



An  
Bord  
Pleanála

## Inspector's Report ABP-313340-22.

### Development

Upgrade and enhanced visitor experience facilities at the Wild Atlantic Way Signature Discovery Point – Loop Head.

### Location

Loop Head, Kilbaha, Co. Clare.

### Planning Authority

Clare County Council.

### Type of Application

Section 177AE

### Observers / Prescribed Bodies

Department of Housing, Local Government and Heritage.

An Taisce

Failte Ireland.

### Dates of Site Inspections

12 June 2022 and 17 September 2023.

### Inspector

Mairead Kenny.



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## **1.0 Introduction**

- 1.1. Clare County Council is seeking approval from An Bord Pleanála to undertake an upgrade of the Wild Atlantic Way Signature Discovery Point at Loop Head. The development involves works within and adjacent European sites.
- 1.2. A Natura Impact Statement was submitted with the application.
- 1.3. A request for further information was issued and a response received.
- 1.4. An oral hearing was held.

## **2.0 Site Location and Description**

- 2.1. Loop Head peninsula is located in west Clare, north of the Shannon estuary and extends 15 km into the Atlantic terminating with 60m sea cliffs. The site is on the Wild Atlantic Way and is designated as one of the Signature Discovery Points.
- 2.2. Loop Head is a rural coastal location with the nearest villages of Carrigaholt and Kilkee being approximately 17 km and 26 km respectively. Ennis, the key town in the area is approximately 81 km away. As road conditions are relatively poor the travel times over these distances are relatively long and the site location is accordingly remote.
- 2.3. Notwithstanding its narrow width the road which serves to provide access right up to the wall of the lighthouse compound is a regional road, the R487. Close to the entrance to the lighthouse compound is the existing visitor car park (car park 2 – CP2). This is of stated area of 1,000 m<sup>2</sup>.
- 2.4. The stated area of the overall site is 527,616 m<sup>2</sup> (approximately 53 hectares). The site extends from a field located to the north of the narrow regional road the R487. This is the location of the proposed new visitor car park (CP1) which will be the arrival point and start of the visitor experience. This location is 570 m to the east of 'Commonage Junction' where the main body of the site commences and is about 1km from the entrance to the lighthouse compound. This is of stated area of 1,000 m<sup>2</sup>. Commonage junction is so defined as it is the location of a rough track which is utilised by commonage owners.

- 2.5. Within the lighthouse compound are a range of structures which tell the story of development of lighthouses in Ireland. The lighthouse from 1670 was one of four brazier lighthouses in the country. The remains of this structure comprising a vaulted roof is a National Monument. A second lighthouse which has been demolished dated to 1802. The existing main lighthouse dates to 1854. This was automated in 1991. Thus, strategic importance of the site remains in the form of its function for navigation safety and also as the site is one of three triangulation points in the country.
- 2.6. There are 3 no. lighthouse keepers cottages, which are of domestic scale and were constructed to accommodate the lighthouse keeper and assistant keepers. The 19<sup>th</sup> century OS mapping shows that the medieval lighthouse and keepers' cottages are in situ in their current orthogonal arrangement and enclosed by the existing outer masonry wall which surrounds the lighthouse compound. The estimate is that the outer wall enclosing the site was built around 1800. Later in the 19<sup>th</sup> and 20<sup>th</sup> centuries the inner lighthouse was further enclosed to the south and north. One of the semidetached cottages at the lighthouse compound is in use as a visitor centre at present and the other is vacant. The main lighthouse keeper's cottage is rented for tourist accommodation and operated by the Landmark Trust.
- 2.7. Within the defined overall site and external to the lighthouse compound are various established viewing points from which visitors avail of spectacular coastal scenery. The points which are accessed at present by visitors include a viewing point to the north of the compound. This presents the first views to coastal scenery which is obtained by visitors. The destinations which appear to be visited by a majority of visitors include the cliffs at Poulnepeasta, the small island known as Diarmuid and Gráinne's Rock and Cuchullin's Leap which is a ravine between the small islands and the mainland. The western edge of the defined application site is the tip of the Loop Head peninsula where there are 60m cliffs to the north, west and south. There is also spectacular scenery in the vicinity of Ailnagroagh View which is roughly to the south of Commonage Junction; this area is less frequently visited at present.
- 2.8. The main built heritage features in the immediate visibility of the peninsula tip include the EIRE 45 sign from World War II, a semaphore flagpole and a World War 2 lookout post.

- 2.9. The site is crisscrossed by a number of braided pathways which have been developed over the years and which in places are extensive in width. In terms of the ecological value, the site lies partly within and adjacent designated SPA and SAC.
- 2.10. Since 2011 when it opened the local authority has operated the Visitor Experience at Loop Head Lighthouse. Presently there is an existing public car park at the compound, and this is stated to be the starting point for visitors from which they spread outwards over a series of paths. It is estimated at between 2016 in 2019 annual visitor numbers to the headland were in the region of 100,000 – 110,000. Three quarters of these visitors did not visit the site interpretation facilities and thus did not receive information on how best to conserve the natural heritage assets.
- 2.11. Landownership includes commonage lands and lands owned by the Commissioners of Irish Lights. The local authority has full rights over the lands at the existing car park and the proposed car park (CP1) and over lands adjacent CP1.

### **3.0 Proposed Development**

- 3.1. The application relates to:
- Proposed Upgrade and Enhanced Visitor Experience Facilities at the Wild Atlantic Way Signature Discovery Point at Loop Head, Kilbaha, Co. Clare.
- 3.2. The main elements of the proposed development are:
- Construct a new single storey structure to act as a reception and café.
  - Repurpose the existing car park as a staff car park and set down area.
  - Create a new car park 1 km to the east (CP1) – this will serve as the new trailhead for visitors and will be fitted with interpretative signage.
  - Traffic calming and provision of a marked footway along the R487 between CP1 and the compound.
  - Removal of the existing ticketing booth at the entrance to the compound thereby allowing all visitors following passage through carpark 1 to enter the courtyard.
  - On the headland a way found trail will be put in place to co-ordinate the movement of visitors thereby reducing pressure on the landscape / habitats.

This will generally be a natural pathway except where drainage, usage or topographical conditions warrant introducing sections or paving or boardwalk.

- Signage will identify a general obligation to stay on the defined trails and will provide information relating to the natural environment.
- The design of the walking trails, wayfinding and proposed trail surfaces at the road, headland and cliff edge has been subject to a Visitor Risk Management Audit, which was prepared based on principles and practice of the UK and Ireland Visitor Safety Group.
- In the future there will be an online booking system for visitors and payments will be taken also CP1.
- The design is stated to have emerged following stakeholder consultation and analysis and aims to manage visitor numbers and guide interactions with the landscape and buildings in an architectural approach that responds to the special context. Extending the duration of visitor stay at the lighthouse and also in the overall peninsula from Kilkee to Kilbaha is desired. Presently 75% of visitors do not enter the walled complex and do not avail of facilities or gain knowledge of the landscape and heritage. The applicant has identified the limited edge treatment at the car park, the lack of interpretation and the pay point to the compound as factors which discourage people from entering the compound and instead opting to spread out over the paths through the SAC.

3.3. The application was accompanied by a number of reports and two sets of drawings. The drawings were prepared by Drake Hourigan Architecture, Conservation, Landscape and Feeney McMahon Architects and by O'Connor Sutton Cronin Multidisciplinary Consulting Engineers and are listed on the Schedule of Documents.

