



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-314448-22

Strategic Housing Development

289 no. residential units (265 no. houses and 24 no. apartments), crèche and associated site works.

Location

Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare

Planning Authority

Clare County Council

Applicant

Gleanveagh Homes Limited

Prescribed Bodies

- (1) Irish Water
- (2) TII
- (3) NTA
- (4) Clare County Childcare Committee

Observer(s)

- (1) Caroline Donnellan & Others

- (2) Eugene & Bernadette Carey
- (3) Fiona Liston
- (4) John Madden
- (5) Mary McNamara & Others
- (6) Michael Duffy
- (7) Michael Prendergast & Tammy Jerome
- (8) Ballymacaula View Residents

Date of Site Inspection

25th March 2023

Inspector

Colin McBride

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

2.1 The subject lands comprise approximately 11.32 ha, located to the south west of Ennis town, County Clare. The site currently comprises of a greenfield site accessed from the R474. The site extends from a newly constructed housing estate (Ballymacaula) to the south up to the Ennis Golf Course to the north. The National Road (N85) bounds the site to the west. A number of one-off dwellings are located along the east of the site and are currently accessed from the R474. The site is slightly elevated at the south of the site, near the existing housing estate and is surrounded by mature trees and hedging.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises permission for strategic housing development at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare. The proposed development consist of 289 no. residential units comprising, 265 no. dwelling units and 24 no. apartments.

Table 1: Key Figures

Gross Site Area	11.32 hectares
Net Site Area	8.9 hectares
Site Coverage	34% (net developable area)
Plot Ratio	0.42
No. of Houses	265
No. of Apartments	24

Total	289
Commercial/childcare	Crèche 400.7sqm GFA 340.7sqm Internal GFA
Density – Total Site Area	32.5 units per hectare (net density)
Public Open Space Provision	1.33 hectares (15%)
Communal Open Space	191.2sqm
Car Parking – Apartments/ Residents Crèche EV Parking Total	508 (20 visitor spaces) 11 4 519
Bicycle Parking	140 130 for central townhouses and duplex apartments 10 for the crèche

Table 2: Unit Mix

	Bedrooms				Total
	1 Bed	2 Bed	3 Bed	3/4 Bed	
Apartments	12 (4%)	12 (4%)			24
Dwellings		66 (23%)	165 (57%)	34 (12%)	265

Total	12 – 4%	78 – 27%	165 – 57%	34 – 12%	289
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3.2 The application was accompanied by various technical reports and drawings, including the following:

- Statement of Consistency – McCutcheon Halley Planning.
- Planning and Design Statement – Deady Gahan Architects
- Material Contravention Statement – McCutcheon Halley Planning.
- Environmental Impact Assessment Report – McCutcheon Halley Planning.
- School Demand Report – McCutcheon Halley Planning.
- Architectural Drawings – Deady Gahan Architects
- Landscape Drawings and Landscape Design Report – Doyle O’Troithigh Landscape Architects
- Tree Survey and Arboricultural Impact Assessment Report – Arbor Care Ltd.
- Engineering Drawings – Tobin Consulting Engineers.
- Engineering Planning Report – Tobin Consulting Engineers.
- Quality Audit – Tobin Consulting Engineers.
- DMURS Compliance Report – Tobin Consulting Engineers.
- Preliminary Construction Traffic Management Plan – Tobin Consulting Engineers.
- Construction Waste Management Plan – Tobin Consulting Engineers.
- Preliminary Construction and Environmental Management Plan – Tobin Consulting Engineers.
- Traffic and Transport Assessment – Tobin Consulting Engineers.
- Public Lighting Drawings and Report – Molloy Consulting Engineers.
- Building Lifecycle Report – Deady Gahan Architects
- Housing Quality Assessment and Schedule of Accommodation – Daedy Gahan Architects.
- Universal Design Statement – Deady Gahan Architects.
- AA Screening Assessment and Natura Impact Statement – McCutcheon Halley Planning.

- Daylight, Sunlight & Overshadowing Assessment – BPC Engineers.
- Flood Risk Assessment – Tobin Consulting Engineers.
- Road Safety Audit – Tobin Consulting Engineers.
- Drainage Impact Assessment – Tobin Consulting Engineers.
- Part V Proposal – Glenveagh Homes Ltd.
- Photomontages and CGI's – GNet3D.

4.0 Planning History

- 4.1 ABP 306088-19 (P 18-811): Permission granted for 99 residential units, ancillary surface car parking; provision of a crèche. Granted December 2020.
- 4.2 P. A. Reg, Ref. 06/2182/PL 221409: The planning authority decision, (Clare County Council) to grant permission for 147 dwellings, was overturned following third party appeals based on: (1) Premature development due to deficiencies in sewerage facilities, (2) serious injury to visual amenity due to a noise barrier, 2.5 m high to be erected on the boundary with the Western Relief Road and, (3) inadequate pedestrian connectivity between the site and the urban area.
- 4.3 P. A. Reg, Ref. 06/144/PL 221408: The planning authority decision, (Ennis Town Council) to grant permission for fifty houses and twenty eight apartments was overturned following third party appeals on the basis of (1) Premature development due to deficiencies in sewerage facilities, (2) inadequate pedestrian connectivity between the site and the urban area.
- 4.4 P. A. Reg. Ref. 04/2599 PL214836: The planning authority decision, (Clare County Council) to grant permission for 159 dwellings and a creche with living accommodation overhead was overturned following appeal based on reasoning that ABP 306088-19 Inspector's Report Page 11 of 47 it would be prejudicial to public health because it was not demonstrated in the proposals for surface water collection, attenuation and disposal the development could be satisfactorily drained.

There were some prior applications to Ennis Town Council or Clare County Council in respect of which a decision was not determined or were withdrawn by the applicant. (P. A. Reg. Refs 99/222 (PL 121236), 99/2373 and 04/2520 refer.)

- 4.5 P. A. Reg. Ref. 237/17 – PL 300590: Further to appeal permission was granted for a forty-two dwelling unit development on the adjoining lands to the south under construction at the time of inspection.

5.0 Section 5 Pre Application Consultation

- 5.1 A Section 5 Pre-Application Consultation took place on Microsoft teams on the 25th April 2022; Reference ABP-312194-21 refers. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála attended the meeting. The development as described was for the construction of...

- 285 no. residential units comprising of:

- 24 no. 1-bed apartment units,
- 66 no. 2-bed units townhouses,
- 195 no. 3-bed units dwellings

Ranging in height from 2 – 3 no. storeys;

- The provision of a childcare facility of catering for 60 child spaces;

- 5.2 An Bord Pleanála was of the opinion having regard to the consultation meeting and the submission of the Planning Authority that the documents submitted with the request to enter into consultation requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

Permeability/ Connectivity

1. Further consideration and/or justification of documents as they relate to the proposed strategy for the development of the site in respect of the permeability and connectivity into the existing housing estate to the south of the site, the N85 and the wider environment. In this regard the applicant shall provide clarity on the movement of pedestrians and cyclists from the site to services, amenities, schools etc. The proposed development should comply with the 12 criteria set out in the Urban Design Manual which accompanies the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009), the Design Manual for Urban Streets (DMURS) and the requirements of the National Cycle Manual.

Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A Phasing Strategy for the roll out and delivery of the proposed development including, inter alia, timescales and delivery of essential infrastructure.
2. A detailed landscaping plan clearly illustrating the quantum and functionality of all areas designated for public open space. The landscaping details shall include, inter alia, the inclusion of useable space for play provision, a detailed trees survey and proposed tree planting scheme and shall clearly indicate the quantum and designated areas of useable for differing age categories
3. Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings should elaborate on the visual impact of the proposed development in the context of the impact of the residential area to the south and east of the site and the N85 to the west of the site

4. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.

5. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.

6. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

7. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.

5.3 Finally, a list of authorities that should be notified in the event of the making of an application were advised to the prospective applicant and which included the following:

1. Irish Water
2. Transport Infrastructure Ireland.
3. National Transport Authority
4. The relevant Childcare Committee

5.4 Applicants Statement

A report prepared by McCutcheon Halley, entitled 'Response to An Bord Pleanála Pre-Application Consultation Opinion' and was submitted in accordance with Section 8(1)(iv) of the Act of 2016. The proposed development is largely similar in but features 289 units instead of 285 and amended site layout.

The following information was provided in response to the opinion:

Issue 1-Permeability/Connectivity: Provision of 2 no. pedestrian connections to Ballymacaula View housing estate and 2 no. pedestrian connections to existing footpath on the N85.

Existing direct pedestrian connection along Circular Road to the town centre and agreement to provide 1.8m footpath along Circular/Drumbiggie Road and along a section of Cahercalla.

Issue 2-Phasing strategy provided with 3 phases proposed.

Issue 3- A landscape design plan, a landscape design report and a detailed tree survey have been submitted for the proposed development.

Issue 4-A set of verified views and photomontages have been submitted outlining the relationship of the proposal to the surrounding area including from adjoining

housing to the south and along the N85. Chapter 4 of the EIAR includes Landscape and Visual Assessment.

Issue 5-A Statement of Consistency has been prepared to demonstrate the proposal is consistent with policy under the 2017 Clare County Development Plan incorporating the Ennis Municipal District Settlement Plan.

Issue 6-A Sunlight, Daylight and Overshadowing Report has been prepared with assessment of the proposed units, public open spaces, courtyards, communal areas, private amenity spaces and impact on neighbouring properties.

Issue 7-The application is accompanied by an Environmental Impact Assessment Report.

Issue 8-A Material Contravention Statement has been prepared.

6.0 Relevant Planning Policy

6.1 National Policy

6.1.1 Project Ireland 2040 - National Planning Framework

Chapter 4 of the Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 4 sets out to ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

The directly relevant National Policy Objectives as contained within the NPF include:

National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

National Policy Objective 57 sets out to enhance water quality and resource management, this includes the requirement to ensure that flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities.

6.1.2 Relevant Section 28 Ministerial Guidelines:

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

- Design Manual for Urban Roads and Streets (Interim Advice Note Covid -19, May 2020)
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2021),
- The Planning System and Flood Risk Management (including associated Technical Appendices).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

6.1.3 Other Relevant Policy Documents include

- Housing for All (2021).
- Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020.
- Permeability Best Practice Guide – National Transport Authority.

6.2 Regional Policy

- Regional Spatial and Economic Strategy (RSES) for the Southern Region.

6.3 Local Policy

6.3.1 Clare County Development Plan 2017-2023

The majority of the site is zoned as Low Density Residential (LDR). Section 19.4 states that “this zoning refers to the use of lands to accommodate a low-density pattern of 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 development must be appropriate in scale and nature to areas in which they are located.

A section of the site running along the western boundary is zoned as Buffer Space. Section 19.4 states that “buffer spaces are intended to provide a buffer of undeveloped land for the conservation of biodiversity, visual amenity or green space. Buffer spaces may include natural features such as floodplains, riparian zones, turloughs, valuable biodiversity areas including designated sites, amenity areas, woodlands, hedgerows, green spaces and archaeological features”.

An area in the northern end is designated Open Space. Section 19.4 states that “it is intended that lands zoned ‘open space’ will be retained as undeveloped open space, mainly for passive open space related activities. The open space/park areas could contain active play facilities such as children’s play areas but these would only be a small component of the overall areas involved”.

6.3.2 Core Strategy

Table 2.4: Population targets

- A density of 15 uph have been allocated for low density residential lands for Ennis.

6.3.3. Cahircalla More Neighbourhood

This neighbourhood has been identified for expansions although is currently deficient in the provision of services.

6.3.4 Site specific Objective: Site LDR66 Circular Road (Low density residential)

- Residential development on this site will be required to incorporate a buffer of sufficient width between the proposed development and the N85 to protect residential amenity.
- Development proposals on the site shall be accompanied by a flood risk assessment to ensure that floor levels are set to an appropriate height (1-in-100-year flood event plus climate change allowance and freeboard).
- A drainage impact assessment will also be required.

6.3.5 General Development Management

CDP4.7: Unit Mix

- Secure a mix of housing types and sizes
- Require new houses to incorporate a variety of plot sizes and
- Require the submission of a Statement of Housing Mix

7.0 Third Party Submissions

7.1 A total of 8 third party submissions have been received.

Caroline Donnellan & Others

Eugene & Bernadette Carey

Fiona Liston

John Madden

Mary McNamara & Others

Michael Duffy

Michael Prendergast & Tammy Jerome

Ballymacaula View Residents

The submissions from residents/ members of the public, grouped under appropriate headings, can be summarised as follows.

7.2 Zoning

The site is zoned low density (15 units per hectare) with the proposal excessive in density and a material contravention of Development Plan policy.

Type/scale of development

The development is regarded as being out of character and scale at this location, which is rural in character.

Pedestrian connection to Ballymcuala View

Such connection is inappropriate, would reduce privacy security, cause disturbance and entail potential use of the existing green space and overspill of parking into the existing housing development.

Traffic

The provision of a single access onto Golf Links Road would lead to traffic congestion and is inadequate for a development of this size.

Inadequate sightlines at the proposed entrance and proximity to a bend in the road. Inadequate provision of footpaths and lighting on the local road network to provide safe pedestrian access.

Inadequate width on the road to facilitate cycle infrastructure.

Lack of public transport infrastructure serving the site.

Drainage

The third party submission question whether appropriate consents are in place with adjoining landowners in relation to storm drainage/sewage disposal or for connection of existing properties to the new sewage system proposed as part of the development. One of the submission question the overall capacity of wastewater treatment plant in context of additional loadings, the fact that the capacity of such has not be demonstrated by the information submitted and the fact that the proposal is premature pending upgrades

Adjoining amenity

Concerns regarding undermining slop stability/stability of a retaining wall adjoining existing dwellings. Concerns regarding impact on existing boundaries and trees associated with adjoining properties.

Failure to assess daylight and sunlight impact of existing dwellings backing onto the site in the case of Ballymacuala View.

Impact of construction and general disturbance on the amenities of adjoining properties.

Social/Community Infrastructure

Lack of social/community infrastructure in the vicinity in terms of retail, religious, medical and recreational facilities.

Biodiversity/EIAR/Appropriate Assessment

Adverse impact on biodiversity with potential impacts on a14 European sites. The submission indicate that the EIAR and Appropriate Assessment are inadequate in terms of its assessment of capacity of the Wastewater Treatment Plant and the impact of increased loading as a result of the proposed development in conjunction with other developments and subsequent impact on water quality and designated European Sites in the vicinity.

Drainage infrastructure

The submission question the capacity and of drainage infrastructure to cater for the proposed and planned development in the vicinity at this time. The submission question whether the appropriate consent is in place in relation to storm water drainage and connection to foul drainage. The submission question the expertise of the Board to assess the proposal in terms of drainage infrastructure and storm water proposals and impact.

Fire safety

The submission highlight concerns regarding capacity of water supply to facilitate firefighting and proposals to address such.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála. The report details the site location/site zoning, provides a description of the proposed development, details pre-submission meetings, planning history, lists the issues in the received submissions, the internal reports of Clare County Council are summarised, details the relevant

Development Plan policies and objectives, and provides a planning assessment of the development. The CE report refers to policies under the Fingal County Development Plan 2017-2023.

- 8.2 A summary of the submissions made by third parties is provided and a full list of who made these submissions. Submissions can be summarised as follows:
- Contrary to development plan zoning policy in that the site is zoned low density development.
 - Development out of character and scale at this location, which is rural in character.
 - Adverse traffic impact in terms of congestion, inadequate vehicular entrance, lack of footpaths and lighting in the area.
 - Adverse impact on biodiversity.
 - Inadequate capacity in terms of drainage infrastructure and lack of consent to connect to existing drainage infrastructure.
 - Impact on adjoining residential amenity in terms of disturbance, structural stability, privacy, overshadowing, pedestrian connections to existing housing and potential overspill of parking.
 - Flood risk.
 - Lack of capacity and consent in relation to connection to drainage infrastructure.

8.3 A submission has been received from Irish Water.

8.4 Interdepartmental Reports have been received from the Drainage Division, Transportation Planning Division, Parks and Landscape Services, Housing, Waste Department, and the Environmental Health Officer.

