setting and in its design.

- 7.3.2. The existing dwelling is located at a levelled area at the top of the hill leading up to the site from the road. I note that to the rear of the house is a yard area 10m deep, whose boundary is an embankment with the land rising again to the rear of the house. Given the extent of the trees along the roadside and on the site itself, as well as the continuation of the hill and trees to the rear of the site, the dwelling is not visible from the road. It is overall of a low height and sits unobtrusively on the site. The proposed modifications do not change the existing scale of the dwelling and are in my opinion acceptable. The shed proposed for retention is to the side and rear of the dwelling and is modest in scale. Its location and design is acceptable.
- 7.3.3. The proposed new building to be used for carers accommodation is positioned to the southeast of the existing dwelling and to the front of the existing garage. The building is indicated to be 11.4m wide x 8.2m deep with an overall height of 6.34m. It will comprise three bedrooms for carers/nuns accommodation with an open plan kitchen/dining/living room and a small room labelled oratory. The location of the dwelling is on the upper level, which is to say, at the same level of the house/garage. There is a separation distance of c.16.5m between the proposed building for carers accommodation and the garage/proposed covid isolation accommodation and a separation distance of c. 23m between this new structure and the existing dwelling/proposed care centre. The eastern boundary of the site, along which is an existing drainage ditch (connected to the roadside ditch), is c.4m from the new building. The proposed building is on the site of the existing septic tank and percolation area. I noted on site inspection reeds growing in this area and the ground was soft underfoot. It is proposed to decommission the septic tank and percolation area and treat wastewater in a new willow wetland system to be located to the west of the existing dwelling on the opposite site of the site. I have reviewed the location and design of the proposed building and I am satisfied that given its scale and design, that it will not be visually obtrusive at this location and is in keeping with the scale and design of the existing structures on the site.
- 7.3.4. The proposed new oratory building is located on a lower section of the site within a lightly wooded area, c. 33m from the roadside boundary. The proposed building is c. 12.91m wide x 7.77m deep, with an overall height of 5.73m. Finishes proposed

include render, stacked slate, and timber sheeting. I consider the design and scale of the building to be modest and it will sit comfortably within the existing landscape. Should the Board be minded to grant permission, a condition in relation to the retention and maintenance of remaining trees would be warranted.

7.4. Water Services

- 7.4.1. A Willow Evapotranspiration System is proposed to deal with the waste water generated by the development. The willow wetland is located in two grassland fields/paddocks to the east of the existing dwelling. Given the trial hole results indicated no discharge to ground was possible due to the presence of heavy marl clay, a traditional septic tank and percolation area is not possible. Instead, the septic tank will be supported by this willow wetland system. It stated that the system proposes nine willow basins and will involve zero discharge with waters lost through evapotranspiration. Primary settled effluent from the septic tank will be pumped into the system and filtered through a further sand layer to the soil layer below, with effluent stored in the soil pore spaces or evaporated out to the air by the growing willow trees, minus small volumes of infiltration into the subsoil. A banded area of conifer planting is proposed at the bottom of the willow system/proximate to the southern boundary adjoining the road, as required by Waterford County Council, to contain and evaporate any residual seepage that may occur. The system has been designed having regard to Danish best practice standards and EPA guidance and research into willow facilities.
- 7.4.2. In terms of surface water, the application proposes to capture same in an attenuation tank before being discharged from the site via a hydrobrake system limiting runoff to 5.3l/s. At present an interceptor drain captures runoff from the driveway and this captures silt on site. The runoff from the willow system will be limited, with a rock lined channel with dams to the side of the system, which will drain to an open swale to surface water pits with connection to the stormtech attenuation tank, all of which will slow any outfall to the ditch to the south alongside the road verge. Silt will be captured and suspended solids will be captured in the sumps, and evapotranspiration will be facilitated. The gravel driveway is to remain as is, with new concrete channel drains inserted to allow any silt runoff to be collected in soakpits. See attached drawing 60638515-ACM-XX-CC-DR-CE-10-0501. I note this drawing

does not have the finalised footprint of the oratory on it, however the location of it remains the same and this error has no impact on the surface water management plan proposed.