3.4. The main reports which accompany the application are :

**Planning and Environmental Report** (April 2022) prepared by The Planning Partnership. This outlines the background to the making of the application including the consultations undertaken and the legal context, describes the development and the context in terms of planning policy and describes the receiving environment. The associated appendices include:

- Technical Appendix 1: Preliminary Construction and Environmental Management Plan by O'Connor Sutton Cronin Consulting Engineers March 2022.
- Technical Appendix 2 : Ecological Impact Assessment by EirEco Environmental Consultants March 2022.
- Technical Appendix 3: Archaeological and Heritage Impact Assessment report by AEGIS Archaeology Ltd March 2022.
- Technical Appendix 4: Architectural Heritage Impact Assessment by Conor Hourigan with analysis by Dr Judith Hill.

**Loop Head Visitor Management Plan** (March 2022) prepared by Susan Heffernan Marketing and Project Management Consultant and Hugh Trayner for Clare County Council. Loop Head Visitor Experience has the potential to be the 'gold standard' for the cross sectoral approach to sustainable development in Ireland and is based on three core objectives:

- conservation and management of the natural and built heritage
- enhanced user experience and tourist attractiveness
- monitor and mitigate the in-combination effects of visitors on the natural heritage.

**Architectural Design Statement** (March 2022) prepared by Drake Hourigan Architects and Feeney McMahon Architects. This outlines the purpose and rationale for the proposed development and provides a short description and visual representations of the main elements of the proposed development.

**Engineering Services Report** (February 2022) prepared by O'Connor Sutton Cronin Multidisciplinary Consulting Engineers.

**Proposed Site Lighting Layout** (February 2022) prepared by O'Connor Sutton Cronin Multidisciplinary Consulting Engineers.

**Loop Head Trails Visitor Risk Assessment** (March 2022) prepared by Ken Dodd Associates.

**Natura Impact Statement** (March 2022) prepared by INIS Environmental Consultants Ltd.



## **4.0 Observations**

### **4.1. Prescribed Bodies**

#### **Department of Housing, Local Government and Heritage**

The submission dated 20 May is summarised below:

#### **Archaeology and Architectural Heritage**

- The site is within Zone of Notification for RMP:CL071-002 – Lighthouse and the PDS is located within a Heritage Landscape and Seaside Character Area under the development plan - objectives CDP 13.5 and 13.6 are noted.
- Recommendations are made relating to archaeological monitoring of groundworks and of the earthen floor of the 17<sup>th</sup> century lighthouse structure.
- It is recommended that the AIA be updated to include pre-development Archaeological Test trenching and Visual Impact Assessment.
- The updated AIA should take into account potential for impact of the proposed boardwalks on subsurface archaeology. Test excavation should be undertaken under licence and at locations approved by the Department and if remains are uncovered the archaeologist shall stop work pending further advice from the Department. A handheld metal detection survey shall be included.
- A VIA shall be undertaken and the key characteristics of the monument and its surroundings that contribute to its setting and the degree to which this is integral to the significance and appreciation of the monument and the effects of the development on these key characteristics.
- The CEMP should be updated to include any significant findings that emerge from the AIA and to include specific mitigation measures to protect the archaeological and cultural heritage environment.
- Regarding archaeological and built heritage the submission includes some favourable comments on the proposal but also states that the architectural

character, footprint and location of the proposed additional accommodation within the surviving lighthouse complex does not adequately address the interrelationships of the integral plan. The lighthouse is isolated by the new build element forming a new and contrasting backdrop to the lighthouse. The sketch designs suggest that the principal structure may be diminished by the intrusion of this new element. The long linear form is orientated differently to the original ranges and runs counter to the formal enclosure, the impact of the proposed development and the justification for its location on both the setting and the architectural form of the original complex is necessary to determine the appropriateness of the proposal.

- Clarification of works to the protected structures are required to inform their upgrade and retention of their unique character. The input of a Grade 1 Conservation Architect is recommended to inform the appropriate specification and scale of interventions due to the rarity and integrity of the site and to safeguard its cultural heritage significance.
- Detailed design and the visual impact of the proposed pathways should be confirmed.
- The proposed development will form an alteration and extension to a compound that contains three protected structures, associated curtilages and attendant grounds which are afforded protection under the PDA 2000 (as amended).
- The AHIA undertaken is noted.
- DHGH recommends a number of items :
  - The input of a suitably qualified Conservation Architect to provide survey information of the extant condition and surviving significance of built heritage in accordance with the OPR Advice Series for Architectural Heritage Protection for Planning Authorities.
  - Compilation of information on the surviving significance of the structures including features, fenestration, structural composition, finishes, roofing and rainwater goods.

- Where evidence of early construction such as earthen floors, vaulted ceiling and timbers existing a conservation strategy should be devised and early construction details recorded and subject to scientific testing.
- VIA as per earlier recommendation.

### **Nature Conservation**

- The proposed development lies partially within and adjacent the Lower River Shannon SAC 2165 and the proposed Loop Head NHA 000045.
- An assessment of all of the direct and indirect habitat losses is required.
- There is the need for clarification relating to heath and grassland habitats and cliff face and clifftop sea vegetation and transitional habitats.
- Visitor facilities should be positioned well away from the cliff rather than along and within the annexed habitat.
- The proposed development is likely to increase the volume of visitors within the SAC and this is not fully addressed in the NIS.
- Direct and indirect habitat loss in the SAC has not been addressed in the NIS.
- Disturbance of Kittiwake and Guillemot cannot be ruled out.
- The viewing points have not been taken into account – 3 of the 6 viewing points are on the boundary of or within the SPA and this has not been assessed or detailed sufficiently within the SPA.
- Viewpoints at ‘Cuchulainn’s Leap’ is directly in front of and close to nesting SCI birds on Diarmuid and Gráinne’s rock and the viewpoint at Ailnagroagh involves works affecting SPA habitat and a new trail involving gravel going and landing and pre-cast concrete step opening up a little used area elsewhere at the SPA cliff.
- The site is also used by Chough (Kerry Head SPA SCI species) and the species has been recorded utilising three other additional locations within the site and the species may be impacted by increased visitor numbers.
- It is essential that the impacts be assessed / determined before a development is granted rather than post construction.

- There should be no lacunae or unknowns in an assessment.
- Any mitigation must be detailed and if being relied upon to reach conclusions must be proved to be achievable and likely to be effective. Proof of effectiveness will be required with examples of where similar techniques were previously employed.
- Regarding potential SPA disturbance effects on breeding or foraging bird species this has not been detailed nor assessed sufficiently.
- The habitat and disturbance effects and assessment issues also apply to other birds protected under the Wildlife Acts.
- No details are proposed relating to the use of low-level lighting and no mitigation details given. The full details of the bat survey carried out have not been presented.
- Loop Head is a nationally important site for bird migration.
- It is not stated what locations at the compound are currently used by migrating birds or what works are planned for such sites or how close to works. It appears that no mitigation is mentioned within regard to avoiding construction works at the lighthouse compound within the migrating season.
- Golden Plover and snipe were recorded in areas adjacent to the proposed project – no assessment has been made of the likelihood of visitors going off trail or the provision of the new car park resulting in increased informal access to the area to the north.
- No wintering bird survey appears to have been carried out.
- In addition to the SAC issues there is also Dry Siliceous Heath habitat within the study area corresponding with the Annex I habitat. A trail is proposed within this annexed habitat and this is not dealt with in the EclA or the NIS.
- Where there are impacts on protected species and their habitats, resting or breeding places, licences or derogations may be required and this does not seem to be dealt with.