8.5 Planning Assessment

This is summarised as follows under the headings of the Chief Executive Report. The CE report recommended that permission be refused and includes suggested conditions that should be applied to a grant of permission.

Design and Layout:

- Concerns regarding design layout with dominance of dominance of straight linear roads, open space provision and distribution, overly complex road layout and visibility of rear elevations of dwellings from the N85. Lack of variation in building typology (terrace and semi-detached dwellings) and duplex units. Concern regarding impact of apartment blocks on setting of proposed development/existing developments.
- Inadequate permeability with concern regarding inadequate permeability onto Circular Road.

Drainage:

- Water safety audit/risk assessment required in relation to open infiltration basin and details of maintenance programme for such required.
- Assessment of capacity of the downstream/river/network (Claureen River) required in relation to storm water disposal. In terms of flood risk a consideration of Section 2.1.2 Justification Test Box 5.1: 2(iii) of the Flood Risk guidelines is required.

Roads and Access:

- The lack of public transport infrastructure would mean reliance on vehicular traffic. The single access point proposed is considered to be of limited capacity and as such may result in a serious traffic hazard.
- Location of the crèche considered unacceptable as there is potential that drop off along the R474 would generate a traffic hazard.
- The site is poorly served by footpaths and no cycleway provision with limited capacity for providing such due to carriageway width and low potential for non-car modes of transport at this location.

- Proposed upgrades in footpath provision along Cahercalla Hill not achievable without third party lands with no consent demonstrated for such. No connectivity between the section of footpath on Drumbiggle Road and Cahercalla Hill is proposed with disjointed provision of footpaths resulting.
- Internal layout unsatisfactory with dominance of long straight roads and hard surfaces. The PA recommends that internal layout and road design should comply with the DMURS and footpath widths with Building for Everyone: A Universal Design Approach and the CDP.
- EV charging points should be facilitated in every private driveway and every visitor space.
- There is a shortfall in parking requirement based on CDP standards with lack of public transport services a concern in the context of such a shortfall.

Residential Amenity:

- The PA note some dwellings (eastern) are at too great a distance from the open space areas. That impact in terms of overlooking, overshadowing and overbearance would be limited and negligible.
- Physical access to the attenuation pod and Claureen River should be sufficient to protect children but facilitate the ecology of the area (mammal friendly fencing).
- Existing malodour issue from a manhole at Cahercella Road may be exacerbated by the proposal.
- Proximity of dwellings to the pumping station is a consideration.
- The CE report notes the proximity of the 8th hole tee box of the Golf Course in the context of potential golf ball strike.
- A buffer zone is required along the N85 to mitigate noise impacts from the road and a noise impact assessment should be requested.

Ecology and Environment:

- Clarification required regarding the use of silt fences due to nature of receiving environment and proximity to the Claureen River. Single layer silt fences may be inadequate in preventing sediment discharge.

- Assessment of location of stormwater attenuation/infiltration basin and its potential impact on Claureen River in terms of hydrology.
- Further assessment of impact on surface water bodies due to presence of karst/rock near the surface in the context of waste storage on site, and on the basis of ground stability.
- The CE report states that the proximity of the site to the two SAC sites within 2.5km that have the lesser horseshoe bat as a qualifying interest is such that there is no potential for disturbance effect on the roost sites.
- Additional measures are required due to presence of lesser horseshoe bat including compensatory planning, specific measure to reduce lighting impact and a conservation zone to the north of the site.
- Based on existing monitoring and associated reports it is not anticipated that the the proposal, which connects to the Ennis North and Clareabbey WWTP will have a significant effects on the qualifying interests of the Lower River Shannon SAC and River Shannon and Fergus SPA.
- Consideration should be given to a badger report associated with a previous application on site (P18/811).
- There is an otter holt on the Claureen River relatively close to the outfall with no specific measure outlined to provide protection of otters and the holt identified, which is a qualifying interest of the Lower River Shannon SAC.

Other:

- In relation to archaeology it is recommended an archaeological monitoring condition be attached in the event of a grant of permission.
- Part V proposal are confirmed to be acceptable.
- The CE Report outlines concerns regarding the location of the proposed crèche and its proximity to the R474 with concerns regarding impact of traffic movements/drop off along the regional route.

Conclusion:

The Planning Authority conclude that the development is not acceptable and recommend that refused for the following reasons...

1. Having regard to the zoning of the site as “Low Density Residential” in the Clare County Development Plan 2017-2023, as varied, the definition for the same as set out in the Development Plan and the number of units and consequent density as proposed, it is considered that the proposed development would be contrary to Objective CDP19.3 ‘Compliance with Zonings’ of County development Plan.

Therefore it is considered that the development would contravene materially a development objective indicated in the development plan for the zoning of land for lands which are zoned “Low density Residential” in the Clare County development Plan 2017-2023, as varied, and thus be contrary to the proper planning and sustainable development of the area.

2. The Planning Authority considers that the proposed development by reason of its design, layout, parking arrangements, public open space arrangements and private open space layout would not provide for an appropriate standard of residential amenity for future occupiers of the development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. Having regard to the limited typology of units as proposed, the Planning Authority considers that the proposed development does not comply with Objective CDP4.7 as contained in the Clare County development plan 2017-2023, as varied which seeks to secure the development of a mix house types and sizes to meet the needs of the likely future population.

4. Having regard to the scale of the development and the location of the site which is at a removed from Ennis town centre and associated services, the proposed access arrangements to serve the development, the poor pedestrian permeability within the

development, as well as the proposed location of the crèche, the substandard footpath arrangements in the vicinity, the lack of sustainable transportation modes such as cycle lanes and proximity to public transport nodes, the Planning Authority considers that the proposed development would constitute a traffic hazard and negatively impact on vehicular and pedestrian traffic in the area.

The PA provide recommended conditions in the event of a grant of permission.

8.6 In addition to the CE report, additional Clare County Council internal reports have been provided and are included in Appendix A of the CE report.

1. Taking in Charge
2. Housing Department
3. Environment Department
4. Building Control
5. Road Design Office

9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

1. Irish Water
2. Transport Infrastructure Ireland.
3. National Transport Authority
4. The relevant Childcare Committee

9.2. The following is a brief summary of the issues raised.

9.2.1 Irish Water: Irish Water has issued a Confirmation of Feasibility for the proposed development to connect to the public water and wastewater networks. The applicant has engaged with Irish Water and has submitted design proposals. The following points are made:

In respect of Water: Feasible without upgrades by Irish Water.

In respect of Wastewater: Feasible with upgrades by Irish Water.

A statement of Design Acceptance was issue by Irish Water.

Irish Water requests the Board apply a number of condition in the event of a grant of permission.

- 'The applicant must sign a connection agreement with Irish Water prior to any works commencing and to connecting to our network'.
- 'Where any proposals by the applicant to build over or divert existing water or wastewater services the applicant is required to submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to any commencement of works'.
- 'All development is to be carried out in compliance with Irish Water Standards codes and practices'.

9.2.2 Transport Infrastructure Ireland (TII):

The TII highlight that policy in relation to development on/affecting national routes under Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

9.2.3 NTA: The NTA highlight the context of the site in relation to urban footprint of Ennis and question the form of development based on geographical location and lack of alternatives to vehicular traffic modes.

The NTA recommends that the Board considers the 2 space as per unit standard as a maximum and to consider that the proposed development as presented provides for excessive private car ownership and use in context of Government priorities to reduce emissions from transport and promote other modes of transport.

9.2.4 Clare County Childcare Committee: The submission highlights a number of issues including insufficient changing units, no sleep rooms, reconfiguration of ground floor to deal with concern regarding ratio and number of children per room, recommendation that toddler room on first floor should be swapped with pre-school room on ground floor, level of parking is insufficient (13 required) and location of crèche close to the vehicular entrance of the site may generate traffic conflict.

10.0 Assessment

10.1 The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Having examined the application details and all other documentation on file, including the Chief Executive's Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

10.2 In addition, the assessment considers, and addresses issues raised by any observations on file, under relevant headings. I have visited the site and its environs.

The assessment of the submitted development is therefore arranged as follows:

- Principle of Development
- Core Strategy
- Density

- Unit Mix/Type
- Design and Layout
- Visual Impact
- Residential Amenity – Future Occupants
- Residential Amenity – Existing/ Adjacent Residents
- Transportation, Traffic and Parking
- Infrastructure and Flood Risk
- Childcare/Social/Community Infrastructure
- Trees and Hedgerow
- Biodiversity
- Material Contravention
- Planning Authority’s Reasons for Refusal

10.3 Principle of the proposed development:

10.3.1 The majority of the application site is zoned Low Density Residential under the Clare County Development Plan 2017-2023. The application is a zoned and serviced site that has been identified as suitable for residential development and has been subject to a number of applications including a previous permission for 99 residential units granted under ABP-306088-19. A strip along the western boundary of the site is zoned Buffer Zone while a portion of the site a northernmost part is zoned open space.

10.3.4 CE Report Comment: The CE report indicates that the development is contrary the zoning of the site, which is for low density housing of no more than 15 units per hectare.

10.3.5 Conclusions on principle of development: It is national and local policy to maximise the use of available lands and in established urban areas. The site is zoned for residential use, the site is currently in agricultural use and the site adjoins an area with a mixed character with existing residential including suburban type development, rural development, one-off housing and amenity lands (golf course) in

the vicinity. The actual form, scale and density of the development will be assessed in further sections of this report, however in terms of principle, I would consider that the principle of a residential development on the application site is acceptable. The layout of the proposed development also takes into account the other zoning on site with buffer strip/landscaped area provided along the western boundary and an open space area/landscaped area provided to the north of the site.

10.4 Core Strategy:

10.4.1 The application site is within the development envelope of Ennis as defined by the Clare County Development Plan 2017-2023. Chapter 2 of Development Plan relates to Core Strategy and Settlement Hierarchy. Ennis is classified as County Town/Hub under the settlement hierarchy.

10.4.2 Table 2.4 outlines Population Targets with a population target of 33,497 for 2023 (increase of 8,137 from 2011 figure), with a target increase of 3,166 households, provision of 137.2 hectares of residentially zoned land.

10.4.3 CE Comment: The CE report highlights that a density of 15uph has been allocated for the low density lands for Ennis including the application site.

10.4.4 Conclusion on section Core Strategy: The proposed development entails the provision of 289 units on a lands zoned for residential development under the Clare County Development Plan 2017-2023. The development of the site in a comprehensive manner as proposed is also consistent with the national objectives set down under the National Planning Framework (NPO Objectives 3a, 3c, 33 and 35). I am of the view that the planning policy both national and local, advocates the provision of additional residential development on appropriate lands identified for such. In this case the lands are clearly identified for development of this type. I also would refer to the following section of this report regarding the density. I would consider there is no evidence that the development contravenes the core strategy of the Development Plan.

10.5 Density:

10.5.1 The application site has a total site area of 11.32 hectares. The proposal is for 289 residential units on a net developable area of 8.9 hectares (excludes open space areas and roads) which provides for a net density of 32.5 units per hectare. The site is zoned Low Density Residential with a density of 15 units per hectare maximum identified for these lands. Under the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (May 2009) appropriate locations for increased densities are identified. The application site is located on the outskirts of Ennis and would constitute an Outer Suburban / 'Greenfield' (section 5.11 of the guidelines) site which is defined as "open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities". The guidelines indicates that "the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares". Circular NRUP 02/2021 states that "these 'outer suburban' provisions apply to cities and larger towns, and the Sustainable Residential Development Guidelines define larger towns as having a population in excess of 5,000 people. Large towns therefore range from 5,000 people up to the accepted city scale of 50,000 people. Given the very broad extent of this range and variety of urban situations in Ireland, it is necessary for An Bord Pleanála and Planning Authorities to exercise discretion in the application and assessment of residential density at the periphery of large towns, particularly at the edges of towns in a rural context. Accordingly, the full range of outer suburban density, from a baseline figure of 30 dwellings per hectare (net) may be considered, with densities below that figure permissible subject to Section 5.12 of the Sustainable Residential Development Guidelines. It is also clarified that in certain circumstances, the neighbourhood or district referred to in Section 5.12, may comprise a significant portion of a rural town".

10.5.2 SPPR 4 of the Urban Development and Building Heights guidelines it is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;
2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and
3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

10.5.3 The third party submissions raise concerns about the density of the development in terms of zoning policy and other related issues in terms of visual amenity adjoining amenity, traffic concerns and infrastructural capacity.

10.5.4 CE Report Comment: The CE report highlights that the proposal would be a contrary development plan policy and a material contravention of land use zoning objective for Low Density residential, which specifies a maximum density of 15 units per hectare.

10.5.5 Conclusion on density: The proposal provides for a density of 32.5 units per hectare (net density) and is within the recommended density thresholds set out under the national guidelines (Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (May 2009)) for Outer Suburban / ‘Greenfield’. The density level proposed is below the range identified of 35-50, however is above the level of 30 identified in the guidelines as being a level at which development at such locations that should not be below in the interests of land efficiency, particularly on sites in excess of 0.5 hectares. The density level is in keeping with national policy guidance and there is no reason to recommend refusal in regards to the density

proposed. I would note that it SPP4 is a Specific Planning Policy Requirement under national policy (Urban Development and Building Heights guidelines) and there is an obligation to comply with such and in this case it is the provision of densities not below 30 unit per hectare at this type of location.

10.6 Unit Mix/Type:

10.6.1 The unit mix can broken down as follows...

289 no. residential units comprising...

34 no. 3/4 bed two-storey dwellings semi-detached

165 no. 3 bed two-storey dwellings, mixture of end of terrace and semi-detached

66 no. 2 bed two-storey terraced dwellings

12 no. 2 bed apartments at ground and first/second floor level of three-storey duplex blocks (3 no. blocks)

12 no. 1 bed apartments at ground and first floor level of two-storey maisonettes (6 no. blocks)

10.6.2 The proposed development will provide 24 apartments comprising 8% of the overall scheme with 4% of units being one-bed apartments and 4% being two-bed apartments. It is relevant to state that SPPR 1 of the 2020 Apartment Guidelines looks for a greater mix of units particularly studio, one and two bed units; and that specified mixes in statutory plans should only follow a Housing Need and Demand Assessment (HNDA). An HNDA has not been prepared by the planning authority and so the proposed development provides a combination of units it thinks appropriate and in accordance with the 2020 guidelines. In terms of the percentage of one bed units as a total of the 24 apartment units, such equates to 50% and is compliant with SPPR1, which states that apartment developments may include up to 50% one-bedroom and studio type units.

10.6.3 CE Report Comment: In the CE report the Planning Authority have stated that they consider the unit mix be dominated by 3 bed dwellings and there to be a lack of typologies in terms of single-storey or variation in the design of the units proposed with reference CDP policy 4.7 under which “it is an objective of the Development Plan: a To secure the development of a mix of house types and sizes throughout the County to meet the needs of the likely future population in accordance with the guidance set out in the Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas”.

10.6.4 Conclusion Unit Mix. The proposed unit mix does provides for a variety of units with the proposal including 1 and 2 bed apartment units, and 2, 3 and 4 bedroom dwelling units with the 3 bed dwellings providing the option to add an additional bedroom in the roof space to provide for 4 bed units. This level of variation is in keeping with national policy objectives under the NPF, Housing for All and the Apartment Guidelines (SPPR 1). I consider to be acceptable.

10.7 Design and Layout:

10.7.1 The overall layout is defined by the provision of a vehicular entrance off the R474 to the south east of the site with provision of a crèche adjoining the vehicular entrance and a mixture of predominantly two-storey structures with some three-storey blocks accessed using a network of distributor roads. The proposed structures are a mix of terrace, semi-detached and duplex blocks. There is a network of public open spaces provided throughout the site. The largest area of public open space is located centrally within the site and there a good level of connectivity to other public open space areas including the provision of linear greenspace connecting from the entrance to the central open space and linear green space running along the western boundary. The site is defined by three character areas, which are identified under the Planning and Design Statement.

10.7.2 The Planning and Design Statement prepared by Deady Gahan provides a significant level of detail regarding the overall design and layout under Section 4 with an evaluation of the scheme in context of the 12 criteria under the DoEHLG Urban Design Manual, details of different housing and building typologies, the mix of materials to be used in the proposed structures and landscaping.

