



An
Bord
Pleanála

Inspector's Report

ABP-314097-22

Development	Construction of 8 dwelling and all associated site works. NIS included
Location	Cill Stuifin, School Road, Attycristora, Lahinch, Co Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	22380
Applicant(s)	John Talty Construction Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	John Talty Construction Limited
Date of Site Inspection	25 th January 2023
Inspector	Liam Bowe

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning History.....	5
5.0 Policy Context.....	6
6.0 The Appeal	8
7.0 Assessment.....	9
7.1. Principle of the Development	9
7.2. Wastewater Disposal	10
7.3. Other Issues.....	11
8.0 Appropriate Assessment.....	13
9.0 Recommendation.....	17
10.0 Reasons and Considerations	18

1.0 Site Location and Description

1.1. The 1.158 hectare site is located at the south-eastern end of the town of Lahinch in County Clare. It is accessible from the west via School Road from the N67 National Road and from the east via the local road network. School Road serves residential development in the area. The appeal site is adjacent to a partly completed residential estate to the east, which is presently being extended towards the appeal site. There is a row of one-off houses along part of the southern boundary of the site with a new estate road forming the remaining part of the southern boundary. The site slopes steadily from southeast to northwest. The appeal site was under grassland on the day of my site inspection but has been/is in use as the site access for the construction of the houses to the west. The western site boundary is open; there is a hedgerow along the northern site boundary; and the eastern boundary comprises the rear boundary block wall associated with the recently constructed houses. There is a national monument (CL023-005 *ringfort-rath*) located approximately 185 metres to the west of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 8 no. houses at School Road, Attycristora, Lahinch, County Clare.
- 2.1.1. The proposed development takes the form of 6 no. detached two-storey four bedroomed houses and 2 no. semi-detached four bedroomed houses as the next phase of the housing development to the east. There are three proposed house types. House type A (x 1) would have a floor area of 202.5m² and a ridge height of 7.995m; house type B (x 5) would have a floor area of 187.5m² and a ridge height of 8.019m; and house type C/C1 (x 2) would have a floor area of 116.2m² and a ridge height of 8.677m. Private open space is proposed to the rear of the houses. 19 no. car parking spaces are to be provided on the appeal site.
- 2.1.2. There is a temporary wastewater treatment plant proposed to treat effluent generated from the 8 no. houses prior to discharging to the public sewer.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated 21st June 2022 Clare County Council issued a Notification of Decision to Refuse Permission for the proposed development for the following reason:

The Planning Authority considers that the proposed development would be premature by reference to the existing deficiency in the provision of sewerage facilities in Lahinch and the period within which this constraint may reasonably be expected to cease. It is further considered that the proposed development of 8 houses to be served by means of an on-site wastewater would set an undesirable precedent for development of further housing estates served by such ad hoc treatment systems, and taken in conjunction with the level of existing and approved development in the vicinity would result in a risk of pollution and would be prejudicial to public health. The proposed development therefore would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planning Report on file dated 20th June 2022 stated the relevant development plan policies, planning history, summarised the third-party submissions and the responses from the internal and statutory consultees. The Planning Officer accepted the principle of the proposed development but raised issues in relation to the proposed on-site wastewater treatment system and the upgrade of the Lahinch WwTP. The report recommended that permission should be refused, which is reflected in the decision of the Planning Authority.

Screening for AA and Stage 2 Appropriate Assessment was carried out and concluded, with mitigation measures, that there is no likely potential for significant effects to any Natura 2000 site.

3.2.2. Other Technical Reports

Roads Engineer – No objections. Conditions recommended.

Area Office – No objection. Condition recommended.

Estates Team – No objections. Conditions recommended.

3.3. Prescribed Bodies

Irish Water – No objection. Conditions recommended.

An Taisce – State that further housing and other developments in Lahinch are constrained by inadequate wastewater treatment capacity.

Department of Housing, Local Government and Heritage – No objections. Condition recommended.

3.4. Third Party Observations

Submissions were received from Patrick O'Dwyer, Denis Vaughan and Diarmuid Ó Gráda. The main concern is the prematurity of the application pending the upgrade of wastewater treatment infrastructure in Lahinch.

4.0 Planning History

4.1. Appeal site:

P.A. Ref. No. 21/434 – Request for further information issued by the Planning Authority on a proposal for 8 no. houses. No response received.

4.2. Adjacent sites:

P.A. Ref. No. 15/667: Permission granted to extend the appropriate period of P.A. Ref. No. 10/434 for permission to construct 13 no. detached dwelling houses on the site immediately to the east.