7.4.3. The Water Services Section of the county council recommends a Section 4 discharge licence be put in place to ensure monitoring and confirm zero discharge of waste waters off site. I note there is no concern in relation to the functioning of the system and this appears to be a reasonable approach to monitoring of progress.

7.4.4. I am satisfied that the surface water and wastewater from the proposed development can be adequately addressed on site, as set out within the documentation. While an issue was raised highlighting one report indicates a plastic lining is to be used and another saying clay will be used and the lining minimised, I do not consider this a significant issue and a condition in this regard to address the detailed design would suffice.

7.5. Traffic and Car Parking

7.5.1. The documentation submitted includes a technical note on traffic impact assessment. The site is served by a local secondary road, LS6086. The proposed development will accommodate twelve people (nine residents and three nuns/carers). No vehicle trips are anticipated for residents during their stay and no visitors are allowed for residents, given the nature of the facility. Staff will be the primary source of trips generated. Trips are likely to be related to shopping. One trip a day is assumed as the worst case scenario. The oratory is to be used by residents and not for hosting of religious events or to mark holy days for those outside the facility.

7.5.2. I am satisfied that the proposed development will not result in significant additional traffic in the area and the road network as it exists can cater for the level of traffic anticipated.

7.6. Other Matters

7.6.1. While the third party raises concerns that the internal layout could be modified in the future to increase the number of people accommodated within the development without it being noticed, I can only base my assessment on what is proposed. The

applicant is proposing a development that will accommodate nine residents and three staff. Any future changes/alterations would be a matter for the Planning Authority and should the applicant breach the terms of any permission granted, then this would be a matter for their enforcement section.

- 7.6.2. I note the issue of a lack of local health care facilities is raised. The appeal site is proximate to a number of large towns with medical facilities, should they be needed. There is no operational requirement necessitating on-site medical treatment for this care facility. The applicant has stated that all residents will be post detoxification and it is a care/support facility.

8.0 Appropriate Assessment

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

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

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

- 8.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

- 8.2.2. The proposed development in the townland of Claddagh, Clashmore, County Waterford, is for the conversion of a residential dwelling into a residential care home, addition of a dwelling for carers/nuns accommodation, retention and conversion of a garage into a covid isolation one-bed house, construction of an oratory, and new wastewater treatment system. The matters relating to retention (19sqm of extension to existing garage and existing shed) given their limited scale and location have no bearing on the NIS as set out.
- 8.2.3. 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).

8.3. Screening the need for Appropriate Assessment

- 8.3.1. The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site. This is considered stage 1 of the appropriate assessment process i.e. screening. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and Appropriate Assessment carried out.
- 8.3.2. The applicant has submitted a document titled Appropriate Assessment Screening and Natura Impact Statement, within which is a section on Appropriate Assessment Screening, by Altemar Ltd., dated 8th October 2021.
- 8.3.3. The applicant's Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible Zone of Influence of the development.
- 8.3.4. The applicants AA Screening Report concluded that:

The project is limited in scale and extent and the potential zone of influence is restricted to the immediate vicinity of the proposed development. However, in the absence of mitigation measures, there is potential for contaminated surface water (silt laden material and/or petrochemicals) to enter the Blackwater River (Cork/Waterford) SAC.....NIS is required for Blackwater River (Cork/Waterford) SAC.

8.3.5. Having reviewed the documents and all submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

Screening for Appropriate Assessment - Test of Likely Significant Effects

8.3.6. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief Description of the Development

8.3.7. The proposed development comprises retention of 19.76 sqm domestic garage to be amalgamated into the existing domestic garage and subsequent conversion of same to a one-bedroom Covid 19 Isolation accommodation for resident usage only and retention of single storey shed to be used as a store. Permission is sought for:

- Conversion of existing dormer bungalow to a residential care centre;
- Construction of a 3-bed dwelling for Carers'/Nuns' accommodation.
- Construction of an Oratory Building for residents use only.
- Removal of existing septic tank and percolation area and installation of a new wastewater treatment system.
- Water to be supplied by existing well.
- Upgrading of existing entrance.

8.3.8. Foul water from the proposed development will be treated via a septic tank and willow wetland evapotranspiration system.

8.3.9. Surface water runoff from the development will be attenuated to greenfield rates in accordance with GDSDS using a hydrobrake on the surface water outlet and includes measures a swale, stone channels, soakpits and an attenuation tank.