10.7.3 CE Report Comment: The CE Report raised a number of issues regarding overall design and layout. These included dominance of straight sections of internal roads and lack of open space accessible to the units to the east of the site. .

10.7.4 Conclusion of Design and Layout: The proposal provides for a good variety in the design of proposed structures with variation in the form of structures and external finishes. The external finishes are set out under Section 5 of the Planning and Design Statement and provide a good degree of variation. The provision of structures of varying height and different type is included in the proposals and I would be of the view that a sufficient balance is struck between the need for variety in material, building type and scale, and the context of the site on the edge of a settlement and adjoining existing lower density development. The proposed development provides a sufficient level of public, communal and private amenity spaces with public open space provided in a clear hierarchy, well distributed through the site and a good variation of hard and soft landscaping as well as function. Levels of passive surveillance is of a good standard with open space areas overlooked by multiple (majority) units. The development exhibits a high degree of connectivity to the surrounding area including to existing residential neighbourhoods to the south, and to the R474. There is good permeability and connectivity through the site with adequate provision of infrastructure for pedestrians and cyclists with clear separation from vehicular traffic routes on site. A DMURS Compliance Report has been submitted with the application. I would consider that the layout proposed is successful in measuring up to the 12 criteria set down under the Urban Design Manual and provides for a layout that is of acceptable quality in terms of design and

layout. In relation to the road layout, I would disagree with the CE Report comments on provision of long straight distributor road sections. The distributor road sections feature a significant level of bends, right angled corners and priority junctions in addition to the provision of shared surfaces using different materials. I would be of the view that the overall design and layout is of reasonable quality in terms of urban design. In terms of access to public open space not all units directly overlook public open space, however I would consider that location of the main areas of opens space is in comfortable walking distance of all units. I am satisfied that the overall design and layout is acceptable and consistent with the proper planning and sustainable development of the area.

10.8 Visual Impact:

10.8.1 The site is on the outskirts of Ennis and is characterised by a number agricultural fields currently used as grazing land is and defined by hedgerows. The site is defined by the N85 along its western boundary, existing one-off dwellings fronting onto the R474 along a portion of the eastern boundary with the remainder of the eastern boundary adjoining Ennis Golf Club. To the south of the site is a housing development of two-storey detached and semi-detached dwelling (Ballymacualla View). There is are no significant change of levels with a gradual increase in levels moving north to south on site. The application site is elevated in relation to the N85 with an embankment along the western boundary of the site. Adjoining residential development is in the form of two-storey dwellings to the south and single-storey/dormer style in the case of the one-off dwellings backing onto the eastern boundary. The applicant has submitted a number of documents in support of the proposed development as follows:

- Planning and Design Statement by Deady Gahan Architects
- Photomontages and CGI's.
- Landscape and Visual Impact Assessment incorporated into EIAR.

The submitted documents in conjunction with the submitted elevational and contiguous elevational drawings, clearly demonstrate what the visual impact will be on the character of the area.

10.8.2 The application site is located within an area classified as Character Area 13, Ennis Drumlin Farmland under the County Development Plan Landscape Character Assessment (LCA), however it is noted that the site is adjacent Character Area 1, Built Up Areas. In terms of views and prospects in the vicinity the nearest scenic route is part of R474 approximate 15km to west of the site and protected views are located towards Corofin and the Burren approximately 13km north west of the site. The LVIA includes assessment and photomontages from 10 viewpoints in the surrounding area including along the R474, the R85 and a view from the Shanaway Road to the west of the site. The LVIA outlines the impact of the development each viewpoint with the results summarised under of EIAR Chapter 4. The post development impact from 8 out of 10 of the viewpoints is classified as imperceptible, neutral and long term, (1, 2, 3, 5, 6, 7, 9 and 10), slight, negative and long term from viewpoint 4 and neutral, positive and long term from viewpoint 8.

10.8.3 The third party submission raise concerns regarding the visual impact of the development in context of the rural character the site with the view expressed that the proposal would have an adverse visual impact.

10.8.4 CE Report Comments: The CE report does not give any substantive view on overall visual impact of the proposal.

10.8.5 Conclusion on Visual Impact: The application site is located within the development envelope of Ennis and is zoned for residential use although such is for low density residential development. The application is not an elevated site relative to the immediate vicinity although is located at a higher level than the N85 along the western boundary. The site has limited road frontage along the R474 with a number of existing one-off dwellings located along the eastern boundary and a golf course located to the north east of the site.

10.8.6 The proposed development represents a continuation of residential development on lands zoned for such uses. Existing residential development has been provided on

the lands to the south and is two-storeys in nature. The development does include structures over two-storeys, however such is only three-storeys in height and is limited in level with such located in central locations on site away from site boundaries. The overall visual impact of these structures are offset by intervening structures including existing adjoining structures and proposed structures on site. The proposed development features a high level of amenity space and infrastructure and a comprehensive landscaping scheme that includes for retention of existing trees on site and additional planting. I am of the view that the overall visual impact of the development can be adequately absorbed at this location and that the development would not be highly visible in the wider area, with visual impact being mainly localised impact. The development is sufficient distance and screened by intervening topography, and vegetation so as to have no significant visual impact relative to any scenic routes, protected views of features of architectural or conservation heritage significance. The visual impact along the N85 will not be significant due in part to the lower level of the road with an embankment along the western boundary as well as the provision of landscaped buffer zone along the entire western boundary of the site. The proposed development would be acceptable in the context of the visual amenities of the area.

10.9 Residential Amenity-Future Occupants:

10.9.1 Quality of Units – Floor Area: A ‘Housing Quality Assessment’ prepared by Deady Gahan Architects has been submitted with the application and this provides a detailed breakdown of each of the proposed dwelling and apartment units. For assessment purposes the dwellings are assessed against the standards set out under the Quality Housing Sustainable Communities (Department of the Environment, Heritage and Local Government) with the apartments assessed against the standards set out under Sustainable Urban Design Standards for New Apartments (Department of the Environment, Heritage and Local Government). In the case of all dwellings such meet the recommended standards in relation to gross floor area, room dimensions and storage provision.

10.9.2 In case of apartment units, all units exceed the minimum required floor areas, with all units providing for over 110% of the required minimum floor area. The proposed

apartments are considered to be acceptable and demonstrate compliance with SPPR 3 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

10.9.3 In the case of the apartment units over 50% are dual aspect units and in compliance with SPPR 4 of the apartment guidelines for development in suburban or intermediate location (50% requirement). The proposed floor to ceiling heights are in accordance with SPPR 5 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

10.9.4 The proposed houses are all in compliance with the guidance set out under the under the Quality Housing Sustainable Communities in relation to minimum floor areas, room dimensions, storage provision and open space provision (some dwellings are provided a mix of private open space and communal space only accessible to the units in question).

10.9.5 CE Report Comment Section: The CE Report raise no concerns regarding residential amenity for future occupants in relation to configuration or dimensions of units.

10.9.6 Conclusion on Sections 10.9.1 - 10.9.4: The internal layout of these units is acceptable and complies with recommended requirements. There is no reason to recommend a refusal of permission to the Board in terms of the unit mix and internal floor area quality.

10.9.7 Quality of Units – Amenity Space: All apartment units are provided with adequate private amenity space in the form of balconies for the upper floor units/ terraced areas for the ground floor units. Access is from the living room/shared kitchen-living room area for all units. All balconies have at least 1.5 m depth. In the case of dwellings all units provide for the above the recommended standard of private amenity under Quality Housing Sustainable Communities (QHSC) (307).

10.9.8 The proposal also entails the provision of communal amenity space to serve the apartment units in addition to private amenity space. The development for 191sqm of communal amenity space to serve the proposed apartment units and exceeds the requirement under the Apartment Guidelines, which would be 132sqm based on 5sqm per one bed unit and 6sqm per two bed unit.

10.9.9 The applicant has proposed a total of 1.33 hectares of open space, which is 15% of site area. There is no specific level of open space requirement set out under the CDP.

10.9.10 CE Report Comment: The CE Report does not raise any issues regarding the quality of units or level of public open space, however does raise concern regarding the layout and distribution of open space with concerns that open space is remote from units in the eastern portion of the site.

10.9.11 Conclusion on Sections 10.10.7 – 10.10.9: The provision of private and communal amenity space is consistent with the target level of the relevant national guidelines, the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' and the Quality Housing Sustainable Communities (QHSC). As noted there is no specific quantitative standard for public open space under the CDP. The provision of 15% of the site area is a reasonable level and is a typical requirement for public open space in residential development nationally. I would refer to my assessment in relation to Design and Layout under Section 8.4 and the conclusion regarding the design and layout of public open space on site.

10.9.12 Daylight and Sunlight: The applicant has engaged the services of BPC Engineers to assess the impact of the development on daylight and sunlight and a 'Daylight and Sunlight Assessment' report has been submitted in support of the application. This assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2022 (BR209).
- BS EN 17307:2018 – Daylight in Buildings – British Standard
- Sustainable Urban Housing: Design Standards for New Apartments (December 2020)
- Clare County Development Plan 2017-2023

The submitted assessment undertook a number of tests and these are detailed in the following section of this report.

10.9.13 Site Sunlight and Shading: The submitted analysis includes an assessment of the communal open space and public open space areas. The BRE requirement is that a minimum of 50% of the amenity space shall receive two or more hours of sunlight on the 21st of March. The assessment is of 5 open spaces area including the amenity space serving the crèche. The submitted analysis indicates that all open space/amenity space areas meet the target value of a minimum of 50% of the amenity space shall receive two or more hours of sunlight on the 21st of March. The lowest level for any amenity space is the crèche for which 87.38% of the amenity space will receive two or more hours of sunlight on the 21st of March.

10.9.14 Daylight Analysis: Daylight provision in the proposed development was assessed using the target illuminance (Et) method. The assessment is carried out for all apartment units and a sample of the dwellings proposed. The target values for different room types are...

Bedroom 100

Living 150

Kitchen 200

Where rooms serve a multi-purpose such as kitchen and living the target value is the greater of the two (200).

All units tested are compliant with the target values including shared kitchen and living spaces within some of the apartment units.

10.9.15 Sunlight exposure: The access to sunlight for proposed development was checked based on the guidance and recommendations in BR209 and EN 17037. With respect to the overall site, analysis of the units and site layout shows that nearly all units have a main window wall facing within 90° of due south and the majority have a main living room window facing within 90° of due south. The maisonette units do not have a living room window facing within 90° of due south but the main bedrooms to the front of the units all have windows facing within 90° of due south which meets the BRE recommendation that “at least one main window wall faces within 90° of due south. 3 out of 4 apartments in Block 3G have a main window to the LKD spaces facing within 90° of due south. Similarly, 3 out of 4 apartments in each 2G Block have a main window to the LKD spaces facing within 90° of due south (a total of 6/8 LKDs for Block Type 2G.) EN 17037 recommends that a habitable room, preferably a main living room, can receive a total of at least 1.5 hours of sunlight on 21 March. Sunlight received by different windows can be added provided they occur at different times and sunlight hours are not double counted. (Note that although it is preferable that a main living room meets the criterion, the criterion is also met if any habitable room, e.g. kitchen or bedroom, meets the criterion.)

10.9.15 CE report Comments: The CE report raises no concerns regarding daylight and sunlight standards in relation to the proposed residential units.

10.9.16 Conclusion on Daylight and Sunlight: I have had appropriate and reasonable regard of quantitative performance approaches to daylight and sunlight provision, as outlined in the Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice’ BRE, 2022 (BR209) and BS EN 17307:2018 – Daylight in Buildings – British Standard. I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. I am satisfied that all units meet the recommended target levels set down under the aforementioned guidelines.

10.9.17 I would consider that the overall design and layout is not atypical in terms of suburban development in terms of scale, orientation and relationship with adjoining structures and is not dissimilar to the established pattern of development exhibited in existing developments on adjoining sites (south). Overall, I am satisfied that the proposed development will provide for a satisfactory level of daylight and sunlight to the proposed units.

10.9.18 Inward Noise: The application site is bounded to the west by the N85 National Route. The Section of the EIAR on Noise and Vibration does include an assessment of inward noise due to proximity to such. The results of noise surveys are that road traffic noise levels measures across the western boundary fall into the low medium noise risk category as defined by the ProPg Guidance and that there is a requirement for an Acoustic Design Strategy for development.

10.9.19 CE Report Comments: The CE report highlights that inward noise impact of the N85 on proposed dwellings should be assessed.

10.9.20 Conclusion on Inward Noise: The EIAR does include an assessment of inward noise in relation to properties located in close proximity to the N85. It concludes that that noise level across the western boundary fall into the low medium noise risk category as defined by the ProPg Guidance and that there is a requirement for an Acoustic Design Strategy for development. A number of measures are proposed to reduce inward noise including most dwellings are orientated in a perpendicular manner to the western boundary, appropriate construction specification (glazing, sound insulation and ventilation) to reduce inwards noise, it is noted external amenity areas are sufficient distance and screened to be within the recommended target values under ProPg Guidance. In addition there is a buffer zone along the western boundary that also includes landscaping that will also reduce inward noise levels. I am satisfied that the design and layout of the development has adequate regard to the impact of inward noise from the R85.

10.10 Residential Amenity – Existing/ Adjacent Residents

10.10.1 Existing Site: The redevelopment of an infill/greenfield site within an established urban setting will give rise to a level of nuisance and disturbance to residents, especially during the construction phase. I note all of the comments made in the observations in this regard, however I am satisfied that any form of development of a site of this scale and located in such an area will give rise to some temporary nuisance and this has to be weighed up against the long-term impact of the development of this site.

10.10.2 A Construction Management Plan will be put in place prior to the commencement of development and a Preliminary Construction and Environmental Management Plan has been prepared by Tobin Consulting Engineers.

10.10.3 Daylight and Sunlight: The impact of the development on adjoining properties is considered in the 'Daylight and Sunlight Assessment' report prepared by BPC Engineers.

10.10.4 Daylight: The report sets out the scenarios in which assessment of neighbouring properties is necessary. In terms of light from the sky the BRE guidelines state that "loss of light to existing windows need not be analysed if the distance of each part of the proposed development from the existing window is three or more times its height above the centre of the existing window. In these cases the loss of light will be small". If the development is taller or closer than this, then the obstruction angle of the new development can be checked, where the obstruction angle is the angle subtended by the new development at the level of the centre of the lowest window in the existing building. "If this angle is less than 25° for the whole of the development then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building".

10.10.5 In the case of existing properties backing onto the eastern boundary and fronting onto Circular Road/R474, the height of proposed dwellings backing onto existing dwellings does not subtend an angle of 25 degrees (based on window height of 1.6m) meaning the proposed development is unlikely to have a substantial effect on

diffuse sunlight. Regardless of this scenario the report does provide the results for Vertical Sky Component (VSC) in relation to existing dwellings along Circular Road/R474. The assessment of windows on the rear elevation at ground floor of these dwellings indicate that all windows are above the target value of 27% and will remain above the target value of 27% post development with reduction in value less than 0.8 (20%) times its former value.

10.10.6 Sunlight: The report highlights that assessment of sunlight to the existing properties is not necessary based on the fact that...

(1) The majority of existing windows face within 90 degrees of due north so they are unlikely to meet the APSH criteria for the existing scenario.

(2) Because the obstruction angle of the new development is less than 25 degrees for all windows there will be a negligible impact on sunlight to the existing dwellings.

(3) (It follows, based on point 2 above, that the VSC is greater than 27% for all existing windows with the new development in place, indicating that there will be a negligible impact on sunlight to the existing dwellings.

10.10.7 The report includes an assessment of sunlight impact on the rear gardens associated with the dwellings along Circular Road/R474. The BRE requirement is that a minimum of 50% of the amenity space shall receive two or more hours of sunlight on the 21st of March. Six properties have been assessed and all retain the target value post development with the lowest figure being an amenity space associated with a single-storey dwelling (Cusheen) at 57%.