P.A. Ref. No. 20/175: Permission granted for 27 no. houses on the site immediately to the east.

P.A. Ref. No. 21/146: Permission refused for 28 no. houses on a site c.360m to the north of the appeal site for the following reason:

It is considered that the proposed development on site would be premature by reference to the existing deficiency in the provision of sewerage facilities in Lahinch and the period within which this constraint may reasonably be expected to cease. It is further considered that the proposed development of 28 houses to be served by means of an on-site wastewater would set an undesirable precedent for development of further housing estates served by such ad hoc treatment systems, and taken in conjunction with the level of existing and approved development in the

vicinity would result in a risk of pollution and would be prejudicial to public health. Furthermore, the Planning Authority is not satisfied that the proposed uses of an on-site waste water treatment unit by virtue of inadequate separation distance to existing and proposed houses (as per the provisions of 'Waste Water Treatment Plant for Small Communities, Businesses and Leisure Centres' EPA Manual) would not have an adverse impact on residential amenity by virtue of noise and odour and nuisance. The proposed development therefore would be contrary to the proper planning and sustainable development of the area.

ABP-314268-22 (P.A. Ref. No. 22/422): Concurrent first party appeal against the decision of Clare County Council to refuse permission for the development of 7 no. houses on the site immediately to the west of the appeal site.

5.0 Policy Context

5.1. National Planning Framework

5.1.1. The site is located within the Southern Regional Assembly Area identified in the NPF. The NPF projects that around 2 million people will live in this region by 2040.

5.1.2. National Policy Objective 11a.

Support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.

5.2. Regional Spatial and Economic Strategy

5.2.1. The Regional Spatial and Economic Strategy for the Southern Region 2019-2031 is the relevant RSES for Clare.

5.3. Clare County Development Plan 2017-2023

5.3.1. Ennistymon/Lahinch is identified as a Service Town, due to their role as important service centres and drivers of growth for their respective hinterlands. Ennistymon and Lahinch are located approximately 2.5 km apart and are linked by the N67, a footpath and cycleway. Both settlements provide business, retail and employment services catering for the local population, while Lahinch is noted for its national and

international tourism product which includes recreational activities associated with its seaside location.

5.3.2. **CDP3.3 Development Plan Objective: Service Towns**

It is an objective of the Development Plan:

To ensure that the Service Towns in County Clare are drivers of growth and prosperity for their respective catchments, by consolidating their administrative, retail and service bases, protecting and enhancing their distinctive town centre characteristics and natural landscape settings, and maximising their role for sub-regional growth.

5.3.3. The appeal site has a land use zoning of '**Low Density Residential**'.

The objective of this land use zoning is to “to accommodate a low-density pattern of residential development, primarily detached family dwellings. The underlying priority shall be to ensure that the character of the settlement/area is maintained and further reinforced by a high standard of design. Proposed developments must also be appropriate in scale and nature to the areas in which they are located.”

5.3.4. **LDR5 Lahinch and Attycristora Townlands**

Residential development at this location should be in keeping with the surrounding landscape and should not impact negatively on the views and prospects of Lahinch and its picturesque bay.

5.3.5. **Objective T1**

As part of an overall plan to address traffic management in Lahinch, an indicative relief road is proposed from the Ennistymon Road (N67) to the Miltown Road (N67) to avoid the town centre. The line of the proposed road shall be preserved from development.

5.4. **Natural Heritage Designations**

The appeal site is not located within any designated European sites. The nearest Natura 2000 sites are Inagh River Estuary SAC (site code: 000036) and Cliffs of Moher SPA (site code: 0040005), which are located approximately 1.1km to the northwest and 8.8km to the northwest and west, respectively.

5.5. EIA Screening

- 5.5.1. The project falls under Class 15, Schedule 7 of the Planning and Development Regulations 2001, as amended. The project is below the threshold for triggering the need to submit an EIAR and having regard to the nature of the development comprising a significantly sub-threshold residential development on appropriately zoned lands where public piped services are available there is no real likelihood of significant effects on the environment arising from the proposed development. 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

- 6.1.1. The grounds of appeal are submitted by Brian Foudy, Chartered Engineer, Osprey House, Carmody Street, Ennis, Co. Clare on behalf of the First Party, John Talty Construction Ltd. The main points made can be summarised as follows:
- States that the First Party has two separate pre-connection enquiry results confirming that Irish Water have capacity to handle the wastewater generated from the proposed development.
 - Contends that the Lahinch WwTP has capacity and that the new/upgraded WwTP has an intended completion date of 2025.
 - States that the First Party is proposing to treat effluent on-site to a high standard and this arrangement could remain in place indefinitely, if needed.
 - Contends that Clare County Council have set a precedent where it permitted a Part 8 application (P.A. Ref. No. 19/8012 refers) for 27 houses with an on-site WwTP prior to discharging to the public sewer.
 - Cites other precedents in Co. Cork where temporary on-site wastewater treatment plants were permitted.
 - Contends that the standard of treatment of effluent will not give rise to pollution or be a risk to public health.