## **Failte Ireland**

The submission dated 27 May 2022 states:

- Failte Ireland it is fully supportive of the proposed development which seeks to conserve and manage the natural and built heritage, enhance visitor experience of one of Ireland's most iconic lighthouses and avoid significant effects including loss of habitat and ecological disturbance.
- Research demonstrates that visitor management strategies lead to improved environmental outcomes including improved attainment of conservation objectives.
- The proposal aligns with and facilitates a number of strategic objectives of Failte Ireland's strategy for the Wild Atlantic Way.
- The proposed development will increase dwell time in the peninsula and encourage visitors to engage with and explore the wider area beyond the head land.

### **An Taisce**

The submission dated 18 May 2022 states:

- At a national level tourism and recreation are unsustainably car dependent and this applies in particular to the manner in which the Wild Atlantic Way has been promoted as a car and SUV driving route.
- Further development to the Signature Discovery Points including Loop Head should prioritise other forms of transport including walking, cycling, minibuses and tour buses.
- The level of car parking spaces proposed has not been justified.

## **4.2. Third Party Observations**

None received.

## **5.0 Further information**

### **5.1. Further information request**

The request to submit further information was issued on 21 July 2022. It addressed the following:

- The application drawings and details of the proposed development. In particular clarification was requested in relation to the paving and boardwalks in further detail was also requested in relation to the construction phase of the proposed works.
- Visitor management. The particular issues noted related to the hourly cap of 80 visitors, the overall visitor numbers including absolute increases and seasonal patterns and management of after hours use. The applicant was also requested to clarify measures to ensure that the designated trails are used by visitors and to address the possible future option of a shuttle service.
- Biodiversity and Appropriate Assessment. A number of issues were raised in relation to the comments of DAU, aspects of the NIS and the basis for assessment including with respect to disturbance of birds.
- Architectural Heritage. The applicant was requested to respond to the submission of DAU. The applicant was also requested to submit a scale model/or photographs, to erect a simple framework to represent the upper levels of the roof of the proposed building and to address certain points relating to the café building.
- The applicant was requested to undertake pre-consent archaeological testing as recommended by DAU.
- Other matters including the merits of providing an earthen bank to the east of CP2 and clarification for the need for 17 staff parking spaces.

## **5.2. Further information response**

5.3. In applicant's further information (FI) received by the Board on 28 April 2023 a number of the key documents have been replaced and some new reports were provided.

5.4. No significant information was submitted in the further information response and the applicant was not requested to submit revised public notices.

5.5. **Response to Request for Further Information** prepared by The Planning Partnership is dated April 2023. In section 2.1 there is a list of the documentation

comprising the full response to the FI request. This contains 5 no. technical appendices:

- Technical Appendix 1: replacement report – Preliminary Construction and Environmental Management Plan by O'Connor Sutton Cronin Consulting Engineers.
- Technical Appendix 2 : replacement report – Ecological Impact Assessment Screening by EirEco Environmental Consultants.
- Technical Appendix 3: new report – Archaeological test trenching by AEGIS Archaeology Ltd.
- Technical Appendix 4: new report – Method statement for archaeological test trenching by AEGIS Archaeology Ltd.
- Technical Appendix 5: replacement report – Conservation review of Loop Head lighthouse development by Caroline Whatley grade 1 conservation architect and revised Architectural Report on Conservation Issues, Design Rationale and Impact Assessments by Dr Judith Hill and Conor Hourigan.

- 5.6. Visitor Management Plan March 2023 (replacement report) prepared by Susan Heffernan and Hugh Trayer.
- 5.7. Architectural Design Statement March 2023 (replacement report) prepared by Feeney McMahon Architects and Drake Hourigan Architects.
- 5.8. Natura Impact Statement March 2023 (replacement report) prepared by Inis Environmental Consultants.
- 5.9. Landscape and Visual Impact Assessment January 2023 (new report) prepared by Macroworks landscape architects.
- 5.10. Photomontages January 2023 (new report) prepared by Magnaparte Limited.
- 5.11. Environmental Impact Assessment Screening Report April 2023 (updated report) prepared by The Planning Partnership.
- 5.12. A number of revised drawings were submitted. These set out further details relating to the boardwalks and trails, café building on the conservation works to existing buildings.

- 5.13. A simple frame was set up on site at the request of the Board. Photographs of the structure were lodged to the oral hearing.
- 5.14. A number of documents submitted to the Board in April 2022 are unchanged and are noted to remain applicable and relevant to the assessment of the proposed development. These are:
- Engineering Services Report and Engineering Drawings March 2022 prepared by O'Connor Sutton Cronin consulting engineers.
  - Engineering drawing proposals prepared by O'Connor Sutton Cronin multidisciplinary consulting engineers.
  - Site lighting layout February 2022 prepared by O'Connor Sutton Cronin multidisciplinary consulting engineers.
  - Visitor risk assessment March 2022 prepared by Ken Dodd associates.
  - Planning and Environmental Report April 2022 prepared by The Planning Partnership.
  - Architectural drawings prepared by Drake Hourigan architecture, conservation, landscape and Feeney McMahon architects save as revised by the RFI drawings.

## **6.0 Oral hearing**

- 6.1. A two-day virtual oral hearing was held on 26 September and 27 September.
- 6.2. The hearing was structured by way of an agenda which set out the primary matters of interest. The first morning of the hearing focused on matters relating to visitor management and architectural heritage. The afternoon was devoted to AA and biodiversity. During the morning of the second day the main topic of discussion related to the Schedule of Commitments.
- 6.3. The record of the hearing is presented in the form of the recording made by the Board. I address the significant matters arising in my assessment below.
- 6.4. The attendance at the hearing was limited to the applicant's team and Development Applications Unit (DAU) of the Department of Housing, Local Government and Heritage who were present to address matters relating to nature conservation.



- 6.5. The most active participants representing Clare County Council included:
- Wessel Vosloo Principal Planner - The Planning Partnership
  - Deirdre O'Shea – Clare Co. Co. Head of Tourism
  - Leonard Cleary – Clare Co.Co. Director of Rural and Tourism Development
  - Paul Murphy Ecologist - EirEco Environmental Consultants
  - Susan Heffernan Visitor Management Consultant - Susan Heffernan Marketing & Project Management Consultant
  - Conor Hourigan Architect - Drake Hourigan Architects
  - Caroline Whately Consultant Grade 1 Conservation Architect
- 6.6. During the hearing the Schedule of Commitments (Mitigation and Monitoring) was revised in response to discussion and clarifications.
- 6.7. A set of photos showing the frame erected were handed in to the hearing – this shows the framework erected on site. It records a site visit undertaken on behalf of the applicant on 8 September 2023.

## 7.0 Planning History

- 7.1. The local authority initially commenced to a Part VIII process for the proposed development.
- 7.2. There is no other relevant planning history.

## 8.0 Legislative and Policy Context

- 8.1. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Act 2000 (as amended) (“the Act”) sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.
- 8.2. 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- 8.3. Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.