10.10.8 Shadow Analysis: Shadow Diagrams have been prepared/ included in the analysis (Appendix C of the report submitted). These are prepared for the 21st March and 21st June from 8.00 hours to 18:00 hours. The submitted details give no rise for concern. The shadow diagrams indicate low level of shading in the surrounding area having regard to the overall scale of the proposed development and level of separation distance from adjoining properties.

10.10.9 The third party submission question why the daylight and sunlight assessment submitted does not deal with existing dwellings within Ballymacuala View adjoining the southern boundary of the site.

10.10.10 CE Report Comment: The CE report raises no concerns regarding daylight and sunlight standards or overshadowing impact in relation to the existing residential units adjoining site and recommends a grant of permission.

10.10.11 Conclusion on Residential Amenity – Existing/ Adjacent Residents: The ‘Daylight and Sunlight Assessment’ report submitted provides sufficient information to assess the proposal in regards to daylight, sunlight and overshadowing impact of the development on existing development adjoining the site, which is all residential in nature. The information on file demonstrates that existing dwellings will have access to sufficient level of daylight and sunlight post development of the site as proposed. The level of overshadowing generated by the development in relation to adjoining properties does not give rise for concern with the overall design, scale and pattern of development having sufficient regard to the existing pattern of development and for the most part is a continuation of established development patterns. Existing units will receive adequate sunlight, in accordance with the BRE Guidance. The assessment does not include a daylight or sunlight analysis for the existing dwellings to the south that back onto the southern boundary (Ballymacuala View). The dwellings proposed backing onto the southern boundary are two-storeys with a distance of between 22.8 and 30m separation distance between the proposed and existing two-storey dwellings back to back. I would consider that given the level of separation between these dwellings and the similar height and type of development as well as the fact that the existing dwellings are located to south, the impact on daylight and sunlight is unlikely to be significant. I have no reason, therefore, to recommend to the Board that permission be refused on this issue.

10.10.12 Adjoining Amenities (Separation and physical scale adjoining existing development): The site is adjoined by an existing residential development in form of existing single-storey and dormer style dwellings along Circular Road/R474 and such back onto the eastern boundary. The site is bounded by an existing housing

development of two-storey detached and semi-detached dwelling to the south (Ballymacualla View) with a number of properties backing onto the southern boundary. A number of the third party submissions raise concerns regarding the physical scale of development relative to existing development (two-storey adjoining single-storey), concerns regarding stability of a retaining wall to the rear of existing properties in Ballymacualla View (higher ground level on site where it adjoins southern boundary than existing properties. The proposal consists of 289 residential units with a mixture of two-storey semi-detached and terrace dwellings, two-storey maisonette units and three storey duplex blocks. The overwhelming majority of structures on site are two-storeys in nature. There are existing dwellings along Circular Road/R474 that back onto the eastern boundary of the site with the proposal to provide for two-storey dwellings/maisonettes backing onto the eastern site boundary and back to back with the existing dwellings. To the south of site two-storey dwellings back onto the southern boundary with a proposal to have two-storey residential units backing onto this boundary also. The third party submission raised concern regarding physical scale and separation from the existing dwellings with provision of two-storey adjacent existing single-storey dwellings criticised. In the case of existing dwellings to the south concern is expressed regarding impact on stability/structural integrity of the retaining wall along the southern boundary and to rear of existing dwellings in Ballymacualla View with levels on site higher than the ground levels of the rear gardens backing onto the southern boundary.

10.10.13 CE report: the CE Report raises no concerns regarding impact on the amenities of adjoining properties in relation physical overbearance, overlooking or separation distances. The impact of the location of the 18th tee box in terms of golf ball strikes was noted as a concern.

10.10.14: Conclusion on Adjoining Amenity: In the case of where the proposed development immediately adjoins existing residential development along both the eastern and southern boundary, all structures are two-storeys with a limited level of three-storey blocks provided on site located away from site boundaries. The level of separation between back to back proposed and existing dwellings is of sufficient standard and in keeping with reasonable expectations in suburban locations. In

relation to the provision of two-storey dwellings/residential units backing onto single-storey units, I would note that the site is within the development envelope of Ennis and is zoned for residential use. I am satisfied that the overall pattern and scale of development relative to existing dwellings is an acceptable development approach and not atypical of suburban type development for which the site is zoned for. In relation to the retaining wall along the southern boundary, I can see no reason why appropriate construction management could not facilitate construction in this area without causing damage or undermining structural stability. I see no reason to preclude development on this basis. I am satisfied that the overall scale and pattern of development has adequate regard to the residential amenities of existing dwellings on adjoining sites and provides for a typical suburban pattern and scale of development that would not be out keeping on lands zoned for residential use. In regards to the adjoining golf course and its proximity in terms of ball strikes, there is a hole running in a north to south direction parallel to the eastern site boundary. There is a sizeable buffer zone located to the west of the fairway and green within the golf club lands and I would consider that this is not a significant issue of concern with the lands zoned for residential use.

10.11 Transportation, Traffic and Parking

10.11.1 The application is supported with a number of documents in relation to traffic and parking as follows:

- Traffic and Transport Assessment (includes Mobility Management Strategy) – Tobin Consulting Engineers (TTA)
- Preliminary Construction Traffic Management Plan – Tobin Consulting Engineers
- DMURS Compliance Report – Tobin Consulting Engineers

10.11.2 Traffic: The site is currently in agricultural use (split into a number of fields) and is accessed through a number of an existing agricultural entrances (three) off Circular Road/R474. The site is to be accessed by a single vehicular access point located approximately 125m north of the junction of the R474 and Drumbiggle Road. The application site and its proposed entrance are within the 50kph urban speed limit zone (50kph speed limits begins adjacent the entrance to Ballymacuala View further

south along the R474). The R474 has a width between 5.5-6m and there is footpath running along the western side of the R474 and is continuous to town centre. The existing footpath varies in width at a number of places between 1 to 1.5m in width and there is public lighting provided along the R474 as far as the housing development at Ballymacuala View to the south.

10.11.3 The submitted reports indicates that the proposed development will not adversely impact on traffic flows in the area with the capacity of the existing and proposed junctions shown to operate within capacity for an opening year of 2024 (opening year) and design years 2029 (+5), 2035 (+15). The junctions assessed include...

Junction 1-Roundabout Junction (Beechpark) N85/R474.

Junction 2-Priority Junction R474/Drumbiggle Road.

Junction 3-Roundabout Junction R474/Cloughliegh Rd/Davitt Terrace.

Junction 4-Priority Junction R474/R458.

Junction5-Priority Junction proposed access/R474.

10.11.4 The proposal entails provision of a new vehicular access off the R474. The access is located within the 50kph speed limit zone. Speed surveys carried out by the applicant indicate average speeds of approximately 60kph. It is indicated that based on traffic speed that a visibility of 59m setback 2.4 form the road edge is available and in compliance with the standards set down under the Design Manual for Urban Roads and Streets.

10.11.5 The development description includes for the provision of pedestrian footpaths provision along part of the Circular Road/Drumbiggle Rd and Cahercalla Roads, which would link into existing footpaths along Cahercalla Road. The extent of such improvements is illustrated in Figure 4 of response to An Bord Pleanala report and Figure 8-3 of the TTA. The applicant indicates their willingness to contribute towards the provision of such through a special development contribution.

10.11.6 The third party submission raises concerns about traffic safety with concerns about the level of traffic generated in the context of provision of a single access, the deficiency in provision of footpath infrastructure and cycling infrastructure in the area and alignment of the public road.

10.11.7 CE Report Comment: The CE report highlights that the lack of public transport infrastructure would mean reliance on vehicular traffic, the provision of a single access point proposed is considered to be of limited capacity and may result in a serious traffic hazard. The location of the crèche is considered unacceptable as there is potential that drop off along the R474 would generate a traffic hazard. The site is poorly served by footpaths and no cycleway provision with limited capacity for providing such due to carriageway width and low potential for non-car modes of transport at this location. Proposed upgrades in footpath provision along Cahercalla Hill not achievable without third party lands with no consent demonstrated for such. No connectivity between the section of footpath on Drumbiggle Road and Cahercalla Hill is proposed with disjointed provision of footpaths resulting. Internal layout unsatisfactory with dominance of long straight roads and hard surfaces.

10.11.8 Conclusion on Traffic: The application has demonstrated that the proposal would be satisfactory in the context of traffic impact with the existing road networks and proposed traffic layout operating within capacity including the proposed vehicular entrance. In relation to access to public transport and deficiencies in footpath and cycling infrastructure provision in the area, I would note that the site is zoned for residential use and as outlined above the density of the development is reflective of its outer-suburban/greenfield location. It is noted that there is a lack connectivity in terms of footpath infrastructure to the existing footpath on Cahercalla Road, however the site and area it is located in is not significantly deficient in footpaths. There is an existing continuous footpath with lighting provided along the western side of the R474, along the entire road frontage of the site providing pedestrian access to the town centre without interruption. The walking time from the site to the town centre is approximately 20 minutes. I would acknowledge that the proposed footpath upgrades needed along Drumbiggle Road and Cahercalla Road would appear to be on lands outside of the applicants control meaning such are not feasible as part of

this development. Notwithstanding this fact, I would be of the view that the level of existing footpath infrastructure in the area is sufficient to serve the development proposed and I would not preclude development on this basis.

10.11.9 Car Parking/Bicycle parking: The proposed development provides for a total of 519 car parking spaces. 508 spaces for residential development and 11 for the crèche. The requirement under the County Development Plan (section A1.9.3) is 488 spaces (1 space per one/two bed units and 2 spaces per three bed and more units) and 96 visitor spaces (1 space per 3 residential units) with a total requirement of 584. The requirement for the crèche under CDP policy is 1 space 8 employees and 0.25 space per child. The crèche is anticipated to cater for up to 60 children with 6 no. staff, which is requirement of 16 spaces. The car parking is a mixture of in-curtilage spaces and on-street and there is provision for 10 EV parking spaces, 4 disabled access spaces and 2 no. motorcycle parking spaces.

10.11.10 Bicycle parking is provided within the curtilage of most of the units, which have private amenity space/rear garden access within their curtilage (160 units). Secure communal bicycle parking (130 spaces) are provided through the site for units, such as terraced and duplex units (125 units). 10 bicycle parking spaces are provided for the crèche. CDP requirements (section A1.9.3) are for 128 bicycle parking spaces for residential units (terraced and duplex) and 1 space for the crèche. Bicycle parking provision is in excess of the CDP targets.

10.11.11 The third party submissions and in particular those from residents of Ballymacuala View estate raise concerns about potential overspill of parking from the proposed development into their estate in particular with provision of pedestrian connections between the two.

10.11.12 CE Report Comment: The CE Report Transport report highlights there is shortfall in parking provision based on CDP standards and that the lack of public transport in the area raises the concern that there will be haphazard parking.

10.11.13 Conclusion on Parking: The residential parking rate provision is 1 spaces per unit one and two bed units and two space per three bed unit. In addition there is 20 visitor parking spaces and 11 spaces provided for the crèche. The Council through the CE report have indicated there is a shortfall in parking in relation to CDP standards. I am of the view that the level of car parking provided for the residential component is satisfactory. It is notable that NTA have questioned whether the level of parking proposed is excessive. I would be of the view that the level of parking is ample based on the nature of the proposed development and such is not inaccessible to the town-centre by other modes being a 20 minute walking distance of the town centre. As stated earlier provision for bicycle parking is well in excess of the standards set out under section A1.9.3 of the CDP. In relation to crèche the 10 spaces provided do have the ability to provide for additional visitor parking outside of operating hours and the location of the crèche within a sizeable housing development of the this nature will hopefully eliminate the need for traffic movements in respect of drop off and pick up from the childcare facility. In relation to concerns about traffic dropping off on the R474, such is a speculative argument with provision for a childcare facility with parking and space to drop off within the development itself. I would refer to my previous point regarding the provision of the crèche within a housing development will hopefully reduce the need for traffic movements in terms of childcare. In regards to the proposed pedestrian links to the housing development to the south, I would refer to fact I consider that sufficient car parking is provided to serve the proposed development and the provision of pedestrian linkages would benefit pedestrian access to the crèche facility for residents of the existing housing development to the south. I have no reason to recommend a refusal of permission to the Board.

10.12 Infrastructure and Flood Risk

10.12.1 Drainage Infrastructure: Wastewater is to flow through gravity sewers to a pumping station to the north of site and is to be pumped through a rising main to an existing 225mm diameter sewer along the Cahercalla Road c.105m east of the site entrance. Stormwater drainage on site is to use SuDs measures. There 7 catchments on site with 6 discharging to soakaways, which will percolate to the ground. The 7th catchment to the north of the site will discharge to an infiltration basin which will

discharge to ground and to bi-swale which will in turn discharge to the Claureen River. Petrol interceptors and silt traps are to be used to prevent contamination of stormwater. Discharge of stormwater to the Claureen River is to be at a greenfield rate with use of a hydrobrake to control discharge.

10.12.2 The third party submission raise concerns regarding the capacity of existing drainage infrastructure and issues of consent concerning existing dwellings. Issues are also raised regarding the capacity of water supply for firefighting purposes (further information required by the Building Control report on this issue).

10.12.3 CE report Comments: In relation to wastewater it is noted that capacity is available to cater for the proposed development but some upgrade works are required and that in the event of permission the development should not proceed until such upgrades take place. In relation to stormwater it is noted that a water safety audit/risk assessment should be required in relation to the open infiltration basin in open space. Concern is also expressed regarding effectiveness of silt traps if single layer ones are used. It is also noted that an assessment of the downstream river/network capacity of the Claureen River should be required. The CE report also refers to an issue of odour from an existing manhole and the fact the proposal could exacerbate this issues.

10.12.4 Conclusion on Drainage Infrastructure: In regards to wastewater sufficient capacity is confirmed to be available for the WWTP, however minor upgrades area required, but are planned upgrades with the no objection raised by Irish Water. The development does require a network extension within the public domain and such will need to be funded by the applicant. In relation to issues raised by third parties to carry out upgrades of the drainage network, I would refer to Section 34(13) of the Planning and Development Act, 2000 as amended under which it is stated that “a person shall not be entitled solely by reason of a permission under this section to carry out any development”. I would consider it reasonable to conclude that the proposed development may help remedy existing drainage issues such as the odour issue raised. In relation to downstream river capacity the proposed surface water drainage proposal include attenuation/infiltration basin and the intention to have a

greenfield runoff rate as well as a drainage system that takes account of exceptional stormwater events. I would refer to the following section relating to flood risk also. In terms of safety concerns regarding the infiltration basin, it is notable that such is located at the northern extremes of the site and not central to the scheme. I would recommend attaching a condition requiring some sort of secure fencing preventing public access while at the same time allow for movement of mammals through the site. I am satisfied that subject to appropriate conditions regarding drainage the proposed development would be satisfactory in the context of surface water, foul drainage and water supply.

10.12.5 Flood Risk: A 'Flood Risk Assessment' – prepared by Tobin Consulting Engineers has been included with the application. The assessment has full regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009'. The report has regard to the following forms of potential flooding:

- Coastal/tidal Flooding: A review of the Shannon CFRAM study was carried out and indicates tidal influenced flooding does not extend to the subject site.
- Fluvial Flooding: A review of the CFRAM Mapping was carried out and indicates that the closest source of fluvial flooding is the Claureen River to the north and north west of the site. The northern portion of the site abutting the redline boundary may be liable to flooding however the developable area is located within Flood Zone C.
- Pluvial Flooding: The potential for pluvial flooding is based on future drainage proposal for the site. The proposal includes surface water drainage measures that include for storm-water drainage including surface water attenuation and sustainable urban drainage systems proposals (SuDs).
- Groundwater: There is no evidence of groundwater flooding on site.

10.12.6 Climate Change: Full regard has been had to climate change in the consideration of flood risk on site. An allowance of 20% additional flow should be taken for designing for flood events. The system is designed for storms up to and including

the 1 in 100-year storm and 20% extra for climate change. Hence the development can be considered to be climate change resilient.