- States that the First Party is willing to accept a condition requiring the temporary wastewater treatment system to be kept in place until such time as the Lahinch WwTP is upgraded.

6.2. **Planning Authority Response**

The Planning Authority responded to the grounds of appeal on 10th August 2022. It states that the pre-connection agreement issued to the First Party from Irish Water does not distinguish between hydraulic loading and emission limit values. It highlights the difference between the proposals for temporary wastewater treatment systems under this application and those applications permitted in Corofin, Quin and Liscannor whereby works were already underway or contracts were signed for the upgrade of WwTPs in those settlements. The Planning Authority understands that the upgrade scheme for Lahinch WwTP is presently at Feasibility Study stage. In the absence of clarity on the commencement of the upgrade works to the Lahinch WwTP, the Planning Authority does not consider a temporary on-site wastewater treatment system as a sustainable option and that, consequently, the proposed development is premature until the Lahinch WwTP is upgraded.

7.0 **Assessment**

I consider that the main issues in the assessment of this appeal are as follows:

- Principle of the Development
- Wastewater Disposal
- Other Issues

7.1. **Principle of the Development**

- 7.1.1. The appeal site is located off School Road in the town of Lahinch. The settlement strategy in the Clare County Development Plan 2017-2023 (as varied) identifies Lahinch as a Service Town. The site at present is greenfield and has a land use zoning of 'Low Density Residential'. The objective of this land use zoning is to "to accommodate a low-density pattern of residential development, primarily detached family dwellings."

- 7.1.2. It is stated in the Clare County Development Plan 2017-2023 that Lahinch/Ennistymon had a population of 1,544 in 2016 and, under the plan, has a target population of 2,669 for 2023. In order to achieve this, 409 dwelling units are required on residential and mixed-use zonings. Although the proposed density for the development under appeal is low at 7 units per hectare, I consider the proposed development to be in keeping with the type of development in the immediate vicinity and consider it to be appropriate under this land use zoning.
- 7.1.3. In conclusion, I am satisfied that the proposed development is in accordance with the land use policies contained within the Clare County Development Plan 2017-2023 and I, therefore, consider that the principle of residential development on the appeal site to be acceptable, subject to other considerations addressed below.

7.2. **Wastewater Disposal**

- 7.2.1. In terms of servicing the site, I note the submission from Irish Water stating that there is sufficient capacity available in the Lahinch WwTP and that they have no objections to the proposed development of 8 houses on the appeal site. However, the Planning Officer in the report dated 20th June 2022 highlights the fact that the WwTP is not meeting its Emission Value Limits (ELV's) for discharge.
- 7.2.2. I am satisfied that Lahinch WwTP has sufficient capacity (8400 p.e. design capacity) to meet the needs of the target population with a collected load stated as 3,045 p.e. and available headroom of 5,355 p.e. However, there is significant hydraulic overloading on the plant due to infiltration in the network. Irish Water intends to review the current issues with the network and treatment plant and implement a solution through minor works. I note Irish Water's AER for Lahinch (2019) submitted by the first party in support of its application to Clare County Council outlining the expected completion of upgrade works to the WwTP as 25/1/24.
- 7.2.3. I have also reviewed the Irish Water's AERs for Lahinch for the years ending 2020 and 2021. It is clear within both these reports that there is headroom within the wastewater treatment plant to facilitate further development in Lahinch. However, it is highlighted within the 2020 report that the WwTP needs to be upgraded and that this was at assessment and planning stage. The expected completion date was stated as 31st August 2025. Similarly, it is highlighted within the 2021 report that the

WwTP needs to be upgraded but that a Feasibility Study was to be completed by 31st December 2022. No completion date for the upgrade works was included in the 2021 report.