- 8.4. Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- 8.5. Section 177(AE) (3) states that where a Natura Impact Statement has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- 8.6. Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- 8.7. Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
- The likely effects on the environment.
  - The likely consequences for the proper planning and sustainable development of the area.
  - The likely significant effects on a European site.
- 8.8. **National Planning Framework**
- 8.9. The Project Ireland 2040 National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to 2040. It is a framework to guide public and private investment, to create and promote opportunities and to protect and enhance the Irish environment. The NPF creates a shared set of goals for every community across the country which are expressed as 10 no. National Strategic Outcomes. The Seventh National Strategic Outcome relates to "Enhanced Amenity and Heritage". This promotes investment in well-designed public realm, including recreational infrastructure, amenities in rural areas, activity-based tourism and trails. There is a general requirement to protect and integrate with built, cultural and natural heritage, which has intrinsic value in defining the character of urban and rural areas and adding to their attractiveness and sense of place.
- 8.10. The objectives under this strategic outcome include NSO 7:

- conserve, manage and present our heritage for its intrinsic value and as a support to economic renewal and sustainable employment
- invest in and enable access to recreational facilities which will be designed and delivered with a strong emphasis on conservation, allowing the protection and preservation of our most fragile environments and providing a wellbeing benefit for all.

#### 8.11. **Regional Spatial and Economic Strategy (RSES) for the Southern Region**

8.12. The RSES for the Southern Region acknowledges that further promotion and development of attractions and capacity to capitalise on latent potential in tourism and local enterprise is essential to ensure the sustainable development of the region. The RPOs include the following:

8.13. RPO 50 – supports the development of a diverse base of smart economic specialisms across the rural region including tourism to leverage the opportunities from the Wild Atlantic Way and other brands.

8.14. RPO 53 – states it is an objective to inter alia (a) enhance provision of tourism and leisure amenities to cater for increased population, (b) promote activity tourism, and (c) sustainably develop facilities and connectivity networks for improved visitor access and foster longer dwell times.

8.15. RPO 54 – states that the development of new tourism facilities should include relevant environmental reporting and assessment.

#### 8.16. **Clare County Development Plan 2023-2029**

8.17. The Clare County Development Plan 2023-2029 was adopted in March 2023.

8.18. Key provisions relevant to this case include:

- CDP 9-1 support the implementation of *County Clare Tourism Strategy 2030* which establishes the vision for the development of tourism in the county and provides for the sustainable and efficient provision and management of the tourism resource.
- CDP 9-4 to permit tourism -related developments outside of settlements where there is a clear need for the specific location and benefits to the local community are balanced with any potential environmental impact.

- Objective CDP 9-6 is to work with relevant stakeholders to ensure sustainable improvement on the expansion of tourist services, infrastructure, visitor management and interpretive information and transport networks and amenities for identified Wild Atlantic Way Signature Points and Discovery Points at appropriate locations subject to robust studies and assessment.
- Objective CDP 9-6 (c) is to develop the potential of Loop Head as a key destination on the Wild Atlantic Way.
- CDP 9-25 is to support the promotion of the Loop Head Peninsula as a tourist destination and the enhancement of visitor facilities including upgraded visitor experience facilities at the Loop Head lighthouse, park-and-ride facilities and looped trails.
- Recreational routes which are identified on map 6.2 include Loop headland and Lighthouse.

#### 8.19. **Other relevant Policy Guidance**

8.20. There are a number of tourism policy documents at national and local level such as “People, Place and Policy: Growing Tourism to 2025” (Department of Transport, Tourism and Sport) and the County Clare Tourism Strategy 2030 (Clare County Council) which support additional facilities and improved facilities to further support the development of the tourism product both nationally and locally within the county.

The Failte Ireland strategy for the Wild Atlantic Way is outlined in a number of publications. Loop Head is a designated Signature Discovery Point which is the highest tier of the destinations along the route. An associated SEA Environmental Report and SEA Statements were published.

The Wild Atlantic Way Regional Tourism Development Strategy 2023 – 2027 sets out a strategic vision which includes investment in Discovery Points in order to provide compelling reasons to stay longer at each location and address the challenge of public transport and collaborate to address linkages with visitor attractions. The document sets out a number of strategic initiatives including the establishment of the route as a leading international sustainable tourism destination, promotion of responsible tourism practices and ensuring conservation and maintenance of key elements of biodiversity and monitoring the effects of tourism on

environmental, heritage and cultural assets. Thus the stated objectives also include extending the tourist season well into the shoulder months and creating more sustainable jobs.

## **9.0 EIA Screening**

The application submissions as revised by the further information submitted include a report entitled Environmental Impact Assessment Screening Report April 2023 (updated report) prepared by The Planning Partnership.

The EIA Screening Report concludes that there is no requirement for mandatory or sub threshold EIA in respect of the proposed development.

No observations have been made with respect to the requirement for EIA.

The development is not of a class which is specified in Schedule V of the Planning and Development Regulations, 2001.

I have examined the submitted EIA Screening Report together with the entirety of the applicants supporting documents which describe the existing environment and potential effects of the proposed development. I have had regard to the nature, scale and characteristics of the proposed development as set out in accordance with the criteria in Schedule 7 of the Planning and Development Regulations 2001. I consider that the potential for significant effects on the environment does not warrant EIA or preliminary screening for EIA.

## **10.0 Assessment**

This section of this report considers the following as required under s177AE :

- The likely effects on the environment
- The likely consequences for the proper planning and sustainable development of the area
- The likely significant effects on a European site.

The assessment section of this report considers the three items above. I begin with an examination of the likely consequences for the proper planning and sustainable development of the area as this covers the high level and overarching issues. I then

examine the likely effects on the environment which will deal with subjects related primarily to landscape and visual impact, architectural heritage and archaeology and other issues including biodiversity. In consideration of biodiversity and the likely effects on European site, which is the final topic to be addressed in this section, I refer to the supporting report of Dr Maeve Flynn for detailed information.

#### **10.1. The likely consequences for the proper planning and sustainable development of the area**

10.1.1. In terms of the principle of the development the scheme aims to upgrade the Wild Atlantic Way Signature Discovery Point at Loop Head. As set out in the Visitor Management Plan the aspects of the plan comprise:

- conservation and management of the natural and built heritage
- enhanced user experience and tourist attractiveness
- monitor and mitigate the in-combination effects of visitors on the natural heritage.

10.1.2. I consider that is clear from the oral hearing submissions together with the written statements that there is strong policy support for the development of the site as envisaged. That support emanates from national and regional and local policy provisions.

10.1.3. At national level Failte Ireland's policy support is evidenced in its submission to the Board. Failte Ireland promotes the establishment of the Wild Atlantic Way as an international sustainable tourism destination, the enhancement of the profile of the Signature Discovery Points and the provision of a consistent visitor experience at each and protection of the authenticity and wildness.

10.1.4. The NPF sets out objectives relating to a strong economy supported by enterprise innovation and skills and to enhanced amenity and heritage (NSO 7). In addition I note the reference in the applicant's Planning and Environmental Report to NSO 5 of the NPF which refers to a strong economy supported by enterprise, innovation and skills and I agree that the broad thrust of this strategic objective is supported by tourism development in the area.