10.12.7 The initial flood risk assessment found that the risk of coastal flooding ground water was low and that that areas located within Flood Zones A in relation to fluvial and pluvial sources are on the margins of the site to the north. The risk of pluvial flooding was found to be low due to the surface water drainage measures on site and SuDs strategy as part of the proposed development. In relation to fluvial flooding all residential development is proposed within lands that are Flood Zone C with green areas located within the areas classified as Flood Zone A and B . The Flood Risk Assessment refers to Table 1 of the Flood Risk Management Guidelines and the definition of land use and type of development in terms of vulnerability to flooding. Any of the development proposals (residential units) that is classified as highly vulnerable under table 3.1 of the guidelines located with Flood Zone C (dwellings, retail, crèche and office). The lands within Flood Zone A and B for the purposes of fluvial flooding will be part of green space and such is classified as water compatible development. Based on Table 3.2, which outlines when a justification test is required based on vulnerability of development, there is no requirement for a justification test on the basis that highly vulnerable or less vulnerable development types are located within Flood Zone C and that land use proposes within Flood Zone A or B is water compatible development.

10.12.8 CE Report Comments: The CE report notes that an assessment of the downstream river/network capacity of the Claureen River should be required.

10.12.9 Conclusion on Flood Risk: The submitted flood risk assessment is thorough and no issues of concern have been raised. I am satisfied that the development can proceed without giving rise to flooding issues in the area. I have no reason to recommend a refusal of permission to the Board due to infrastructure and flood risk.

10.13 Childcare/Social/Community Infrastructure:

10.13.1 The development includes the provision of a childcare facility. The childcare facility in the development has a floor area of 400.7sqm (60 child spaces) with an outdoor area of 300sqm. The application was accompanied by a Childcare Demand Report and a School Demand Report. The childcare report identified 5 childcare facilities within a 2km radius. In the case of the proposed development demand is based on the 261 two-bed plus units in the development eliminating the one bed units from the calculation of demand with an estimated demand of 47 spaces. The report refers to the Childcare Guidelines and the provision of a childcare facility for 20 space per 75 units. The report indicates that census demographics in the area merit a slight decrease provision and that childcare provision within the area (2km radius) is satisfactory.

10.13.2 The school demand report identifies existing primary and post-primary school in the area and detail available capacity for both types (estimated 994 for primary and 218 for post primary). The estimated demand of the proposed development is 72 primary places and 51 post-primary places with the report concluding that sufficient capacity existing in terms of school demand.

10.13.3 The third party submission raise concern regarding proximity to social and community infrastructure.

10.13.4 CE Report Comments: In relation to childcare provision/social infrastructure the CE Report raises no objection but highlights the submission of the Clare County Childcare Committee (outlined earlier) recommending layout changes to the childcare facility.

10.13.5 Conclusion on Childcare/Social/Community Infrastructure: I am satisfied that provision for childcare is satisfactory to cater for the demand likely to be generated. Any changes to the internal layout recommended by the childcare committee can be dealt with by way of conditions. In regards to parking and traffic issues concerning the crèche, these are dealt with under the section 10.11 (Transportation, Traffic and Parking). In relation to the issue of general access to social and community

infrastructure, the proposed development provides for a childcare facility in addition to a network of public open spaces including provision for play facilities. I would consider that there is no justification for precluding the development on the basis social and community infrastructure.

10.14 Trees and Hedgerow:

10.14.1 An Arboricultural Impact Assessment has been submitted with the application. The report identifies 23 existing trees on site and 9 individual hedgerows on site. The report classifies the trees based on value/condition. Of the 23 trees, 1 is category A (high quality and value), 15 are category B (good quality and value), 6 are category C (low quality and value) and 1 no. trees are category U (poor condition). The report also classifies the hedgerow based on value/condition. Of the 9 hedgerows, none are category A (high quality and value), 6 are category B (good quality and value), 3 are category C (low quality and value). The impact of construction works will be the loss of 7 out of the 23 trees with 3 no. category B and 4 no. category C trees to be removed. The development will result in the loss of 4 no. sections of hedgerow and 2 no. partial sections of hedgerow from (1 no. category B and 5 no. category C) the 9 surveyed. The documents submitted include tree and hedgerow protection measures for the construction phase.

10.14.2 CE Report Comment: The CE Report includes no comment specifically on tree retention, however does not appear to raise any objection to proposal in this regard.

10.14.3 Conclusion on Trees and Hedgerow: The application is accompanied by a sufficiently robust Arboricultural Impact Assessment, which identifies and evaluates existing trees on site. The proposal entails the retention of a majority of the existing trees on site and in addition to such a comprehensive landscaping include extensive planting of trees and vegetation on site. I am satisfied that the level of tree removal is justified in the context of the comprehensive development of the site while at the same endeavouring to retain as many trees as possible.

10.15 Biodiversity

10.15.1 This section should be read in conjunction with the section on Environmental Impact Assessment, which includes a section in relation to biodiversity and deals with potential impact in relation to biodiversity and outlines appropriate mitigation measures if any are required. The application was also accompanied by an Appropriate Assessment Screening report to deal with effects on designated Natura 2000 sites and is dealt with under Section 11. The third party submissions raise a concern regarding impact on biodiversity and designated Natura 2000 sites in the vicinity. The application is accompanied by an Environmental Impact Assessment, which includes an assessment of the impact of the development in terms of a number of environmental factors including biodiversity, water, lands and soils including detailing potential impacts of the construction and operational phase, residual impact, cumulative impacts and mitigation measures if considered necessary. The conclusions of the EIAR in relation to these factors is that the development has the potential to impact on water quality through discharges of pollutants during the construction and operational phase, however the proposal entails implementation of mitigation measures during construction to prevent discharge of pollutants and reduction of water quality, surface water drainage systems during the operational phase to prevent pollutants entering the surface water or groundwater.

10.15.2 CE Report Comment: The CE report raised no significant concerns regarding biodiversity apart from noting the presence of an otter hole near the surface water outfall from the site to the Claureen River.

10.15.3 Conclusion on biodiversity: The application is accompanied by an EIAR, which outlines the potential environmental impacts of the proposed development in the context of a number of factors including biodiversity, water, lands and soils. I would refer to the Section 11, under which an Environmental Impact Assessment is carried out and to the conclusions of such. In relation to the otter hole and overall impact, the area of the site adjacent to the river is located to the north of the site with limited levels of physical development or access for the public at this location (landscaped area with infiltration basin and pumping station). Level of human disturbance at this location is unlikely to be significant either during the construction phase, which is temporary in nature and the operational phase. I would refer to the section on

biodiversity and the Appropriate Assessment, which deals with impact/effects on water quality of the Claureen River.

10.17 Material Contravention:

10.17.1 The applicant has submitted a 'Material Contravention Statement' of the Fingal County Development Plan 2017 - 2023 prepared by McCutcheon Halley with the application. The public notices make specific reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). A total of eight (3) issues have been raised in the applicant's Material Contravention statement as follows:

- Zoning for Low Residential Density
- Open Space and location of pumping station
- Car Parking

The report outlines the procedure and requirements in relation to Material Contravention.

10.17.2 Zoning for Low Residential Density: The application site is zoned Low Residential Density with a density of 15 units per hectares specified for such zoning. The proposal provides for 298 units on a site of 11.32 hectares representing a rate of net density of 32.5 units per hectares contravene the zoning of the site as low residential density.

10.17.3 The applicant in justification for higher than specified density refers to the Sustainable Residential Density and Urban Development guidelines, under which the site would be classified as 'Outer Suburban Greenfield' location and the guidelines encourage net residential density in the general range of 35-50 dwelling per hectare while net densities less than 30 dwellings per hectares are generally discourage in the interest of land efficiency. The applicant also refers to the Circular Letter NRUP - 2/2021 which in relation to large towns (5,000-50,000 pop) and the fact that "given

the very broad extent of this range and variety of urban situations in Ireland, it is necessary for An Bord Pleanála and Planning Authorities to exercise discretion in the application and assessment of residential density at the periphery of large towns, particularly at the edges of towns in a rural context. Accordingly, the full range of outer suburban density, from a baseline figure of 30 dwellings per hectare (net) may be considered, with densities below that figure permissible subject to Section 5.12 of the Sustainable Residential Development Guidelines. It is also clarified that in certain circumstances, the neighbourhood or district referred to in Section 5.12, may comprise a significant portion of a rural town". The applicant is of the view that a net residential density of 32.5 units per hectare provides an appropriate balance between achieving the densities advocated under the Sustainable Residential density guidelines while also having regard to CDP/LAP objectives.

10.17.4 Open Space and location of the pumping station: The northern portion of the site is zoned 'Open Space'. The applicant states that location of the pumping station on the portion of lands to the north zoned open space is not a material contravention of the CDP zoning but could be classified as a technical contravention. Such is justified on the basis that the location of the pumping station requires to be on the lowest part of the site as well as the fact that the design of such in conjunction with proposed landscaping will have no visual impact on the open space area.

10.17.5 Car Parking: The parking standards for different development categories is outlined under Appendix 1-Table 1.9.3 of the CDP. For residential development the requirement is...

1 space for 1 and 2 bed units.

2 spaces for 3 bed + units.

1 visitor space per 3 residential units.

Creche/Playschool: 1 per employee and 0.25 per child.

Parking provision is 488 spaces to serve the residential development, 20 visitor/disabled access parking spaces, 11 spaces to serve the crèche and a total of 140 bicycle parking spaces. The level of parking proposed is below that specified in the CDP with the minimum requirement based on Table 1.9.3 and being 488 for residential development, 96 spaces for visitor parking and 16 spaces for the crèche.

10.17.6 The applicant does not consider that the level of car parking constitutes a material contravention of development plan policy. The applicant refers to the level of parking being justified in the context of Section 37(2)(b)(iii) of the 2000 Act with reference to the national planning policy in the form of the National Planning Framework, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, the Sustainable Residential Development Guidelines (2009) and the Urban Design Manual.

10.17.7 Conclusion on Material Contravention: In relation to development plan zoning and identifying the site as Low Density Residential, I would first note that the site is zoned mainly residential and the proposed development is compliant with this objective as well as the two other zonings on site. There is a stipulation that residential development on site be at a maximum density of 15 units per hectare. I would consider that the development is not a material contravention of the land use zoning objective for residential, but is of the stipulation that residential development be at max rate of 15 units per hectare. I would refer to the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (May 2009), which identify that appropriate densities for Outer Suburban / 'Greenfield' on the outskirts of large towns such as in this case is between 35-50 units per hectare and the densities below 30 units per hectare should be discouraged. SPPR 4 of the Urban Development and Building Heights guidelines, it is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled

“Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines.

In this case the net density is 32.5 units per hectare, which is below the recommended range of 35-50, but marginally higher than the absolute minimum level that would be recommended under the national guidelines. There is an obligation to comply with specific planning policy requirements under National policy and in this case SPPR 4 of the Urban Development and Building Heights guidelines.

10.17.8 As a result, should the Board determine to grant planning consent, a material contravention of the stipulation for low residential density associated with the residential zoning of the site would be justified under the Act for the following reasons in my view:

- i) 37(2)(b)(i) as Ennis is recognised as a Key Town under the RSES and the proposed development is at a strategic scale, with 285 homes included.
- ii) 37(2)(b)(iii) the characteristics of the subject site reflect the national planning policy approach in relation to compact growth and density, as described in Rebuilding Ireland, An Action Plan for Housing and Homelessness and Project Ireland 2040 – National Planning Framework; the Sustainable Residential Development in Urban Areas Planning Guidelines 2009 and Urban Development and Building Heights Guidelines (2018).

10.17.9 In relation to the location of the pumping station in an area zoned open space to the north of the site the area, I would be of the view that this would not constitute a material contravention of land use zoning policy. The area zoned open space is largely being used for this purpose but also for the location of attenuation/infiltration basin and the pumping station. In the context of the layout of the development and location of this area, this is the optimal area for locating such due to the requirement for the low lying location for the pumping station and the remoteness of this location relative the remainder of the site. Location of this element elsewhere would not be

feasible due to gravity requirements and would compromise the layout of residential development or impact on the more accessible and larger open space areas provided to service the development. There is no explicit statement that the provision of the pumping station within an area zoned open space is precluded (Land Use Zoning matrix under Appendix 2 of CDP) and the area will be a mixture of open space and a passive open space area with comprehensive landscaping to reduce the visual impact of the pumping station and attenuation/infiltration basin. I would also refer to fact that this issue was not raised in the CE Report or included as a reason for refusing permission.

10.17.10 I have outlined in section 10.11 above, why I am satisfied with the proposed parking provision, in light of the national planning policy approach and in the context of the characteristics of the site, accessibility to the town centre and with suitable bicycle storage. While the proposed parking for the development can be considered to contravene parking standards in the Development Plan, I do not consider this to be a material contravention. I consider there to be flexibility in the application of car parking standards with such a development standard whose rigid application across the board is not appropriate.

10.18. Planning Authority's Reasons for Refusal:

10.18.1 The Planning Authority have recommended that the application be refused for 4 reasons. I have addressed these reasons throughout my assessment, both above and below. Here I will provide an overview and cross reference to relevant sections of my report, to explain my assessment in relation to each of the reasons raised.

10.18.2 In relation to the first reason relating to zoning and overall density of development I would note my assessment under Section 10.5 and the fact that the density proposed constitutes a low density in the context of national guidance and the context of the site as an Outer-Suburban/Greenfield site under the Sustainable Under the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities and the SPP4 of the Urban height and Building: Guidelines for Planning Authorities.

10.18.3 The second reason for refusal determines that the proposed development by reason of its design, layout, parking arrangements, public open space arrangements and private open space layout would not provide for an appropriate standard of residential amenity for future occupiers of the development. I have set out under Section 10.10 an assessment of residential amenity in the context of future occupants with proposed development of sufficient quality in terms of overall design and layout, provision of public and private open space and car parking in the context of both local policy and national guidelines.

10.18.4 The third reason relates to the limited typology of units as proposed and compliance with Objective CDP4.7 of the CDP. I would refer to Section 10.6 In relation to Unit Mix, which outlines how the proposed development does provide for a sufficient variation in unit mix. I would disagree with the Planning Authorities assessment of the proposed development in relation unit mix.

10.18.5 The fourth reason states that having regard to the scale of the development and the location of the site which is at a remove from Ennis town centre and associated services, the proposed access arrangements to serve the development, the poor pedestrian permeability within the development, as well as the proposed location of the crèche, the substandard footpath arrangements in the vicinity, the lack of sustainable transportation modes such as cycle lanes and proximity to public transport nodes, the Planning Authority considers that the proposed development would constitute a traffic hazard and negatively impact on vehicular and pedestrian traffic in the area. As outlined above the proposed development is a zoned and serviced site within the urban area of Ennis (50kph speed limit) and the density proposed is a low density having regard to its edge of town location. I refer to my assessment under Section 10.11 regarding Transportation, Traffic and Parking. The applicant has demonstrated that sufficient capacity exists in the road network to cater for the traffic likely to be generated. The alignment of the public road and level

of sightlines available is sufficient and in compliance with DMURS standards. The site is not immediately accessible by public transport, but is a 20 minute walking distance from the town-centre with density on site reflecting its edge of settlement location. The footpath provision in the area is also sufficient with a continuous footpath link with lighting along the entire road frontage of the site to Ennis town centre.

11.0 Environmental Impact Assessment

11.1 Statutory Provisions

11.1.1. The application was accompanied by an Environmental Impact Assessment Report (EIAR), which the applicant determined is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.

11.1.2 Item 10 (b) of Part 2 of Schedule 5 provides that an EIA is required for infrastructure projects comprising of either:

- Construction of more than 500 dwelling units ...
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

The development would provide 289 no. residential units on a site of 11.32 ha on zoned lands in an established urban area. The applicant has determined that as the site comprises of 11.32 ha within the built-up area of Ennis then EIA is required.

11.1.3 I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority and prescribed bodies has been set out previously in this report. A summary of the main contents of

the EIAR are listed below, with a detailed assessment of the environmental aspects after.

- Non-Technical Summary (Volume I)
- Environmental Impact Assessment Report (Volume II)
- Environmental Impact Assessment Report Appendices (Volume III).
- Section 1.3 of the EIAR describes the expertise of those involved in the preparation of the report.
- Chapter 15 of the EIAR provides a summary of Mitigation and Monitoring Measures.