- 7.2.4. The absence of a completion date for required upgrade works to the Lahinch WwTP formed the kernel of the reason for refusal issued in the notification of decision by the Planning Authority. The Planning Authority stated that it was on this basis that the proposal for a temporary on-site wastewater treatment plant to service private houses differed from other developments for private houses that were permitted i.e., the other developments permitted with a temporary on-site wastewater treatment plant were in a location where upgrade works to the municipal wastewater treatment plant were either underway or a contract for the works had been signed by the local authority.
- 7.2.5. I agree with the Planning Authority's position on this issue, and I consider that permitting a temporary private on-site wastewater treatment plant without a known time for the cessation of its required use would create an undesirable present. I also consider that such a proposal demonstrates the prematurity of the proposed development of 8 houses on the appeal site until such time as the required upgrade works to the Lahinch WwTP are carried out.
- 7.2.6. In conclusion, I consider that there is insufficient clarity and certainty on the timelines to progress the upgrade of the wastewater treatment plant for Lahinch given the required design, planning and consent processes. Consequently, I consider that the proposed development would be premature because of the existing deficiency in the provision of wastewater treatment facilities in the area and the time period within which such deficiencies are likely to be resolved. It is likely that the proposed development would lead to further demands on the wastewater treatment system and would, therefore, also be likely give rise to a risk to public health. On the basis of the above, I recommend refusal for inadequate wastewater treatment.

7.3. Other Issues

Design and Layout

- 7.3.1. The proposed development seeks to accommodate eight four-bedroom, two-storey houses, on a site stated to be 1.158 hectares in area. Six of the proposed houses

are detached and two of the houses are semi-detached. There are three proposed house types. House type A (x 1) would have a floor area of 202.5m² and a ridge height of 7.995m; house type B (x 5) would have a floor area of 187.5m² and a ridge height of 8.019m: and house type C/C1 (x 2) would have a floor area of 116.2m² and a ridge height of 8.677m. Private open space is proposed to the rear of the houses.

7.3.2. I consider the overall scale and height of the proposed house would sit comfortably within the appeal site. Similarly, I consider the design of the fenestration and proposed finishes to be compatible with its suburban context. The proposed areas of private open space are all in excess of 11m in depth to the rear and are well in excess of Development Plan standards in terms of area i.e., greater than 100m² each.

7.3.3. Public open space is not provided on the appeal site but is provided within the overall development as part of the earlier residential phase to the east. A total of 3,745m² of usable public open space is provided in a central area and two smaller areas of 431m² and 1,170m², respectively. This represents approximately 13% of the overall site and is in accordance with the requirement for 12 – 18% set out in section 5.5.7 of the Clare County Development Plan.

7.3.4. In conclusion, having regard to the sites location at the edge of Lahinch town centre and the pattern of development in the area, I am satisfied that the proposed development is appropriately designed, could be accommodated at the subject site, and that it would result in a development that would be sympathetic to its setting in terms of design, scale and layout.

Traffic Safety and Car Parking

7.3.5. The proposed development would utilise the existing road infrastructure and network at this suburban location in Lahinch town and, on the day of my site inspection, I noted the current provision of a footpath and lighting on the public road. The housing development to the east of the appeal site is nearing completion and connection to this footpath is indicated on the proposed site layout plan. I am satisfied that the appeal site forms a sequential extension to the built-up area of Lahinch town.

7.3.6. There is likely to be some inconvenience for established road users during the construction phase. However, this would be very much short term given the nature

and scale of development proposed. Overall, I do not consider that there would be any serious traffic concerns arising from the proposed development.

8.0 Appropriate Assessment

8.1. Introduction

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

- Compliance with Article 6(3) of the EU Habitats Directive.
- The Natura Impact Statement.

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 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. The Natura Impact Statement

8.3.1. The application included an Appropriate Assessment Screening Report and Natura Impact Statement (Ecofact, March 2022). Sections 1 – 4 of the NIS comprise an introduction, methodology, description of the project, and a description of the existing ecological environment. Section 5 – 7 comprise the impact assessment, potential for in-combination effects and mitigation.

8.3.2. The AA Screening Report concludes that significant adverse impacts to the Inagh River Estuary SAC (Site Code: 000036) cannot be ruled out and that it is necessary to proceed to a Stage 2 Appropriate Assessment. The NIS outlines the methodology used for assessing potential impacts on the habitats and species within this European site that have the potential to be affected by the proposed development. It predicts the potential impacts for this site and its conservation objectives, it suggests mitigation measures (a Construction and Environmental Management Plan (CEMP) and a temporary on-site wastewater treatment plant), assesses in-combination effects with other plans and projects and it identifies any residual effects on the European site and its conservation objectives.

8.3.3. The NIS was informed by the following studies and surveys:

- A desktop study, including review of available information sources and datasets such as NPWS website and National Biodiversity Data Centre website.