- 10.1.5. At a regional policy level there is explicit support for the promotion of tourism assets subject to the outcome of the environmental assessments and the planning process, including at Loop Head. I consider that the strongest support for the proposed development lies in RPO 53 and RPO 54 which refer to sustainable development projects and new or enhanced tourism infrastructure facilities. I note that the applicant's Planning and Environmental Report references in addition regional policy objectives related to public access and built heritage and I agree that the proposed development is in line with these objectives.
- 10.1.6. The development plan has a number of specific policy objectives relating to the development of this site including sustainable improvement on the expansion of tourist services, infrastructure, visitor management and interpretive information and transport networks and amenities for identified Wild Atlantic Way Signature Points and Discovery Points. There is explicit support for the development of the potential of Loop Head as a key destination on the Wild Atlantic Way and also for the enhancement of the visitor facilities and development of recreational routes at the peninsula.
- 10.1.7. Taking into account the general thrust of the oral and written submissions I consider that it is evident the scheme aims include the spreading of visitor numbers so that excessive peaks are flattened and greater off-peak visitor numbers are attracted. The management of visitors will be largely through the use of an online booking system which will control numbers accessing the parking facilities. In terms of the objectives for the locality it is envisaged that the upgrading of facilities and the management measures proposed will ensure that there is a longer dwell time by visitors resulting in positive social and economic spin-offs for this rural area which is relatively isolated and lacking employment.
- 10.1.8. The local authority's submissions to the Board describe the need to provide a suitable standard of facilities for visitors having regard to the fact that Loop Head is a Signature Discovery Point on the Wild Atlantic Way. I agree that a strong response to that designation is appropriate. I accept that the provision of parking, café, visitor interpretation and toilet facilities are a necessary element of that response and that it is reasonable that they be located at the heart of the site.

- 10.1.9. Regarding the likely consequences for the proper planning and sustainable development of the area it is relevant to note the significant cultural heritage, biodiversity and scenic landscape assets which are concentrated at this location. I consider that the proposed development would be deemed to be in accordance with the proper planning and sustainable development of this area only if it is concluded that it is acceptable in terms of all of these assets.
- 10.1.10. In terms of the cultural heritage Loop Head lighthouses is one of the 12 great lighthouses of Ireland. The lighthouse compound contains the remnants of the brazier lighthouse which is also a RMP and also the operating lighthouse from 1854, which can be visited as part of a tour. There is ongoing conservation of the built heritage at the site including recent investment in the form of conservation works at some of the protected structures within the lighthouse compound. Conservation works will be continued, although this is not the emphasis in the upgrade or in this application. Provided the Board is satisfied that the proposed development will protect and enhance the cultural heritage of the area, there are positive consequences from the scheme.
- 10.1.11. Regarding biodiversity there has to date there has been a failure to successfully address the conservation and management of the natural heritage at Loop Head. The site is unmanaged and unmonitored as acknowledged by the applicant. A large amount of the site (excluding the lands within the compound and at CP1) is designated as European site and visitors wander freely across protected habitat. There is evidence of extensive habitat deterioration as a result. Through the twin aims of visitor education and provision of clear directional signage and pathways it can be envisaged that there will be better regulation of visitor movement, increased visitor safety and less direct impact on European sites. As such there is potential that the proposed development would provide for reversal of damage and recolonisation of habitat. It is necessary that for the board to conclude that the proposed development is in accordance with the proper planning and sustainable development of the area that it also pass the rigorous tests under Appropriate Assessment and in this respect, I highlight in particular the fact that there are works including the provision of paved viewing areas and boardwalks which will directly impact habitat qualifying interest habitat within the SAC.



10.1.12. The provision of a suitable standard of visitor facilities one of the key drivers for the overall upgrade project. While there are already some small simple display boards within one of the former assistant light keeper cottages, it is known that a very high proportion of visitors do not enter the compound at all. The planned relocation of the entry and ticketing to the new car park which is some distance from the compound aims to ensure that a much higher proportion of visitors enter the compound and see the visitor displays. The proposal would provide visitors with an opportunity for greater understanding and appreciation of the built heritage at the site due to the provision of signage together with the displays proposed at the visitor facility element. Based on my conclusions later on in this report I consider that the upgrade in visitor facilities including the provision of a café and toilet facilities are appropriate having regard to the status of the site within the Wild Atlantic Way and also taking into account the cultural heritage value inherent in the buildings and structures and the implications for biodiversity and qualifying interest habitat.

10.1.13. I therefore conclude that the proposed development is acceptable in principle and that it will meet the aims of sustainable development and proper planning in this area. I am satisfied that the proposed upgrade is in keeping with the national, regional and local policy provisions for the site and for the area.

## **10.2. The likely effects on the environment**

10.2.1. I consider that the main environmental effects (other than those which fall to be considered under Appropriate Assessment) can be addressed under the following headings:

- Site Layout and Visitor Management
- Landscape and visual impact
- Architectural heritage
- Other.

### **Site Layout and Visitor Management**

10.2.2. In this section I address in particular:

- The proposed car parks.

- Location of visitor facilities.
- The proposed paths, steps and viewing points.

### **Car parks**

- 10.2.3. A significant aspect of the site layout is the location of the new car parking area CP1 at 1km distance from the entrance to the lighthouse compound. On visiting the site one is struck by the cluster of white painted buildings in the distance on elevated lands at the end of a long narrow regional road. The compound and the lighthouse in particular will be clearly visible from CP1 and the applicant's submission is that the visitor experience will commence on arrival at this location. Thus at CP1 visitors will both check-in at the proposed kiosk, will have access to some visitor facilities and will receive initial guidance emphasising the importance of their role in protection of the natural heritage in particular.
- 10.2.4. From a cultural heritage perspective the new to the lighthouse compound in the context of its landscape setting is key to its architectural significance and heritage value and the location of CP1 facilitates appreciation of its setting. I consider that the location of CP1 could enhance the overall experience as the 1km walk to the lighthouse compound would provide a good appreciation of the landscape including its value as a setting for the main buildings.
- 10.2.5. Regarding the location of the new proposed car park I am satisfied that the main lighthouse compound and Ailnagroagh Loop will be strong attractors and that there is no likelihood of visitors wandering to the north in search of views of coastal views. The local authority proposes active monitoring and mitigation including the use of rangers to guide visitors. I am satisfied having visited the site on two occasions that there very little likelihood of such unregulated use of lands north of CP1.
- 10.2.6. The location of the car park also provides the option of an alternative walking route. While most first-time visitors are likely to head straight to the lighthouse compound the Ailnagroagh Loop may appeal more to specialist visitors including walkers, bird watchers and perhaps also to local people who will have a special permit and are likely to visit for recreational walking.
- 10.2.7. Finally, in relation to the principle of selection of this land for the main arrival point I note that CP1 is outside of the European site and does not comprise lands of

ecological value. I conclude that the location of the main car parking area CP1 is suitable.