11.1.4 As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

11.2 Alternatives:

11.2.1 Chapter 3 of Volume II of the EIAR provides a description of the project and alternatives studied by the developer and the reasons for their choice. The rationale for the site and proposal is based on the fact land use zoning policy and objectives under local and national policy support the redevelopment of the site for a residential development. The alternatives considered were alternative design proposals for the site but no alternative sites based on land use policies and objectives facilitating the

development of the site in this manner. The alternatives that were considered were therefore largely restricted to variations in layout and building design. The final design was considered to be optimum design in terms of design and quality and subject to consultation. In the prevailing circumstances this approach was reasonable, and the requirements of the directive in this regard have been met.

11.3 Consultations

11.3.1 I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

11.4 Assessment of the Likely Significant Direct and Indirect Effects

11.4.1 The likely significant effects of the development are considered under the headings below which cover the factors set out in Article 3 of the EIA Directive 2014/52/EU.

11.5. Population and Human Health:

11.5.1 Chapter 13 of the EIAR deals with population and human health. The site is within the development envelope of Ennis with existing urban development (residential) south, one-off housing along the eastern boundary and an amenity use adjoining the north eastern boundary. Section 13.2.1 relate to social patterns with the population stats indicating that the population of Ennis Municipal District is targeted to increase to 33,010 by 2030 with the RSES and NPF. The CDP Core Strategy population allocation is 33,497 by 2030.

11.5.2 The impacts of an increase in the population within the site will be gradual during the completion of the development. The population of the development will therefore be significant and positive particularly in the context of current housing demand and taking account of the subject site's location in close proximity to public transport links. There may be short term impacts on human health during the construction phase, such as construction noise, dust, traffic, waste generation and potential impacts on water quality, which are dealt with in the relevant EIAR chapters. The

completed development is unlikely to cause any adverse impacts on the existing and future residents of the locality in terms of human health with construction impacts temporary in nature. There will be positive impacts associated with improved pedestrian and cycle permeability and increased spending power in the local economy. The development will also provide a crèche, and public open spaces. The increased population will contribute to community and social infrastructure. No significant impacts on air quality or climate are envisaged. No significant cumulative impacts are envisaged. Mitigation measures relating to health impacts include construction management and are set out in the Construction and Environmental Management Plan and are outlined in other EIA chapters. In relation to population, the residual impacts of a large population increase are long term and positive. For human health, the potential for improvements in health relate to the improved access to open space and services. I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to population and human health would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts and would have no significant effects in terms of population and human health.

11.6 Biodiversity

11.6.1 EIA Chapter 9 evaluates impacts on habitats, flora, and fauna, based on site surveys comprising a desktop study and field surveys including a habitat survey (carried out in 11th of June 2021, 19th of May 2022 and 08th June 2022), bat survey (carried out 07th of Sept 2021, 06th August 2022 and 07th August 2022), bird surveys (carried out 11th June 2021, 19th May 2022, 08th June 2022, 1st July 2022 and 12th of July 2022), a mammal surveys (carried out in conjunction with habitat and bird surveys), Invasive flora surveys (in conjunction with habitats survey), marsh fritillary butterfly surveys (carried out 19th May, 08th June and 22nd July 2022).

11.6.2 The development site is not within or immediately adjacent to any site that has been designated as an SAC or a SPA under the EU Habitats or EU Birds Directive, or to

any nationally designated NHA/pNHA. There are 18 SAC's, 4 SPA's, 3 NHA's and 23 pNHA's within a potential zone of influence.

11.6.3 The predominant habitat on site is Improved Agricultural Grassland (GA1) with the site made up of a number of fields. The boundaries of the fields are made up of Hedgerow (WL1) and Treeline (WL2). Some of these boundaries transition in to Scrub (WS1). Some areas on site were identified as Wet Grassland (GS4). Stone Walls and Other Stonework (BL1) make up parts of the field boundaries and Building and Artificial Surfaces (BL3) are located along the public road.

11.6.4 In terms of flora no protected species were detected. Three invasive species were detected within the study area (Japanese knotweed, Japanese rose and sycamore acer but not within the site boundary.

The bat surveys noted six bat species within the study area associated with the site.

Brown Long-eared Bat (*Plecotus auratus*)

Daubenton's Bat (*Myotis daubentonii*)

Lesser Horseshoe bat (*Rhinolophus hipposideros*)

Lesser Noctule (*Nyctalus leisleri*)

Pipistrelle (*Pipistrellus pipistrellus sensu lato*)

Soprano Pipistrelle (*Pipistrellus pygmaeus*)

11.6.5 In relation to bird species 33 species were recorded in the study area, 1 on the red list (Meadow Pipit) and 9 are amber list (Goldcrest, House Martin, House Sparrow, Linnet, Stonechat, Swallow, Willow Warbler, Starling, Herring Gull).

11.6.6 In relation to non-volant mammals the on-site surveys found evidence of fox and rabbit on site. Large mammal trails were observed on site suggesting badgers may use the however no other signs of including dens, latrines or prints were found. Evidence of stoats were also found indicating small hedgerow mammals utilise the

site. The NBDC online database includes records of red squirrel, otter, hedgerow and fox within the area.

11.6.7 Construction impacts on conservation sites is not anticipated with the project site not overlapping any such sites and connection to such sites being indirect connections. Any potential impact on water quality and subsequent impact on conservation sites is anticipated to low due mitigation measures for surface water drainage during construction/distance from the conservation sites. In relation to habitats identified on site hedgerows and vegetation bounding the north, north west and south east of the site are to be retained as part of the proposed development. In relation to bird species the construction impact will result in loss of with a negative, permanent and moderate impact with noise and disturbance associated with construction activity also have a negative, short-term and slight impacts. In relation to bat species there is potential loss of roosting, foraging and commuting habitats due decrease in mature linear vegetation, old stone walls and open grassland with a possible negative, permanent and moderate impact. For lizards there is loss of foraging, nesting and hibernacula habitat with a negative, permanent and moderate impact with noise and disturbance associated with construction activity also have a negative, short-term and slight impacts. In the case of mammals there is potential loss of scrub habitat for small mammals such as the hedgerow due to removal of scrub habitat and a negative, permanent and moderate impact. For aquatic fauna surface water discharges associated with the construction phase may have potential to cause negative, short-term and moderate impacts.

11.6.8 Operational impacts in terms of mammals and bats are disturbance through noise and light with a negative, permanent and moderate impact. No significant effects are identified on birds during the operational phase. No significant effects on aquatic fauna are identified during the operational phase with mandatory SuDs drainage measures incorporated into the design to treat and minimise surface water runoff.

11.6.9 The EIAR includes an assessment of cumulative impact of permitted and proposed development in the vicinity with it noted there are no developments in such proximity to have a cumulative impact.

11.6.9 Mitigation Measures include surface water management/construction management measures during the construction phase to prevent discharge of any polluting material to adjoining watercourses and groundwater. Specific biodiversity measures proposed include retaining hedgerows and trees where possible including the trees along the south west, north and north eastern boundaries. The proposal also entails significant additional planting and landscaping on site including native species to enhance biodiversity. Specific mitigation measures in relation to bats include felling of trees identified as suitable for roosting (4 in total) during periods to avoid periods of high bat activity and provision of alternative roosting sites (bat boxes). In relation to birds vegetation clearance is to be done outside of breeding season. Mitigation measures during the construction phase for mammals and lizards are specified including pre-construction surveys, vegetation removal outside active season and phased removal of vegetation to allow for displacement of species. No invasive species were encountered within the site boundary however

11.6.10 Operational phase mitigation measures include lighting design to reduce impacts on bat populations, provision of bat boxes, and provision of a landscaping and monitoring of mitigation measures.

11.6.11 Residual impacts

There will be some negative permanent residual impacts due to loss of foraging habitat for the lesser horseshoe bat (international importance), loss of hedgerow, trees, and walls and habitat for small mammals (local importance), bat assemblage (local importance), breeding birds (local importance) and lizards (local importance). Residual impact on aquatic fauna will be neutral as a result of mitigation measures to protect water quality during construction and operation.

11.6.12 I have considered all of the submissions and having regard to the above, I consider that the EIAR is based on adequate survey information, noting in particular the habitat surveys, bat survey and topographical information on file. Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to biodiversity

would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. The proposed development will lead to loss of habitat that does support a number of species ranging in national importance to local importance, but does include measures including retention of hedgerows and additional planting to offset this loss in addition to being at a location (edge of the settlement) where there is a significant level of similar habitats on adjoining lands outside of the development envelope of the settlement. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of biodiversity and therefore no significant effects.

11.7 Land and soil:

11.7.1 Chapter 7 relates to Geology, Lands and Soils: The site is in agricultural use and comprises a number of fields divided by boundary hedgerows. The site does not contain any dwellings and farm outbuildings. There are no recorded landfills or licensed waste facilities in the vicinity of the site. Preliminary ground investigations carried out at the site in found topsoil, cohesive deposits, weathered bedrock and bedrock with bedrock levels varying in level between 1.06m bgl to 2.6m bgl on site. The relevant GSI Bedrock Geology Map indicates that the site is underlain by massive limestones (Aillwee and Maumcacaha) both members of the Burren formation. Groundwater vulnerability is classified as moderate, high and extreme across the site.

11.7.2 The potential impacts identified primarily relate to the construction stage and are through removal of existing topsoil and subsoil. Excavation of subsoils, fuel spills from machinery and re-fuelling and uncontrolled sediment run-off. A process of cut and fill will be employed on site. Approximately 27,000m³ of topsoil is to be stripped and will be reused for landscaping of open spaces. Approximately 45,000m³ of subsoil is to be cut and all is to be reused as non-structural fill. It is estimated that a total of 65,000m³ of fill is required with 45,000m³ being reused from excavations and 20,000m³ imported onto the site. During the construction phase there is potential for contamination of soil underlying the site as well as deterioration of topsoil and subsoil layers generating sediment laden runoff. There are no geological

heritage sites within the site boundary or in immediate vicinity with impact on such imperceptible.

- 11.7.3 During the operational phase there will no further impact on soils and geological environment. The loss of agricultural land is noted as long term but not significant. The significance of effect in terms for operational phase is classified as not significant.
- 11.7.4 Mitigation measures include implementation of a Construction and Management Plan (CEMP), which is submitted with the application. This plan includes soil/subsoil management for stripping of topsoil, and excavation of subsoil layers, management of plant and machinery (predetermined haul routes), wheel wash facilities, secure storage of fuels, chemical etc, refuelling in designated area and measures to minimise fuel spills. During the operational phase no further mitigation measures are proposed.
- 11.7.5 Residual impacts in relation to construction phase are short-term with no predicted residual impacts during the operational phase.
- 11.7.6 I am satisfied that with the application of the mitigation measures described, there is no significant permanent impacts associated with the development. The application of mitigation measures can be secured through conditions, particularly through the application of a final Construction and Environmental Management Plan for the proposed development. With the application of these mitigation measures and in consideration of the temporary nature of the construction works. I am satisfied that construction impacts resulting from the proposed development are within acceptable limits and would not be likely to lead to significant effects on land and soil. I have highlighted the predicted impacts, mitigation and remedial effects of the proposed development above. I am satisfied that with the application of the mitigation measures described, there is no significant risk of pollution resulting to land and soil. Overall, I concur with the EIA conclusions and consider that impacts from the

proposed development will be within acceptable parameters, with no significant effects upon land and soil.

11.8. Water:

11.8.1 Chapter 8 of the EIAR relates to Hydrology and Hydrogeology. The development site is within the Shannon Estuary North catchment and within the River Fergus sub-catchment (Fergus_060). The nearest surface water body is the Claureen River located to the north of the site. The Claureen River joins the River Fergus to the north of the site within Ennis town centre. The site is outside of the Inner Source Protection Zone of the Drumcliffe Spring catchment which supplies the public drinking water for Ennis. EPA Quality rating data indicates that the Claureen River is at 'moderate ecological status' and the River Fergus is of 'poor ecological status' with heavy siltation and sewer outflows impacting status. Q value for Claureen River is 3 (moderately polluted, unsatisfactory condition) and the Fergus_060 sub-catchment is 'at risk' I term WFD good status objectives.

11.8.2 The site is underlain by a karst aquifer with groundwater vulnerability classified as moderate, high and extreme across the site. Groundwater flow on site is eastwards. There are no boreholes/wells within the project site. A Flood Risk Assessment has been carried out of the site and the vast majority of the site is within Flood Zone C. there is a portion of the site within Flood Zone A to the north of the site. Surface water drainage in the area consist discharges to the Claureen River to the north/north west. Foul drainage in the area is to the North Ennis WWTP.

11.8.3 Potential impacts on water relate to contamination during construction, including as a result of increased sediment loading in runoff and as a result of spillages and contamination of surface water from pollutants such as fuels and chemicals. This impact is described as short-term, unlikely and indirect with slight to imperceptible significance of effect. In relation to the operational phase surface water drainage is to be at greenfield rates with provision of attenuation on site. In relation to flooding the development is not within an area liable to flood including the attenuation pond. All works within the floodplain are drainage related with no impact on ground levels,

flow routes or floodplain storage. The impacts are described as negligible, short-term and unlikely with imperceptible significance of effect.

11.8.4 Mitigation measures include surface water management measures during the construction (as per the CEMP) and operational phases of the development. The construction phase does not involve any significant dewatering. The surface water drainage strategy for the completed development includes SuDS measures, noting that there are no SuDS measures at the site at present. The development will connect to the existing foul sewer and public water supply. Foul water network will flow by gravity towards the northern part of the site and a proposed pumping station, which will pump effluent to link into the existing foul sewer that discharges to the Ennis North WWTP. The Ennis North WWTP is operating within capacity and has its compliance status (required to operate under an EPA licence and subject to Annual Environmental Report).

11.8.5 Residual impacts during the construction phase are described as imperceptible and short term subject to implementation of mitigation measures. No residual impacts are predicted for the operational phase with implementation of drainage system on site.

11.8.6 I am satisfied that with the application of the mitigation measures described, there is no significant permanent impacts associated with the development. The application of mitigation measures can be secured through conditions, particularly through the application of a final Construction and Environmental Management Plan for the proposed development. With the application of these mitigation measures and in consideration of the temporary nature of the construction works. I am satisfied that construction impacts resulting from the proposed development are within acceptable limits and would not be likely to lead to significant effects on water. I have highlighted the predicted impacts, mitigation and remedial effects of the proposed development above. I am satisfied that with the application of the mitigation measures described, there is no significant risk of pollution resulting to water. Overall, I concur with the EIAR conclusions and consider that impacts from the proposed development will be within acceptable parameters, with no significant effects upon water.

11.9 Air and Climate:

11.9.1 Chapter 11 relates to Air Quality and Climate Change. During construction phase the greatest potential impact on air quality is identified in the EIAR as arising from construction dust emissions and potential for nuisance dust, also impacted human health with this being a short-term, localised negative and slight. There is also potential for traffic emissions to impact air quality in the short-term over the construction phase (neutral and short-term). In terms of climatic impacts, the potential for greenhouse gas emissions during construction is identified (imperceptible, neutral and short-term). During the operational phase it is predicted that there would be some small increases in NO₂ concentrations associated with the site as a result of increased traffic (neutral, localised, long-term and imperceptible). Additional potential for greenhouse gas emission is also identified during the operational phase (long-term, localised, neutral and imperceptible). There are no permitted or proposed developments within 350m of the application site and no significant cumulative impacts on air quality or climate predicted.

11.9.2 Mitigation is outlined in section 11.4 and for air quality comprises active control of dust and prevention of significant emissions during the construction phase. This would be implemented through the construction management measures as part of the CEMP submitted with the application and include monitoring of dust deposition along the boundaries. For climate, during the construction phase, prevention of on-site or delivery vehicles leaving engines idling and minimising of waste materials forms the intended mitigation. There is no site-specific mitigation during the operational phases in relation to air quality or climate.

11.9.3 Residual impacts during the operational phase on air quality are described as short-term, negative, localised and imperceptible, for climate short-term, neutral and imperceptible and on climate negative, short-term and imperceptible and human health negative, short-term and imperceptible. Residual impacts form the operational phase for air quality are described as localised, neutral, no-significant,

imperceptible and long-term, for climate, not significant and human health long-term, neutral, non-significant and imperceptible.