8.3.10. There are no rivers/streams on the site. There are drainage ditches around the perimeter of the site. There is a surface water pipe which takes water from the driveway and discharges it via a pipe under the road to the forested area on the

other side. Surface water is also stated to discharge to the ditch to the south of the site. The River Licky is located c. 102m south of the site, beyond the road and the woodland on the opposite side of the road. The Blackwater River (Cork/Waterford) SAC (002170) forms part of the River Licky. This SAC comprises a number of protected species (see table 1 below). The River Licky flows in a easterly direction, joining with the River Blackwater c.7.4km to the east, which then flows in the southerly direction, discharging into Youghal Harbour and the sea c. 10km from the confluence of the River Licky and the Blackwater River. At the Blackwater River to the west, the SAC overlaps with the Blackwater Estuary SPA (004028), with both designations applicable along the watercourse until Youghal Harbour.

Submissions

- 8.3.11. The grounds of appeal raises concern in relation to runoff to the River Licky affecting the SAC and associated freshwater pearl mussel.
- 8.3.12. I have reviewed issues raised which are addressed within my assessment hereunder.

European Sites

- 8.3.13. A potential zone of influence has been established having regard to the location of a European site, the Qualifying Interests (QIs) of the site and their potential mobility outside that European site, the source-pathway-receptor model and potential environmental effects of the proposed project.
- 8.3.14. It is considered that there is potential for silt laden or contaminated run off to leave the site and into the forested area into the River Licky, which is part of the Blackwater (CORK/Waterford) SAC.
- 8.3.15. A summary of European Sites that occur proximate to the proposed development, including their conservation objectives and QIs/SCIs has been examined by the applicant. These sites have been considered as potentially within the zone of influence of the development site. I note there is no direct hydrological pathway between the European Sites and the application site whereby the proposed development would have the potential to have likely significant effects upon them, however, there is indirect hydrological connectivity from the development site to the Blackwater River (Cork/Waterford) SAC (002170) via surface water. Having

examined the assessment submitted and further to my own examination, there is a requirement to further consider the River Licky and the Blackwater River (Cork/Waterford) SAC (002170), where a potential indirect pathway has been identified. In relation to the other sites listed, having regard to their geographical distance removed from the site (indicated in table 1 hereunder), lack of a direct hydrological link and the qualifying interests related to those sites, no likely significant effects upon them are anticipated.

Table 1: Screening Summary Matrix and possibility of significant effects:

| European Site & Conservation Objective | Qualifying Interests/SPIs | Distance | Screening Comment |
|--|--|-------------|---|
| <p>Blackwater River (Cork/Waterford) SAC (002170)</p> <p>Conservation Objective:</p> <p>To restore/maintain the favourable conservation condition of the identified habitats (see NPWS for list of attributes and targets)</p> | <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-</i></p> | <p>110m</p> | <p>The site is proximate to the Blackwater River SAC. There is no direct hydrological link between the site and the SAC. However, there is an indirect hydrological link via proposed surface water drainages networks and from the the surface water network associated with the wastewater treatment system. Surface water from both sources could run off the site to the road side drainage system and discharge into the woodland adjoining and into the SAC. In the absence of mitigation there is potential for significant effects on this European site.</p> <p>The following specific QIs are identified as being at risk as they are aquatic species sensitive to silt or pollutant laden surface water:</p> |