10.2.8. I note the submission of An Taisce references the need for the level of the car parking to be justified. It is also claimed that the tourism product is unsustainably car dependent and refers in particular to the manner in which the Wild Atlantic Way has been promoted. I note that the Wild Atlantic Way is already in place and that the nearby Cliffs of Moher together with the overall west Clare area would attract a lot of visitors who travel by car as well as minibus, motorcycle and bicycle. I do not consider that the development of the proposed CP1 is likely to constitute a material increase in the number of motorists in the wider area. However, there are local issues to be considered in terms of the capacity of the regional roads and in addition it is in line with general transport, sustainability and climate objectives that the opportunities for use of public transport to access the site be maximised. The applicant submission refers to the local bus services in the area which includes a local link service which goes right up to the site. There was further discussion at the oral hearing in relation to the management of traffic and it was clear to me that the local authority had already given significant thought to the options and alternatives. As such the mitigation reference MM 72 of the Schedule of Commitments is relevant this outlines in summary the visitor numbers (168, 710 persons per annum), which will be capped at 60% of site capacity and the use of Real Time Signage to alert visitors who have not a booking / to advise regarding any other events. I am satisfied that these measures will allow the local authority to suitably manage any traffic issues which might arise at the narrow road network in the area. There is ample cycle parking provided at CP1 and in my opinion this will be a very attractive way to access the site subject to suitable weather, taking into account the flat landscape.

10.2.9. An issue which was raised in the further information submission and discussed at the oral hearing was the operation of the existing car park CP2. In future this area will be designated for staff parking and I am satisfied that the proposed 17 spaces is not excessive. The use and regulation of the area to the front of the car park will require active management by the local authority. It is not desirable that there would be overnight parking at this location as there would be no after-hours staff present and habitat management issues could arise.

10.2.10. Furthermore, I consider that it is desirable in the interest of visitor amenity and safety to minimise dropping off passengers at the entrance to the lighthouse. The local authority has confirmed that this is what is intended. The use of the regional road by pedestrians travelling from CP 1 to the compound is one of the matters which was considered in the Visitor Risk Assessment report. The report notes that the width of the road precludes pedestrian separation so traffic is calmed and a coloured surface footway is provided together with ramps.

10.2.11. The local authority has outlined its powers to ensure proper regulation of the car parking areas and the use of roads and public spaces and I accept its commitment to achieving orderly operation of the facility. I have no objection to the arrangements for parking of cars and bicycles I do not consider that the proposed development would give rise to adverse effects by reason of the level of traffic generated.

**The location of the visitor facilities.**

10.2.12. It is clear from the written submissions and discussion at the oral hearing that the main goal in the selection of the location of the new visitor facility building was related to management of visitor movement within the site. The submission of Deirdre O'Shea, Co. Head of Tourism was very clear in this regard. I note the engagement by the local authority of suitable expertise in the preparation of the relevant Visitor Management Plan and I consider that the submitted plan is comprehensive and persuasive.

10.2.13. The vision presented by the applicant is that by relocating the formal access point/ticket booth to CP1 there would be no discouragement to visitors from accessing the lighthouse courtyard. Increasing numbers of visitors who actually go into the courtyard would meet the objective of increasing dwell time at the site and would enhance the experience in line with the objectives for the Signature Discovery Point.

10.2.14. The positioning of the reception building which leads to the café building which has an integrated pathway would guide the majority of visitors to a suitable point at the compound wall. Visitors will pass out from the compound at a location which would provide direct access to the main viewing points. Thus it is considered that the strategy to guide visitors from their arrival at the CP1, into the compound and

from there out to the coastal lands north of the compound through an opening in the wall will enhance the visitor experience and will also minimise habitat damage. I agree that this arrangement would be likely to be very successful and I am satisfied that the management approach is suitable.

10.2.15. It is an objective of Failte Ireland that the Wild Atlantic Way sites retain a wilderness character . I consider that the detailed design and layout proposed will not result in a significant diminution in the wilderness experienced at present. While the new building would be set within the formal character of the compound, there would be an immediate and contrasting change in experience once the visitor departs from the compound and onto the coastal headland. On return from the headland there would be easy and direct access back into the compound and to the café, toilets and other facilities. For clarity I would add that it has been confirmed that the compound will be secured at night. I think that there is a clear rationale for the selected location of the visitor centre. It provides for a practical and local means I accept the overall strategy in terms of its suitability for visitor management and for provision of a suitable visitor experience.

#### **Paths, steps and viewing points**

10.2.16. The proposed development would provide for a series of walking loops of different distances and character. These are best considered with reference to the submitted drawings. The proposed paths largely follow existing well-trodden routes across the site. Except where deemed necessary due to waterlogging the existing braided pathways will be used but the plan is to direct visitors onto a more limited and direct route to the significant landscape and cultural heritage features. The further information submitted includes calculations which demonstrate that the proposed paths will take up 20% of the area which is currently eroded. At a few locations timber steps are to be installed. The proposed development includes a number of new formalised cliff side viewing points. As part of the further information request the applicant was asked to examine the arrangements for construction of paths and to clarify aspects of the proposed work as there appear to be a difference in approach between the application drawings and comments contained within the Architectural Design Statement. The submitted further information response provides complete clarity relating to locations where particular treatments including steps, timber boardwalk and paving are proposed.

- 10.2.17. In general the justification for the works proposed is clear. For example at a location close to Ailnagroagh View the purpose of steps is to direct visitors to a safe route in accordance with the Visitor Risk Assessment undertaken. With respect to the inclusion of cliffside viewing areas these will be positioned at existing well used locations in general. Based on what I witnessed on my to site inspections I consider that some definition of appropriate locations for taking photographs is much needed in the interests of safety and also to minimise habitat damage. In general I would describe the approach as involving minimal work at appropriate locations and I consider that the construction arrangements are sufficiently detailed and are appropriate.
- 10.2.18. In the initial period of operation of the new site management arrangements, i.e. once the pathways are formally designated (by signage) and the viewing points are in place, a period of very active monitoring and management will be required. This will be necessary to ensure that the adopted routes within the braided path network become the dominant routes and the visibility of the other existing pathways diminishes as they become overgrown and underused. A further reason for active management in the vicinity relates to the need to discourage visitors from the coastal pathway to between Poulneasta and Ailnagroagh View in the interest of health and safety. The local authority appears to me to be aware of the task ahead and to be sufficiently resolved to ensure suitable management.
- 10.2.19. My conclusion in relation to the general outline of paths, steps and viewing points is that they will enhance the visitor experience by the provision of the optimal ways to travel through the site, will enhance safety and will allow for recolonisation of natural habitats within the European site.

### **Landscape and visual impact**

- 10.2.20. This section concerns the landscape and visual impact of the proposed development. The Landscape and Visual Impact Assessment report submitted as part of the further information response refers. Associated with this is a set of 14 photomontages presented in A3 format. During the oral hearing it was clarified that the viewpoints selected followed the route which a visitor to the site will take.

- 10.2.21. The LVIA notes the location of the site in an area characterised as flat peninsular farmland. There is one designated scenic view leading to the lighthouse. The landscape sensitivity is described as high. The first encountered operational landscape impact will be the permanent presence of the modest carpark CP1 and visitor kiosk. The second notable landscape impact will result from the new single storey visitor facilities. There will be a very modest escalation and intensification of building fabric within the study area overall. The landscape impact is determined to be low-negligible within the immediate context of the site. I consider that this conclusion is reasonable.
- 10.2.22. The selected viewpoints for assessment are shown in the photomontages. For each of these views there is a description of what the view is representative of, the receptor sensitivity, the elements of the view which are relevant and the residual visual impact. The ratings attributed follow standard practice. For the majority of views the residual visual impact is described as slight-imperceptible. I consider that the assessment undertaken supports this conclusion. I am satisfied that the overall assessment is robust.
- 10.2.23. Regarding the view from the location of the proposed new car park which is representative of a designated scenic view the assessment undertaken considers the existing scenario whereby there are overhead electricity lines and if these are retained the significance of visual impact/quality of effect are described as moderate/neutral – positive. With the overhead lines removed, should that occur, the visual clutter associated with utilitarian poles would result in a moderate/positive visual impact/quality of effect.
- 10.2.24. Under the further information request the applicant was requested to consider whether the merits of providing an earthen bank to the east of CP2, in the interest of enhancing the landscape on arrival to the site. An earthen berm at this location could function to screen parked cars. From my two inspections I noted the relatively high visibility of camper vans. The future use of this area would be such that vehicles would be low lying vehicles and furthermore they are to be located towards the north of the overall lands of CP2. On balance I accept the arrangement as set down in the applicant's drawings and I do not propose to recommend a planning condition on this matter.