11.9.4 Noise and Vibration: Chapter 10 relates to noise and vibration. Potential impacts are mainly associated with the construction phase of the development, arising from site preparation works, foundations, general construction works, and landscaping. The EIAR identifies the sensitive receptors around the site, which are the residential dwellings closest to the boundaries of the site. In the absence of mitigation, impact upon noise sensitive receptors during the construction phase is predicted to be negative, moderate and short-term at the nearest noise sensitive receptors, which are dwellings adjoining the site. Construction traffic impact is predicted to be negative, short-term and not significant. In terms of vibration, potential impact is identified as being imperceptible to not significant and temporary. During the operational phase, potential noise impact is identified in relation to mechanical plant/services and traffic generated by the development. Noise impact from mechanical plant is predicted to be imperceptible and the nearest noise sensitive receptors. Additional traffic is predicted to result in a negligible 1(dB) increase in traffic noise in the area and is a neutral, imperceptible and long-term impact. In relation to cumulative impact only one development is identified that may have potential cumulative effects (17/337 construction of 39 dwellings 20m from the site at Ballymacuala, Drumbiggle).

11.9.5 Mitigation is described in section 10.4 of the EIAR. During construction phase mitigation is largely formed of the application of best practice control measures for noise and vibration from construction sites (BS 5228 [2009 +A1 2014] Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 and 2). Measures include the selection of quiet plant, enclosures and screens around noise sources, limiting hours of work and noise and vibration monitoring. During operational phase mechanical plant is also designed to minimise noise and vibration.

11.9.6 I am satisfied that with the application of the mitigation measures described, there is no significant permanent impacts resulting from noise and vibration associated with

the development, or for future residents of the proposed development. There is likely to be disruption to users and occupiers of the area surrounding the subject site during the construction of the proposed development, however this will be temporary and incorporate mitigation to limit the degree of disturbance. The application of mitigation measures can be secured through conditions, particularly through the application of a final Construction and Environmental Management Plan for the proposed development. With the application of these mitigation measures and in consideration of the temporary nature of the construction works. I am satisfied that construction impacts (or construction transport impacts) resulting from the proposed development are within acceptable limits and would not be likely to lead to significant effects air and climate. In relation to air and climate, I have highlighted the predicted impacts, mitigation and remedial effects of the proposed development above. I am satisfied that with the application of the mitigation measures described, there is no significant risk of pollution resulting to land, soil, water, air and climate. Overall, I concur with the EIAR conclusions and consider that impacts from the proposed development will be within acceptable parameters, with no significant effects upon air quality or climate.

11.10 Cultural Heritage:

11.10.1 Chapter relates to 12 Cultural Heritage and Archaeology. There are no recorded monuments within the development site with all recorded archaeological sites within a 1km study area surrounding the site identified under Table 12.5. The nearest recorded monument is c. 25m to the west (lime kiln, Keelty, CL033-170). There are no protected structures or structures listed on the Inventory of Architectural Heritage within the site boundary. There are 2 no. protected structures within the 1km study area surrounding the site, Cahercalla House 355m to the south of the site and the Hermitage 420m to the north east. There are no surviving recorded monuments within 215m of the site boundary. The only feature of cultural heritage interest identified on site is a section townland boundary between Keelty and Ballymacuala, which is assessed as of low cultural heritage value.

11.10.2 Potential impacts are all during the construction phase. No predicted impacts on existing recorded archaeological sites or feature or structures of architectural heritage status. There is potential for disturbance and removal of sub-surface archaeological remains. There is potential to uncover additional archaeological remains on site and such could be impacted by the construction phase. The proposal does entails removal of a section of townland boundary between Keelty and Ballymacuala located within the site and will result in a direct, permanent, slight and native impact on an undesignated cultural feature. The proposal will have no predicted impacts on during the operation phase with no recorded features of archaeological significance within the site.

11.10.3 No predicted cumulative effects with other development with no extant archaeological sites or structures of architectural heritage status within the site. Archaeological investigations as part of the N85 bypass works have excavated a number of previously unrecorded sites, which have been preserved by record and archaeological investigations in relation the housing development to south yielded no material of archaeological significance.

11.10.4 Mitigation measures during the construction phase include a programme of archaeological test trenching under licence and notification of the National Monuments Service of any features of archaeological significance uncovered to determine further mitigation if necessary. No mitigation measures are proposed during the operational phase.

11.10.5 In relation to residual impacts the mitigation measures will provide for preservation in-situ or by record depending on the significance of archaeological features if uncovered. Preservation in-situ will be a not significant/imperceptible effect while preservation by record will have a high magnitude of effect but a slight/moderate significance of effect.

11.10.6 I have considered all the submissions and having regard to the above, in relation to Archaeology, Architectural and Cultural Heritage. I am satisfied that impacts

predicted to arise in relation to cultural heritage and archaeology would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any significant effects in terms of architectural, cultural heritage and archaeology.

11.11 Landscape

11.11.1 A landscape and visual assessment of the proposed development is set out in Chapter 4 of the submitted EIAR. This describes the baseline environment with the application site is located within an area classified as Character Area 13, Ennis Drumlin Farmland under the County Development Plan Landscape Character Assessment (LCA), however it is noted that the site is adjacent Character Area 1, Built Up Areas. In terms of views and prospects in the vicinity the nearest scenic route is part of R474 approximate 15km to west of the site and protected views are located towards Corofin and the Burren approximately 13km north west of the site. The LVIA includes assessment and photomontages from 10 viewpoints in the surrounding area including along the R474, the R85 and a view from the Shanaway Road to the west of the site. The LVIA outlines the impact of the development each viewpoint with the results summarised under of EIAR Chapter 4.

11.11.2 During the construction phase, the impact on existing trees and hedgerows will be slight and negative prior to the establishment of proposed trees and supplementary hedge planting, when it will change to slight and positive. For the main development area of the site, perceived moderate and negative impact upon the character of the landscape is identified during construction, due to the presence of construction machinery and visual construction disturbances.

11.11.3 During the operational phase, the post development impact from 8 out of 10 of the viewpoints is classified as imperceptible, neutral and long term, (1, 2, 3, 5, 6, 7, 9 and 10), slight, negative and long term from viewpoint 4 and neutral, positive and long term from viewpoint 8.

11.11.4 Mitigation is described in section 4.6 in relation to the construction phase, and comprises the proper management of the construction site to reduce and prevent visual impact. For the operational phase, mitigation is comprises the landscape strategy and proper maintenance of such.

11.11.5 Residual impacts will be the change from an agricultural landscape to a housing development. The low-lying site design and layout of buildings and extensive landscaping would create a setting that is acceptable in terms of significance of effect on landscape.

11.11.6 I have outlined in detail in section 10.8 above my analysis of the submitted viewpoints and my assessment of impacts upon the character of the area from a design perspective. I am satisfied that the overall design and scale of the proposal would have an acceptable visual impact both in the immediate vicinity and in the wider area. The proposed visual impact is greatest in the immediate vicinity, however this impact is a continuation of the urban pattern of development at this location. In the wider area the proposal will not be highly visible from due to the topography of the landscape in addition to intervening structures and vegetation. The appeal site due to its urban context is well able to absorb the visual impact of the proposed development and would provide for a development of a stronger urban character that would have an acceptable impact in terms of landscape character. I would concur with the conclusions of the EIAR. The proposed development would not, therefore, have a significant adverse effect on the landscape/visual character of the area.

11.12 Material Assets:

11.12.1 Traffic and Transportation - Chapter 5 relates to Material Assets: Traffic and Transportation. This section deals with traffic impact and outlines a description of the proposed development and the adjacent road network. In terms of potential impact the proposed development has the potential to generate increased traffic in the area and pedestrian and cycling movements. A Traffic and Transport

Assessment report was carried out. The TTA outlines details of traffic surveys carried out at the roundabout junction of the N85/R474, the priority junction of the R474/Drumbiggle Road, the roundabout junction of the R474/Cloughleigh Rd/Davitt Terrace and the priority junction between the R474/R458. The TTA includes an estimation of construction traffic levels and traffic levels associated with the proposed SHD development and analysis of the capacity of both of the four junction surveys and the proposed entrance point onto the R474 based on an opening year of 2024 and a design year of 2029 and 2039. All junctions are estimated to operate within capacity.

11.12.2 Construction traffic will travel to the site using the N85 and R474. A preliminary Construction Traffic Management Plan has been prepared. It is estimated that a total of 920 no. HGV delivery trips with estimated 12 no. HCV deliveries per day. Construction impact relates to increased construction traffic including heavy machinery at this location. The impact of such will be short-term, imperceptible and negative. During the operational phase the proposal will result in increased traffic levels on the local road network and increased turning movements onto and off the R474 at the location of the proposed vehicular entrance in addition to increased pedestrian and cycling activity. The assessment of the local road network including junction analysis demonstrates that the impact of the proposed development on the local road network will be imperceptible in terms of significance of effect.

11.12.3 Mitigation measures for the construction include preparation of a Construction Traffic Management Plan (CTMP) with a preliminary plan submitted. During the operational phase the TTA shows no adverse cumulative impact on the performance of the road network with assessment of permitted development in the vicinity including two housing developments adjacent the site. Residual impacts for the construction phase are not outlined, however such is likely to be short-term and negative. For the operational phase no significant effect is predicted based on the capacity of the road network.

11.12.4 I concur with the conclusions of the EIAR with respect to anticipated impact of the development during construction and upon the road network during operation. I am

satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in relation to Transportation and Traffic.

11.12.5 Services, Infrastructure and Utilities - The proposed development would increase the stock of housing and service facilities in this part of Ennis. It would do so on lands that are zoned and serviced for such urban expansion. The proposed development would increase the population at this location which would generate additional demand on utilities. The potential impacts of the proposed development in the construction phase relate to impact on built environment/land during the construction phase through installation of utilities and subsequent generation of noise, dust and traffic with no adverse impact anticipated during the operation phase. The proposed development would have potential impacts in relation to water supply, foul and surface water with impacts at construction phase including discharge of pollutants, sediments and increased surface water discharge during the construction phase of the proposal. During the operational phase impacts include discharge of polluting material, potential flooding of site and siltation of surface water drainage system. In relation to natural gas no impacts are envisaged during the construction phase of the proposed development with no impact during the operational phase with the proposal not requiring a gas service. In relation to electrical supply the construction and operational phase of the proposed development will have no impact on the electricity supply network. The proposal will require diversion of existing overhead infrastructure underground with potential for interruption of service while during the operational phase no impacts are anticipated. In relation to telecommunication infrastructure the proposed development requires connection to existing infrastructure with potential for interruption of service during the construction phase with no impact on telecommunication infrastructure during the operational phase.

11.12.6 Mitigation measures during the construction phase include pollution control/sediment management measures for excavation, surface water drainage, and plant and machinery. In relation to utilities and telecommunications coordination with the relevant utility providers will be implemented. In relation to the operational

impact the proposed development mitigation measures for various aspects of the built environment are outlined in other chapters of the EIAR and no additional mitigation measures are proposed.

11.12.7 Residual impacts of the construction phase are temporary in nature and predicted impacts on existing foul and waste systems would be temporary and slight. During the operational phase loadings on drainage infrastructure can be accommodated by the existing network with upgrade works to the wastewater treatment plant beneficial to the surrounding area. No residual impacts are predicted.

11.12.8 I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in relation to Material Assets (Services, Infrastructure and Utilities).

11.13. Risk Management

11.13.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and / or disaster that are relevant to the project concerned. EIAR Chapter 16 deals with the risk of major accidents and disasters. The surrounding environs consists of a mix of residential and agricultural land uses. There is no site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO, at the development site and none within a 10km radius of the application site. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. Chapter 8 of the EIAR addresses the issue of flooding and the site is not in an area at risk of flooding. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

11.14 Interactions of the Foregoing

11.14.1 EIAR Chapter 14 examines interactions between the above factors. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am generally satisfied that effects arising can be avoided, managed, and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

11.15 Cumulative Impact:

11.15.1 I have addressed the cumulative impacts in relation to each of the environmental factors above. I consider that the EIAR presents a comprehensive consideration of the relevant developments within the wider area where there is potential for cumulative impacts with the proposed development. In conclusion, I am satisfied that effects arising can be avoided, managed, and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative impacts.

11.16 Reasoned Conclusion on the Significant Effects:

11.16.1 Having regard to the examination of environmental information contained above, and in particular to the EIAR including Chapter 15 Summary of Mitigation and Monitoring, to the supplementary information which accompanied the application, and the submissions from the planning authority, observers, and prescribed bodies in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

Population and Human Health: Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the area.

Biodiversity: Potential effects from change of an agricultural site to urban development with loss of habitats relating to birds, mammals and bat species. With mitigation in place including retaining trees and hedgerow and providing additional landscaping there will be no significant adverse effects on biodiversity

Land and soil: Direct effects on land and soil with construction excavation and change of agricultural land to residential development. Construction impacts will be mitigated with construction management measures with no significant effects.

Operational impact is long-term but no a significant adverse effect.

Water: Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the municipal foul sewerage system, and which will be mitigated during construction by appropriate construction management measures. No significant effects during construction or operational phase.

Air and climate: Potential effects arising from noise, vibration and dust during construction which are temporary and will be mitigated by construction management measures. Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme. No significant effects during the operation phase.

Cultural Heritage: A significant potential negative effect on the cultural heritage of the area arising from the potential disturbance of previously undiscovered archaeological material on site but which would be mitigated by plans for archaeological monitoring leading to no significant effects.

Landscape: A significant direct effect on land and the landscape by the change in the use and appearance of a relatively large site from agricultural to residential. Given the location of the site within the urban boundary of Ennis and the public need for housing there, this effect would not have a significant negative impact on the environment.

Material Assets: Temporary impacts during construction phase with increased traffic with mitigation in the form of a construction traffic management plan with no significant long term effects. No significant effects during the operational phase road network having sufficient capacity and the level of. No significant effects are anticipated in relation to the supply of utilities. Mitigation is formed of adherence to relevant codes of practice, design guidance and consultation with local and statutory authorities.

11.16.2 Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been identified, described and assessed in this EIA.

11.16.3. Having regard to the above, I consider that the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described, and assessed.

12.0 **Appropriate Assessment**

12.1 Applicant's Stage 1 – Appropriate Assessment Screening

12.1.1 The applicant has engaged the services of Enviroguide Consulting, to carry out an appropriate assessment screening. I have had regard to the contents of same.

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

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site

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

12.2.1 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.

12.2.2 The subject lands comprise approximately 11.32 ha, located to the southwest of Ennis town, County Clare. The site currently comprises of a greenfield site accessed from the R474. The site extends from a newly constructed housing estate (Ballymacaula) to the south up to the Ennis Golf Course to the north. The National Road (N85) bounds the site to the west. A number of one-off dwellings are located along the east of the site and are currently accessed from the R474. The site is slightly elevated at the south of the site, near the existing housing estate and is surrounded by mature trees and hedging.