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| | <p>Batrachion vegetation [3260]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p> | | <ul style="list-style-type: none"> • Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] • Austropotamobius pallipes (White-clawed Crayfish) [1092] • Petromyzon marinus (Sea Lamprey) [1095] • Lampetra planeri (Brook Lamprey) [1096] • Lampetra fluviatilis (River Lamprey) [1099] <p>Effects cannot be ruled out without further analysis.</p> |
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| <p>Ardmore Head SAC (002123)</p> <p>Conservation Objective:</p> <p>To restore/maintain the favourable conservation condition of the identified habitats (see NPWS for list of attributes and targets)</p> | <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p> | <p>7.1km</p> | <p>There is no direct overlap between the development site and this SAC. There is no direct hydrological connection. Given the distance, intervening environment, location across a coastal environment and likely settlement/dispersal/dilution of any pollutants within the marine environment, no significant impacts on the qualifying interests of the SAC are anticipated.</p> <p>The location, scale and duration of the development project is such that they will not contribute to direct, indirect or in-combination impacts on habitats for which the SAC has been designated and do not have the potential to affect the conservation objectives of these habitats. This site is not considered further.</p> |
| <p>Helvick Head SAC (000665)</p> <p>Conservation Objective, Vegetated sea cliffs of the Atlantic and Baltic coasts: To maintain the favourable conservation condition of Vegetated sea cliffs of the Atlantic and Baltic coasts in Helvick</p> | <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p> | <p>12.9km</p> | <p>There is no direct overlap between the development site and this SAC, and there is no direct hydrological connection. Given the distance, intervening environment, location across a coastal environment and likely settlement/dispersal/dilution of any pollutants within the marine environment, no significant impacts on the qualifying interests of the SAC are anticipated.</p> |

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| <p>Head SAC, which is defined by the following list of attributes and targets (see NPWS website)</p> <p>Conservation Objective, European dry heaths: To maintain the favourable conservation condition of European dry heaths in Helvick Head SAC, which is defined by the following list of attributes and targets (see NPWS website)</p> | | | <p>The location, scale and duration of the development project is such that they will not contribute to direct, indirect or in-combination impacts on habitats for which the SAC has been designated and do not have the potential to affect the conservation objectives of these habitats. This site is not considered further.</p> |
| <p>Ballymacoda (Clonpriest and Pilmore) SAC (000077)</p> <p>Conservation Objective:</p> <p>To restore/maintain the favourable conservation condition of the identified habitats (see NPWS for list of attributes and targets)</p> | <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> | <p>13.2km</p> | <p>There is no direct overlap between the development site and this SAC. There is no direct hydrological connection. Given the distance, intervening environment, location across a coastal environment and likely settlement/dispersal/dilution of any pollutants within the marine environment, no significant impacts on the qualifying interests of the SAC are anticipated.</p> <p>The location, scale and duration of the development project is such that they will not contribute to direct, indirect or in-combination impacts on habitats for which the</p> |

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| | | | SAC has been designated and do not have the potential to affect the conservation objectives of these habitats. This site is not considered further. |
| <p>Blackwater Estuary SPA (004028)</p> <p>Conservation Objective:</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA (see NPWS for list of attributes and targets)</p> | | 5.3km | <p>There is no direct overlap between the project site and this SPA. The project site does not accommodate habitat that would provide for suitable nesting sites for the qualifying species.</p> <p>The project site is sufficiently remote so as to negate disturbance related impacts on bird populations accommodated within the SPA. The proposed project given its scale will not impact upon any identified migratory flight paths of SPA species nor restrict their mobility between wetland sites. The location, scale and operation of the project is such that it will not contribute to direct, indirect or in-combination impacts on bird species for which the SPA has been designated and do not have the potential to affect the conservation objectives of these species. This site is not considered further.</p> |
| <p>Helvick Head to Ballyquin SPA (004192)</p> | <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Peregrine (Falco peregrinus) [A103]</p> | 5.7km | <p>There is no direct overlap between the project site and this SPA. The project site does not accommodate habitat that would provide for</p> |

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| <p>Conservation Objective:</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA (see NPWS for list of attributes and targets)</p> | <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]</p> | | <p>suitable nesting sites for the qualifying species.</p> <p>The project site is sufficiently remote so as to negate disturbance related impacts on bird populations accommodated within the SPA. The proposed project given its scale will not impact upon any identified migratory flight paths of SPA species nor restrict their mobility between wetland sites.</p> <p>The location, scale and operation of the project is such that it will not contribute to direct, indirect or in-combination impacts on bird species for which the SPA has been designated and do not have the potential to affect the conservation objectives of these species. This site is not considered further.</p> |
| <p>Dungarvan Harbour SPA (004032)</p> <p>Conservation Objective:</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA</p> | <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> | <p>9.6km</p> | <p>There is no direct overlap between the project site and this SPA. The project site does not accommodate habitat that would provide for suitable nesting sites for the qualifying species.</p> <p>The project site is sufficiently remote so as to negate disturbance related impacts on bird populations accommodated within the SPA. The proposed project given its scale will not impact upon any identified</p> |