10.2.25. I agree with the conclusion presented in the LVIA that the proposed development would not give rise to any significant landscape, visual or cumulative effects and that the impacts arising would be at the lower end of the spectrum and / or positive.

### **Architectural Heritage**

10.2.26. The Architectural Heritage Impact Assessment of April 2022 was subject to advisement and peer review as part of the response to the RFI. The original document was undertaken by Conor Hourigan and Dr Judith Hill and the peer review was undertaken by Caroline Whately a Grade I Conservation Architect, who participated at the oral hearing.

10.2.27. The architectural heritage comments contained in the submission of the Development Applications Unit (DAU) of the Department of Housing, Local Government and Heritage point to the integrity and rarity of the complex of buildings contained at the site. The proposed development will form an alteration and extension to the lighthouse compound that contains three protected structures – RPS No. 337 - Light Keeper's House – RPS No. 338 -2 no. Light Keepers Houses and RPS No. 339 – Loop Head Lighthouse. These structures and their associated curtilages and attended grounds are afforded protection under the PDA 2000 (as amended). As such the Board must be satisfied that the proposed café building would not be detrimental to the setting of the buildings or result in significant adverse consequences for the character and integrity of the buildings individually and as a group.

10.2.28. In the previous section above I have considered the landscape and visual impact of other elements of the proposed development. Due to the location of the car parking and associated structures which are remote from the cluster of historic buildings within the lighthouse compound, I am satisfied that these aspects of the proposed development are not relevant for the assessment of architectural heritage.

10.2.29. With respect to the impact on architectural heritage I consider that the matters raised can be considered under the following headings:

- the location of the café building and the alternatives



- impact of proposed development, physical interventions and the design of the café building
- conservation works.

### **Location of café building and alternatives**

10.2.30. Earlier in this report I have referred to the rationale for the location of the proposed café building in terms of its role for guiding visitor movement throughout the site. I have accepted the suitability of the location in this respect and consider that its location will assist in identifying clear pathways for visitors, which is important for the protection of habitat management as well as enhancement of the visitor experience. However, the location of the café building needs to be also assessed in terms of the effect on the setting of the buildings within the lighthouse complex. The submission of DAU states that the architectural character, footprint and location of the proposed additional accommodation within the surviving lighthouse complex does not adequately address the interrelationships, that the lighthouse is isolated by the new build element and that the design suggest that the principal structure may be diminished by the intrusion of this element. Furthermore it is noted that the orientation and long linear form of the new building is contrary to the established pattern of the buildings. It is considered by DAU that the impact of the proposed development and a justification for its location on the setting and architectural form of the original complex is necessary in order to determine the appropriateness of the proposal.

10.2.31. Based on the original submission and prior to the oral hearing I shared concerns some of the concerns of DAU. In particular with respect to the selected location for the proposed café building the proposed development could appear overly dominant and give rise to an apparent diminution in stature of the main lighthouse building. I also considered that a stronger justification for the location of this structure could have been presented and that perhaps there was an alternative location within the site which would be preferable from the point of view of minimising impacts on architectural heritage.

10.2.32. I would point out that the original application submissions included architectural conservation expertise as Dr Hill worked with the project architect and assisted in the strategy for the site as well as the detail of the scheme. At the further

information stage the applicant engaged Caroline Whately, a Grade I Conservation Architect. Her evidence at the oral hearing as described below provided additional layer of support for the selected location and the overall scheme.

- 10.3. At the hearing in response to questions Ms Whately explained that her report sets out a review of the approach taken by the applicant and that her discussion with the applicant's architectural team aim to secure an understanding of how the design process evolved. She saw her role as reviewing the applicant's approach and in undertaking that assessment she also formed her own views. The further information document submitted by her makes its own statement of significance so in effect she provided her own assessment of the impact of the proposed development. Her submission is that while the individual buildings may be rated under the NIAH as being of regional importance, they assume a greater importance when considered collectively and in their landscape setting and having regard to the ecology of the area. Ms Whately noted the importance of the fact that there were three lighthouses at this site and that the relationship between the brazier lighthouse and the 1864 lighthouse is the most important relationship. She noted that the site charts the development of lighthouses as there were three on site. In that context the individual buildings become more significant. Her report states that the lighthouse and compound is a nationally significant site in respect of landscape, archaeology, ecology and architectural heritage.
- 10.4. As outlined in section 1.3 of her report Ms Whately confirmed that the most significant view of the compound is from the East. She described that as you walk around the compound the views to the sea become more significant. She described the development of the site, commencing with the brazier light house, followed by the development of an L-shaped collection of buildings and ultimately the surrounding of the compound by the existing outer wall. She emphasised that what is in place at present does not comprise a designed courtyard and effectively the proposed development is the next phase within the compound. The proposed visitor centre constitutes further development in the context of hundreds of years of evolution and change.
- 10.4.1. Regarding other possible locations within the site which might have been developed Ms Whately confirmed that she had gone through this matter with the architects and from discussion with her I formed the view that she was satisfied that the selected

location could be justified and had been carefully considered. Other team members contributed on the matter of wayfinding and the appropriateness of the selected site in this respect. Construction to the rear of the existing braziers site would have posed problems with wayfinding. The area to the left on entry of the courtyard, i.e. adjacent or in the vicinity of the existing temporary toilet block was deemed to be unsuitable as this is the location of significant underground services associated with masts and other infrastructure. The use of existing lighthouse keeper cottages would have meant that the main visitor facilities and services would be located in an area which might not have universal access and for this reason it was discounted.

Ms Whately's conclusion is that there would be a moderate change to the compound layout as a result of the proposed development but it would not detract from the significance of the lighthouse setting or the compound as a group of structures and that she is satisfied with the selected location.

- 10.4.2. I agree with the applicant's submissions and conclude that the selected site for the main café/toilet building is appropriate. In my opinion there is no other location which is clearly more suitable for this structure.

**Impact of proposed development, physical interventions and design of café building**

- 10.4.3. Regarding the impact of the new building, the erection of a frame on site which identified the mass and scale of the structure was a useful aid together with the photomontages which supplemented the original submission. The Architectural Design Statement contains a wealth of visual statements and supporting drawings and images in addition. Regarding the policy context the reference by Ms Whately to the Venice Charter is worth quoting.