8.3.4. It is stated that consultation was sought with National Biodiversity Data Centre (NBDC), EPA, (IFI) and NPWS. No details of any responses received are included in the NIS.

8.3.5. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential effects, and uses best scientific information and knowledge. Details of mitigation measures (a Construction and Environmental Management Plan (CEMP) and a temporary on-site wastewater treatment plant) are provided and they are summarised in Section 7 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.

8.4. **Screening the Need for Appropriate Assessment**

8.4.1. In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

- 8.4.2. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development. The Inagh River Estuary SAC, which is located 1.1km to the northwest of the appeal site, is the site most relevant to the subject site.
- 8.4.3. The conservation objectives of the Natura 2000 site are as follows:
- Inagh River Estuary SAC – Conservation objectives are set out in the ‘Conservation Objectives Series Inagh River Estuary 000036’ document published by the NPWS. They are to maintain the favourable conservation condition of all habitats cited.
- 8.4.4. Based on my examination of the Screening Report, and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European site, I disagree with the conclusion of the First Party’s consultants that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is required for the European site referred to above, that being Inagh River SAC (Site Code: 000036).
- 8.4.5. Any foul water on site shall also be indirectly connected to designated site via the public foul water network which ultimately discharges to Lahinch WwTP for treatment. However, the nature and scale of the proposed development is a small residential development on serviced land. At present, in-combination effects would be associated with the concurrent appeal for the development of seven houses on a site immediately to the west of the appeal site. A further planning application to the north of the appeal site is referenced in the NIS submitted by the first party but this has been refused permission by Clare County Council and, consequently, does not need to be considered as an in-combination project under this assessment.
- 8.4.6. As stated earlier in this report, Lahinch WwTP has a design capacity of 8,400 p.e. and the collected load is stated as 3,045 p.e. i.e., available headroom of 5,355 p.e. to meet the needs of the target population. The proposed development of 8 houses under this appeal and 7 houses under the concurrent appeal would accrue an additional loading on the WwTP of approximately 38 p.e. I do note that there is significant hydraulic overloading on the plant due to infiltration in the network and

that the WwTP is non-compliant with its licenced emissions levels but these are matters for Irish Water and the licensing authority (EPA). In the context of a capacity of 8,400 p.e. and the current loading on the plant of 3,045 p.e., I do not consider an additional loading of 38 p.e. would have a significant impact on any of the qualifying interests of the Inagh River SAC

- 8.4.7. I am satisfied that the proposed development will make a very small contribution to the overall capacity of the licensed WwTP at Lahinch. While there are treatment issues at the plant, upgrades to the plant are expected to be delivered over the short term, although a completion date is not stated in the latest Irish Water AER for Lahinch (2021). I, therefore, consider that the proposed development either alone or in-combination will not have any significant effects on the European site.
- 8.4.8. All other European sites can be screened out from further assessment because of the nature and scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive hydrological or ecological linkage between the proposed works and the other European sites. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.
- 8.4.9. I also consider that, even if the aforementioned best practice construction management measures and on-site wastewater treatment plant were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated sites and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. I therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites.
- 8.4.10. I am therefore satisfied that, notwithstanding that the applicant has carried out Stage 2 AA, there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on them, in view of their qualifying interests and conservation objectives.
- 8.4.11. Therefore, in conclusion, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which

comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations outlined above, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required, notwithstanding that the applicant has submitted a Stage 2 NIS.

- 8.4.12. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

8.5. Appropriate Assessment Screening Determination

- 8.5.1. It is reasonable to conclude that on the basis of the information provided on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Inagh River Estuary SAC (Site Code 000036), or any European site, in view of these sites' Conservation Objectives, and having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.
- 8.5.2. There is no requirement therefore for a Stage 2 Appropriate Assessment (and submission of a NIS).

9.0 Recommendation

I recommend that permission be refused for the reasons stated in the attached schedule.

10.0 Reasons and Considerations

Having regard to the deficiencies in the standard of wastewater treatment in the Lahinch Wastewater Treatment System, and notwithstanding the indication from Irish Water of their intention to upgrade the Lahinch Wastewater Treatment System as part of a programme to provide improved wastewater treatment for the development of new homes, it is considered that, pending clarity and certainty on the timelines to progress the upgrade through design, planning and all relevant consents, the proposed development would be premature by reason of the existing deficiency in the provision of wastewater treatment facilities in the area, would lead to further demands on the wastewater treatment system, and would, therefore, likely give rise to a risk to public health and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Liam Bowe
Senior Planning Inspector

30th March 2023