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| <p>(see NPWS for list of attributes and targets)</p> | <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Wetland and Waterbirds [A999]</p> | | <p>migratory flight paths of SPA species nor restrict their mobility between wetland sites. The location, scale and operation of the project is such that it will not contribute to direct, indirect or in-combination impacts on bird species for which the SPA has been designated and do not have the potential to affect the conservation objectives of these species. This site is not considered further.</p> |
| <p>Ballymacoda Bay SPA (004023)</p> <p>Conservation Objective:</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA (see NPWS for list of attributes and targets)</p> | | <p>11.8km</p> | <p>There is no direct overlap between the project site and this SPA. The project site does not accommodate habitat that would provide for suitable nesting sites for the qualifying species.</p> <p>The project site is sufficiently remote so as to negate disturbance related impacts on bird populations accommodated within the SPA. The proposed project given its scale will not impact upon any identified migratory flight paths of SPA species nor restrict their mobility between wetland sites. The location, scale and operation of the project is such that it will not contribute to direct, indirect or in-</p> |

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| | | | combination impacts on bird species for which the SPA has been designated and do not have the potential to affect the conservation objectives of these species. This site is not considered further. |
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8.3.16. Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, I can confirm that the only European Site relevant to include for the purposes of screening for the possibility of significant effects is the Blackwater River (Cork/Waterford) SAC (002170)

8.4. Screening Determination

8.4.1. 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 a significant effect on European Site No. 002170 (Blackwater River Cork/Waterford) in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

8.4.2. I confirm that the site screened in for appropriate assessment is the site included in the NIS prepared by the project proponent.

8.4.3. The possibility of significant effects on other European sites has been excluded on the basis of scale of the works proposed, separation distance and lack of substantive ecological linkages between the proposed works and other European sites.

8.4.4. In reaching the conclusion of the screening assessment, no account was taken of measures intended to avoid or reduce the potentially harmful effects of the project on any European Site.

8.5. The Natura Impact Statement

- 8.5.1. The application is accompanied by an NIS, dated October 2021, by Altamar Consultancy, which examines and assesses the potential adverse effects of the proposed development on the following European site:
- Blackwater River (Cork/Waterford) SAC (002170).
- 8.5.2. The NIS was informed by the NPWS website, which identifies the site as being within a freshwater pearl mussel catchment associated with the Blackwater River SAC and being upstream of areas identified for white clawed crayfish, lamprey and fern. The NIS is also informed by the wastewater and surface water management reports accompanying the application.
- 8.5.3. The applicant's NIS was prepared in line with current best practice guidance. The NIS identifies possible adverse effects of the proposed development on specific QIs of the Blackwater River (Cork/Waterford) SAC (002170). Details of construction and operational mitigation measures are detailed in Table 6 of the NIS. An assessment of residual effects post mitigation is also set out and in-combination effects are considered.
- 8.5.4. The applicant's NIS concluded:
- ...No significant effects are likely on Natura 2000 sites, their features of interest or conservation objectives. The proposed project will not adversely affect the integrity of European sites.

8.6. **Appropriate Assessment of implications of the proposed development**

- 8.6.1. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European site using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.
- 8.6.2. I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

8.6.3. The following site is subject to appropriate assessment:

- Blackwater River (Cork/Waterford) SAC (002170).

A description of Blackwater River (Cork/Waterford) SAC (002170) and its Conservation Objectives and Qualifying Interests, including any relevant attributes and targets, are set out in the NIS and outlined in table 1 above as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

Aspects of the Proposed Development

8.6.4. The main aspects of the proposed development that could adversely affect the conservation objectives of the European Site assessed include:

- Construction related pollution events and impacts on water quality, via surface water run off.
- Indirect impacts from discharge of surface water from the site and surface water run-off associated with the foul effluent treatment system.

8.6.5. As noted in the screening report there is no direct hydrological pathway from the site to European Sites. The hydrological pathway to the nearest European Site involves an indirect link via surface water.

8.6.6. A potential for indirect effects on specific Qis of the Blackwater River (Cork/Waterford) SAC (002170) have been identified, which are sensitive to silt laden or contaminated runoff, including the freshwater pearl mussel (see table 1 above).