*Additions cannot be allowed except insofar as they do not detract from the interesting parts of the building, its traditional setting, the balance of its composition and its relation with its surroundings.*

- 10.4.4. As viewed from the east the proposed low level single storey building will appear in the distance as a dark and contrasting structure set against the white coloured existing building. I am satisfied that the dominance of the protected structures in the landscape will not be diminished by the introduction of the long low-slung building. The contemporary design approach together with the use of dark-coloured materials

will result in a high-quality structure which will form its own character and introduce a new element into the landscape which will not detract from the existing compound and buildings therein. In this respect, while I have considered the submission of DAU, I consider that the architectural character, footprint and location are justified. I do not consider that the proposed building will adversely affect the integrity of the architectural heritage. There was limited discussion on the detailed design of the new building at the oral hearing. I raised no questions as I was satisfied from the outset about the merits of the design adopted for the café buildings and the reception building. My only queries related to the selected location of the café structure in particular. In my view the proposed café building will be a successful intervention. It will in its own right constitute a high-quality building offering a place of refuge and enjoyment for visitors and reflecting the era in which it is designed and constructed.

10.4.5. Regarding the physical interventions in the historic structures I refer in particular to the openings in the internal and external walls at either side of the proposed café building and to the reception building which is located in a very sensitive part of the site between the brazier lighthouse and the 1864 lighthouse. At the oral hearing requested Ms Whately to comment on these interventions. Ms Whately had no concerns relating to the openings in the walls. She noted the reversibility, in principle of the reception building together with its clearly contemporary design and external finishes. She noted that it does not confuse the arrangement of the ensemble. The proposed reception building is a small structure which is clearly of different character to the existing buildings and in my opinion, it complies with the Venice Charter principles.

10.4.6. A further matter which arose in relation to the proposed café building relates to the detail of the roof planting. It emerged during discussion that the roof planting would comprise sedum native species comprising of English stonecrop. The ecologist confirmed that there is sedum in the area. I do not consider that the description of the green roof structure as described in mitigation measure MM8 in the Schedule of Commitments is compatible with the image of the roof as shown in other images. Conor Hourigan architect and Paul Murphy ecologist together agreed that a more appropriate mix of species could be put in place and would be likely to be successful on the roof. This would require a greater build-up of soil on the roof which Mr Hourigan stated could be achieved without excessive cost or difficulty. I have drafted

a separate condition in this respect. The aim of the condition is to secure a finish on the roof which is more reflective of the habitat within the compound and will ensure that the roof blends with the landscape as viewed from the top of the lighthouse as shown in the photomontage.

### **Conservation works**

- 10.4.7. A further issue which arose at further information stage related to the condition and future use of the existing brazier lighthouse single story structure. The original proposal was that visitors would have access this area and repair to the roof and works to the floor would be undertaken. The local authority team was united in the need to repair the roof which is finished with Liscannor flags and is in poor repair. There was less clarity relating to the future visitor access. I am satisfied with the priority of the approach being taken which is to protect the structure first and foremost.
- 10.4.8. I am satisfied that the written submissions provide sufficient detail in relation to the ongoing conservation works. The local authority has been engaged with appropriate upgrading of historic fabric of the buildings and has for example removed UPC windows and installed and repaired with lime render. A lot of these works have been undertaken as exempted development. I do not propose to recommend any specific conditions relating to these works.
- 10.4.9. It was clarified at the oral hearing that the future use of the assistant light keepers cottages (buildings E2 and E1) would be as short-term rental in the case of E2 and for access to the lookout area to the rear of E1 as part of a tour. I consider that it is reasonable to allow the local authority to pursue these objectives. Accordingly I do not recommend any planning conditions.

### **Other**

- 10.4.10. The recommendation of DAU with respect to pre consent archaeological testing is noted. The predevelopment testing to date did not reveal any remains of archaeological interest and a methodology is set out for further testing. I consider that together with the normal legislative requirements and regulations and the applicant's submissions the protection of archaeological heritage will be ensured.
- 10.4.11. The ecological issues largely fall under the topic of appropriate assessment, with some exceptions. As I am satisfied that the site can be properly regulated and

that the proposed development will result in a clear route for visitors to navigate the site, there should be positive effects for biodiversity. I have noted that the site of CP1 comprises lands which are not of ecological value and I accept that the location of the car park at this position will not give rise to adverse ecological effects. In particular I consider that the landscape setting immediately adjacent CP1 would not constitute a draw to visitors and accordingly there is no likelihood of significant disturbance to birds using that area. I rely on the assessment of Dr Flynn's report and I agree with the conclusions presented as relevant to biodiversity.

10.4.12. The local authority has recently, for the first time, provided a mains water supply to the site. The proposed development includes a number of wastewater holding tanks which will be periodically removed to an existing tertiary wastewater treatment facility nearby. It is confirmed under mitigation MM1 that the facility at Kilrush has adequate capacity.

10.4.13. Surface water drainage at the site is primarily in the form of SuDS and at appropriate locations hydrocarbon interceptors are fitted.

10.4.14. A low-level lighting plan is part of the proposed development. This is subject of a separate technical report submitted with the original application documentation.

## **10.5. Appropriate Assessment**

The topic of AA is addressed in the report of Dr Maeve Flynn. Dr Flynn has been involved in this case from the start. She contributed to the drafting of the further information request and participated in the oral hearing. There has been ongoing discussion between us as relevant to the biodiversity and AA aspects of the case. I consider that her report is comprehensive and I rely on its contents and the approach and I agree with the conclusions drawn.

## **11.0 Recommendation**

11.1. I recommend that the Board approve the proposed development for the reasons and considerations and subject to the conditions below.

## 12.0 Reasons and Considerations

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011 as amended,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Lower River Shannon SAC, Loop Head SPA, Kerry Shoal SAC, River Shannon and River Fergus Estuaries SPA, Mid-Clare Coast SPA
- (e) the policies and objectives of the Clare County Development Plan, 2023-2029,
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submissions and observations received in relation to the proposed development,
- (i) the submission at the oral hearing, and
- (j) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter

### **Appropriate Assessment:**

The Board agreed with and adopted the screening assessment and conclusion that the Lower River Shannon SAC, Loop Head SPA, Kerry Shoal SAC, River Shannon and River Fergus Estuaries SPA, Mid-Clare Coast SPA, are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file and at the oral hearing, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Lower River Shannon SAC, Loop Head SPA, Kerry Shoal SAC, River Shannon and River Fergus Estuaries SPA, Mid-Clare Coast SPA, in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

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

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

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

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

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



## **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as revised by the further information received on 28 April 2023 and the submission to the oral hearing including the Schedule of Commitments, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or Construction and Environment Management Plan or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

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

2. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement, as well as incorporating all control measures set out in the submitted CEMP as revised by the further information received on 28 April 2023 and the Schedule of Commitments submitted at the oral hearing. The CEMP shall include:

- (a) All mitigation measures indicated in the Natura Impact Statement.
- (b) All control measures set out in the CEMP submitted with the application proposals.
- (c) Hours of construction, and lights-out times during construction.
- (d) Details of protection measures to be employed to ensure that existing mature trees and vegetation will not be removed or impacted by construction.
- (e) Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

Reason: In the interest of protecting the environment and in the interest of public health.

3. The roof planting shall be formed from a mix of species of different and shall not be a uniform sedum roof.

Reason : To ensure that the roof planting is similar in appearance to the habitat within the courtyard, in the interest of visual amenity and the protection of architectural heritage.

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Mairead Kenny  
Senior Planning Inspector

17 November 2023