Potential Construction Phase Impacts

8.6.7. The construction of the development will involve excavations and earth moving which creates the potential for pollution such as the generation of silt and the potential for spillage of fuels and other pollutants. The River Licky is separated from the site by a local road and by a natural wooded area c.98m deep. In the absence of mitigation, and following a precautionary approach, there is potential, notwithstanding the distance and natural filtration which would occur from the intervening woodland, for adverse effects on a number of QI features which are

sensitive to silt and/or contaminants, which may affect the overall integrity of the identified European Site.

Potential Operational Phase Impacts

8.6.8. During the operational phase and in the absence of mitigation measures, there is potential for deterioration of water quality as a result of untreated surface water run-off from the proposed development. In addition, the proposed development will result in the production of foul sewage and wastewater, which could, if discharged untreated, result in the deterioration of water quality in the Licky River. In the absence of mitigation, and following a precautionary approach, there is potential, notwithstanding the distance and natural filtration which would occur from the woodland, for adverse effects on a number of QI features which are sensitive to silt and/or contaminants, which may affect the overall integrity of the identified European Site.

Mitigation

8.6.9. The NIS sets out mitigation and monitoring measures within Table 6.

8.6.10. A number of construction phase mitigation measures have been designed into the scheme to address potential indirect impacts from surface water run-off during construction. The following are some of the measures noted:

- A project ecologist is to be appointed prior to works commencing and all work methodologies to have prior approval of a project ecologist.
- Local silt traps to be established throughout the site. Minimum of three double silt fences between the site and the watercourse.
- Dust control, stockpiling away from drains and watercourse.
- Project ecologist to be present for the implementation of silt protection measures, site clearance, and reprofiling.
- Use of bunded areas for fuel, oil and chemical storage.
- Any water filled excavation during construction will not directly discharge to the drains or pathways to drainage ditches.
- Compliance with Water Pollution Acts, including ensuring that water leaving the site is fully desilted and will not lead to flushes of silt or water from the site.

- Re-vegetate earthworks and exposed areas/soil stockpiles to stabilise surfaces as soon as possible.
- The attenuation tank is located to the east of the access road to allow for independent construction. Slotted concrete channels and soak pits are inserted along the driveway to remove surface waste off the road both during construction and operation phases. The rock basin at the end of the rock channel is oversized to allow for greater capacity and percolation. An overflow channel is also to be installed leading to the attenuation tank in the event of an extreme flood event or maintenance being required.,

8.6.11. A number of operational phase mitigation measures have been proposed in the design of the scheme to address potential indirect impacts from surface water run-off:

- Surface water drainage from the development will employ SuDS features to reduce volume of run-off and remove any silt leaving the site.
- Concrete channels and soakaways will reduce the volume of water and silt coming off the existing driveway.
- A zero willow evapotranspiration system has been designed to address wastewater effluent. I note the PA indicate the timing of the establishment of the reed system due to natural factors of growth rate can vary, therefore a monitoring condition is required to determine when the system is fully operational. I consider this reasonable and I note there is no uncertainty in relation to the success of the operation of the willow evapotranspiration system, the design of which is supported by Danish Guidance and EPA guidance and research.

8.6.12. Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of adverse effects on the integrity of European sites based on the mitigation measures submitted. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short, medium and longer term and the method of implementation will be through a detailed Construction Environmental Management Plan.

In-Combination Effects

8.6.13. The NIS considers the potential for in-combination effects on the SAC arising in combination with other plans or project, including a list of six other permitted developments in the area. It is not anticipated that other projects will act in-combination with the proposed development to give rise to cumulative effects on any European sites. Having regard to the scale of developments proposed, distance from the application site and lack of viable pathways, it is considered unlikely that the construction and/or operation of any phase of the proposed development, either alone or in combination, will act in-combination with the proposed development to give rise to cumulative effects on any European sites.

Appropriate Assessment Conclusion

8.6.14. The proposed development at Claddagh Clashmore, has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

8.6.15. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on European Site No. 002170 (Blackwater River Cork/Waterford SAC). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of that site in light of its conservation objectives.

8.6.16. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the 002170 (Blackwater River Cork/Waterford SAC), or any other European site, in view of the sites Conservation Objectives.

8.6.17. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Blackwater River (Cork/Waterford) SAC.

9.0 Recommendation

9.1. It is recommended that permission is granted.

10.0 Reasons and Considerations

Having regard to the provisions of the Waterford City and County Development Plan 2022-2028, the existing pattern 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 of a residential care facility on this site would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement (dated 8th October 2021) submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: In the interest of environmental protection.</p> |
| 3. | <p>The development herein permitted shall be operated as a residential care centre and for no other purpose, without a prior grant of planning</p> |

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| | <p>permission for change of use. No building shall be sold, let or otherwise conveyed as an independent living unit. The existing garden and curtilage of the overall property shall not be subdivided.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area and to limit the scope of the proposed development to that for which the application was made.</p> |
| 4. | <p>A suitably qualified ecologist shall be retained by the developer to oversee the site works and construction of the proposed development and the implementation of mitigation and all monitoring measures relating to ecology as set out in the Natura Impact Statement. The ecologist shall be present during site construction works. Ecological monitoring reports detailing all monitoring of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.</p> <p>Reason: In the interest of nature conservation and the protection of the environment.</p> |
| 5. | <p>The site shall be landscaped, using only indigenous species, in accordance with an overall landscaping scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This landscaping scheme shall include the following:</p> <ul style="list-style-type: none"> (a) management plan for the existing woodland area on the site; (b) details relating to all of the boundaries of the site; (b) details of planting proposed on the site; and, (c) a timescale for the implementation of the planting and landscaping. <p>Reason: In the interest of biodiversity and visual amenity.</p> |
| 6. | <p>a) Prior to the commencement of development, the developer shall engage the services of a qualified arborist as an arboricultural consultant for the entire period of construction activity.</p> |

- b) The arborist shall set out recommendations pertaining to tree retention, tree protection and tree works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations (or as updated).
- c) All trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height, or as agreed with the protect arborist.
- d) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.
- e) All planting shall be adequately protected from damage until established and maintained thereafter. Any plants which die, are removed or become seriously damaged or diseased in the first 5 years of planting, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.
- f) The clearance of any vegetation including trees and scrub shall be carried out outside the bird-breeding season (1st September and the end of February inclusive) or as stipulated under the Wildlife Acts, 1976 and 2000.

Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

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| 7. | <p>The formation of the vehicular access to the site including alteration of the boundary shall be constructed in accordance with the requirements of the planning authority. Details in relation to boundary treatment shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of orderly development and traffic safety.</p> |
| 7. | <p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.</p> <p>Upon Completion of the development, a Stage 3 Completion Stormwater Audit shall be submitted to the planning authority for written agreement, to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction.</p> <p>Reason: In the interest of public health and surface water management.</p> |
| 8. | <p>The willow based integrated constructed wetland shall be installed in accordance with the documentation submitted and shall be in accordance with the Department of Environment, Heritage, and Local Government Guidance Document for Integrated Constructed Wetlands for Farmyard Soiled Water and Domestic Wastewater Applications, as required.</p> <p>Following commissioning, the developer shall submitted a six monthly report on the establishment and efficiency of the integrated constructed wetland to the planning authority.</p> <p>Reason: In the interest of public health and surface and waste water management.</p> |
| 9. | <p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to</p> |

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| | <p>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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |
| 10. | <p>The construction of the development shall be managed in accordance with a Construction Environmental 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:</p> <p>(a) measures set out in the NIS to avoid any pollution through surface water runoff, silt, or accidental discharges during the construction of the proposed development, reaching local surface water sewers, drains or the Rivey Licky.</p> <p>(b) location of the site and materials compound including areas identified for the storage of construction refuse;</p> <p>(c) details of the timing and routing of construction traffic to and from the construction site and associated directional signage;</p> <p>(d) details of appropriate mitigation measures for surface water management, noise, dust and vibration and monitoring of such levels;</p> <p>(e) 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;</p> <p>(f) collection and disposal of construction/demolition waste; and</p> <p>details of how it is proposed to manage excavated soil.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.</p> <p>Reason: In the interests of amenities, public health and safety.</p> |

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| 11. | <p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.</p> |
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Una O'Neill
Senior Planning Inspector

28th February 2023