12.2.3 The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

12.2.4 The screening report identifies 22 European Sites within the potential zone of influence and these are as follows:

Name	Site Code	Distance from Site
<p>Lower River Shannon SAC</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Sandbanks which are slightly covered by sea water all the time [1110]</p>	(002165)	0.9km

<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>		
<p>Newhall and Edenvale Complex SAC</p> <p>Estuary SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p>	<p>(002091)</p>	<p>1.7km</p>

<p>Qualifying Interests</p> <p>Caves not open to the public [8310]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>		
<p>Pouladatig Cave SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Caves not open to the public [8310]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>	(000037)	1.7km
<p>Ballyallia Lake SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]</p>	(000014)	2.5km
<p>Toonagh Estate SAC</p> <p>Conservation Objectives</p> <p>To restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>	(002247)	4.8km
<p>Dromore Woods and Loughs SAC</p>	(000032)	6.6km

<p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Limestone pavements [8240]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p>		
<p>Knockanira House SAC</p> <p>Conservation Objectives:</p> <p>To restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>	(002318)	6.7km
<p>Old Domestic Building SAC</p> <p>Conservation Objectives:</p> <p>To restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>	(002010)	7.8km
<p>Ballycullyinan Old Domestic Building SAC</p> <p>Conservation Objectives:</p>	(002246)	8.3km

<p>To restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>		
<p>Ballycullinan Lake SAC</p> <p>Conservation Interests</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p>	(000016)	8.4km
<p>Old Farm Buildings Ballymacrogan SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>	(002245)	8.9km
<p>East Burren Complex SAC</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Turloughs [3180]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Alpine and Boreal heaths [4060]</p>	(001926)	9.5km

<p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Calaminarian grasslands of the Violetalia calaminariae [6130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Caves not open to the public [8310]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Euphydryas aurinia (Marsh Fritillary) [1065]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p>		
<p>Poulmagordon Cave (Quin) SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Caves not open to the public [8310]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>	(000064)	10.2km
<p>Lough Gash SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p>	(000051)	10.7km

<p>Qualifying Interests</p> <p>Turloughs [3180]</p> <p>Rivers with muddy banks with <i>Chenopodium rubri</i> p.p. and <i>Bidenton</i> p.p. vegetation [3270]</p>		
<p>Moyree River System SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Water courses of plain to montane levels with the <i>Ranunculum fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Caves not open to the public [8310]</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	(000057)	11.2km
<p>Old Domestic Buildings, Rylane SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p>	(002314)	12.0km
<p>Newgrange House SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p>	(002157)	12.2km

Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]		
<p>Ballyogan Lough SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p> <p>Limestone pavements [8240]</p>	(000019)	12.6km
<p>Ballyallia Lough SPA</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Gadwall (Anas strepera) [A051]</p> <p>Teal (Anas crecca) [A052]</p> <p>Mallard (Anas platyrhynchos) [A053]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Coot (Fulica atra) [A125]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Wetland and Waterbirds [A999]</p>	(004041)	2.9km
<p>River Shannon and River Fergus Estuaries SPA</p> <p>Conservation Objectives:</p>	(004077)	3.8km

<p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Scaup (<i>Aythya marila</i>) [A062] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]</p>		
<p>Slieve Aughty Mountains SPA</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p>	(004168)	10.3km

<p>Qualifying Interests</p> <p>Hen Harrier (<i>Circus cyaneus</i>) [A082]</p> <p>Merlin (<i>Falco columbarius</i>) [A098]</p>		
<p>Corofin Wetlands SPA</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Wetland and Waterbirds [A999]</p>	(004220)	10.8km

12.2.5 Connectivity-Source-Pathway-Receptor: The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the identified Natura 2000 sites. The following is found in summary:

Site	Connection	Comment
Lower Shannon SAC	Yes	Weak hydrological pathway via surface water into Inch River, via discharges from Ennis North WwTP into River Fergus, potential hydrogeological pathway via groundwater during construction and operation.

Newhall and Edenvale Complex SAC	Yes	Within 2.5km of foraging range of the Lesser Horseshoe Bat. Which is qualifying interest. Indirect impact during construction and operation via habitat loss and fragmentation and disturbance though noise and lighting.
Pouladatig Cave SAC	Yes	Within 2.5km of foraging range of the Lesser Horseshoe Bat. Which is qualifying interest. Indirect impact during construction and operation via habitat loss and fragmentation and disturbance though noise and lighting.
Ballyallia Lake SAC	Yes	Potential hydrological pathway via groundwater during construction and operation.
Toonagh Estate SAC	No	No hydrological connection and outside 2.5km foraging range for species associated with SAC and sufficient distance between the application site and the designated site.
Drumore Woods and Loughs SAC	Yes	Potential hydrological pathway via groundwater during construction and operation.
Knockanira House SAC	No	No hydrological connection and outside 2.5km foraging range for species associated with SAC and sufficient distance between the application site and the designated site.

Old Domestic Building (Keevagh) SAC	No	No hydrological connection and outside 2.5km foraging range for species associated with SAC and sufficient distance between the application site and the designated site.
Ballycullinan, Old Domestic Building SAC	No	No hydrological connection and outside 2.5km foraging range for species associated with SAC and sufficient distance between the application site and the designated site.
Ballycullinan Lake SAC	Yes	Potential hydrological pathway via groundwater during construction and operation.
Old Farm Buildings, Ballymacrogan SAC	No	No hydrological connection and outside 2.5km foraging range for species associated with SAC and sufficient distance between the application site and the designated site.
East Burren Complex SAC	Yes	Potential hydrological pathway via groundwater during construction and operation.
Poulnagordon Cave (Quin) SAC	Yes	Potential hydrological pathway via groundwater during construction and operation.
Lough Gash Turlough SAC	Yes	Potential hydrological pathway via groundwater during construction and operation.

Moyree River SAC	Yes	Potential hydrological pathway via groundwater during construction and operation.
Old Domestic Buildings, Rylane SAC	No	No hydrological connection and outside 2.5km foraging range for species associated with SAC and sufficient distance between the application site and the designated site.
Newgrove House SAC	No	No hydrological connection and outside 2.5km foraging range for species associated with SAC and sufficient distance between the application site and the designated site.
Ballyogan Lough SAC	Yes	Potential hydrological pathway via groundwater during construction and operation.
Ballyalia Lough SPA	Yes	Potential hydrological pathway via groundwater during construction and operation.
River Shannon and River Fergus SPA	Yes	Weak hydrological pathway via surface water into Inch River, via discharges from Ennis North WwTP into River Fergus, potential hydrogeological pathway via groundwater during construction and operation.

Slieve Aughty Mountains SPA	No	No hydrological connection and sufficient distance between the application site and the designated site.
Corofin Wetlands SPA	Yes	Potential hydrological pathway via groundwater during construction and operation.

12.3 Applicant's Screening Report Assessment of Likely Significant Effects:

12.3.1 The submitted AA Screening Report considers the assessment of likely significant effects. Likely significant effects of the construction phase include uncontrolled release of sediments and/or pollutants, sediment laden or polluted surface water run-off, generation of waste, increased noise, dust and vibration, increased dust and emission from construction traffic and increased lighting. Likely significant effects during the operational phase include surface water drainage, increased lighting, increased human presence and generation of increased foul water.

12.3.2 There will be no habitat loss and alteration as the application site not located within any of designated sites. There will be no habitat/species fragmentation. There is a hydrological connection through surface water to the Lower River Shannon Complex SAC and River Shannon and River Fergus Estuaries SPA due to surface water discharge to the Inch River (Claureen River). There is the potential for contamination of surface water with sediment/pollutants from the site and subsequent the downstream designated sites in absence of appropriate mitigation measures.

12.3.3 The site is underlain with a karst bedrock aquifer with a potential groundwater pathway to the Lower Shannon Complex SAC, Ballyallia Lake SAC, Dromore Woods and Loughs SAC, Moyree River System SAC, Ballyogan Lough SAC, River Shannon and River Fergus Estuaries SPA and Corofin Wetlands SPA via

groundwater during construction and operation. There is potential for pollutants to migrate through the aquifer and impact on water quality within the designated sites.

12.3.4 There is a weak hydrological connection between the site and the Lower River Shannon SAC and River Shannon and River Fergus estuaries SPA via discharges from the Ennis North WWTP during the operational phase. The likelihood of significant effects is negligible due to the potential for dilution in the surface water network and the fact that the WWTP is compliant with emission limit values set in the discharge licence.

12.3.5 There is potential for disturbance and/displacement of species in that the hydrological link between the site and designated sites has potential to impact water quality with subsequent impact on aquatic species. The site is within the 2.5km foraging range of the lesser horseshoe bat population that is qualifying interest of the Newhall and Edenvale Complex SAC, the Pouladatig Cave SAC with a potential indirect impact on this species through habitat loss and fragmentation and disturbance from human activity, noise and lighting during the construction and operational phase.

12.3.6 In-combination effects are considered in the applicant's report and following the consideration of a number of planning applications in the area, there is no potential for in-combination effects given the scale and location of the development.

12.4 Applicants' AA Screening Report Conclusion:

12.4.1 The AA Screening has concluded that the possibility of any significant effects on identified, designated European sites can be excluded for 8 of the designated sites within the zone of influence (Toonagh Estate SAC, Knockanira SAC, Old Domestic Building (Keevagh) SAC, Ballycullinana, Old Domestic Buildings SAC, Old Farm Buildings Ballymacrogan SAC, Old Domestic Buildings, Rylane SAC, Newgrove House SAC, Slieve Aughty Mountains SPA).

In the case of the remaining 14 sites...

Lower River Shannon SAC

Newhall and Edenvale Complex SAC
Pouladatig Cave SAC
Ballyallia Lake SAC
Dromore Woods and Loughs SAC
Ballycullinan Lake SAC
East Burren Complex SAC
Poulnagordon Cave (Quin) SAC
Lough Gash Turlough SAC
Moyree River System SAC
Ballyogan Lough SAC
Ballyallia Lough SPA
River Shannon and Fergus Estuaries SPA
Corofin Wetlands SPA

...significant effects cannot be ruled out having regard to the sites' conservation objectives, and a Stage 2 Appropriate Assessment is required.

12.5 Applicants' Natura Impact Statement/Stage 2 Appropriate Assessment:

12.5.1 The Stage 2 Appropriate Assessment relates to 14 designated sites for which the likelihood of significant effects from the proposed development could not be ruled out...

Lower River Shannon SAC
Newhall and Edenvale Complex SAC
Pouladatig Cave SAC
Ballyallia Lake SAC
Dromore Woods and Loughs SAC
Ballycullinan Lake SAC
East Burren Complex SAC
Poulnagordon Cave (Quin) SAC
Lough Gash Turlough SAC

Moyree River System SAC

Ballyogan Lough SAC

Ballyallia Lough SPA

River Shannon and Fergus Estuaries SPA

Corofin Wetlands SPA

are described in detail in the submitted Natura Impact Statement (NIS) report.

12.5.2 The site-specific conservation objectives and qualifying interests / species of conservation interests of the aforementioned Natura 2000 sites are described above. The NIS also provides a detailed description of the site-specific conservation objectives of these European Sites with potential effects outlined, alongside any required mitigation. A conclusion on residual impact is then provided. A summary of this assessment is set out below.

12.5.3 The possible significant effects identified for the 14 designated sites are described and are as per those summarised in the previous section in relation to the applicants' screening assessment under Section 12.3. The assessment identifies that mitigation measures are required to address the potential impacts during the construction and operation phase of the proposed development and prevent significant effects.

12.5.4 Mitigation measures are set out under section 8 of the NIS. For the construction phase these include in the case of....

Bats

The application was accompanied by a Bat Assessment Report. The felling of any trees with potential for bat roost should not be carried out until the completion of phase 2 potential bat roost study, provision of alternative roosting sites (bat boxes) and felling of trees during periods of low bat activity.

Surface Water

Appropriate fuel and chemical storage on site, refuelling in designated areas, no washing out of concrete truck son site.

General protection measures with implementation of environmental control and emergency procedures, implementation of a Construction and Environmental Management Plan including operational measures to protect surface water.

Groundwater

The measures in relation to surface water, fuel and chemical storage will protect soil and groundwater. Contaminated soil if encountered will be stored to prevent contaminating run-off.

For the operational phase the mitigation measures set out for...

Surface water

Implementation of a Sustainable Drainage System (SuDS) including provision of oil/petrol interceptors, retention ponds and silt traps.

Bats

The application was accompanied by a Bat Assessment Report. Lighting design on site is be provided in accordance with BCT Lighting Guidelines (BCT 2018) to reduce impact of lighting on bat populations.

A number of compensatory measures in relation to lesser horseshoe bats with compensatory planting, specific measures to reduce lighting impacts, provision of a lesser horseshoe bat conservation zone along a linear strip to the north of the proposed development and connected to the boundary of the Inch River, an area deemed to be a likely commuting route for lesser horseshoe bats. Erection of day roost in this area, which will have no lighting and appropriate planting.

12.5.5 In combination / cumulative impact is also identified with a number of permitted and proposed developments in the vicinity. In combination/cumulative impact is unlikely

based on construction management measures, surface water drainage and connection to existing foul drainage infrastructure.

12.6 Applicants Stage 2 Conclusion

12.6.1 The NIS submitted concludes that the proposed development subject to implementation of the mitigation measures identified, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites, Lower River Shannon SAC, Newhall and Edenvale Complex SAC, Pouladatig Cave SAC, Ballyallia Lake SAC, Dromore Woods and Loughs SAC, Ballycullinan Lake SAC, East Burren Complex SAC, Poulmagordon Cave (Quin) SAC, Lough Gash Turlough SAC, Moyree River System SAC, Ballyogan Lough SAC, Ballyallia Lough SPA, River Shannon and Fergus Estuaries SPA, Corofin Wetlands SPA, or any other European site, in view of the sites Conservation Objectives.

12.7 Screening Assessment

12.7.1 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.

12.7.2 I have had regard to the submitted Appropriate Assessment screening report, which identifies that while the site is not located directly within any Natura 2000 areas, there are a number of Natura 2000 sites sufficiently proximate or linked (indirectly) to the site to require consideration of potential effects. These are listed earlier with approximate distance to the application site indicated. The specific qualifying interests and conservation objectives of the above sites are described above. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file,

including observations on the application made by prescribed bodies and Third Parties, and I have also visited the site.

12.7.3 The applicants screening assessment reached the conclusion that significant effects are unlikely on Toonagh Estate SAC, Knockanira SAC, Old Domestic Buildings (Keevagh) SAC, Ballycullinana, Old Domestic Building SAC, Old Farm Buildings, Old Domestic Buildings, Rylane SAC, Newgrove House SAC, Slieve Aughty Mountains SPA on the basis of distance from the application site and its zone of influence and lack of source pathway receptors between the application site and designated sites. I would concur with this conclusion.

12.7.4 The site is within a drainage catchment with surface water discharging to an existing watercourse (labelled the Inch River in the applicants screening assessment, also called the Claireen River) located to the north of the site. This river/watercourse drains into the River Fergus and two designated sites in the form of the Lower River Shannon SAC (0.9km from the site) and the River Shannon and River Fergus Estuaries SPA (2.8km from the site). The proposed development will connect to the north Ennis WWTP in terms of foul drainage, which discharges to the River Fergus subject to discharge licence. There is indirect connection/source pathway receptors in relation these two sites and the application site with potential for discharge of sediment/pollutant laden surface water run-off during the construction phase and operational phase to the Claireen River and subsequently downstream to these designed sites. The proposed development will result in increased loading on the Ennis North WWTP, which discharges treated effluent to the River Fergus.

12.7.5 I am of the view in relation to Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA 1.2km that significant effects on qualifying interests as a result of deterioration of water quality can be ruled out on the basis of implementation of construction management measures during the construction phase that would prevent discharge of sediment and pollution materials to surface and groundwater. At the operational phase surface water drainage proposal including SuDS measures and standard surface drainage measures associated with

urban development are sufficient to prevent contamination of surface water or groundwater. I note in full the submitted AA Screening Report and supporting documentation. I note various measures proposed during the construction and operational phase of the development and I am satisfied that these are standard construction/operational processes and cannot be considered as mitigation measures. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in the aquatic environment, from surface water runoff, can be excluded given the interrupted hydrological connection, the nature and scale of the development and the designated sites connection to the marine environment (dilution factor). The discharge of foul water is to the Ennis North WWTP, with capacity for the proposed development and the WWTP operating under licence. On the basis of connection to the wastewater treatment plant significant effects on the designated site can be ruled.

12.7.6 The Qualifying Interests of the River Shannon and River Fergus Estuaries SPA are 22 bird species (listed above). The application includes surveys of bird species on site and surrounds. The results of the surveys indicate that the site is no and ex-situ habitat for any of the bird species identifies as qualifying interests of the SPA. Given the level of separation between the application site and the SPA and the lack of evidence of such qualifying interest on site or in its immediate vicinity, significant effects on the qualifying interest of the SPA can be ruled out.

12.7.7 In relation to groundwater connection between the application site and designated sites the applicant's screening assessment identifies a potential source-pathway receptor between the application site and the following designed sites...

Ballyallia Lake SAC (2.5km)

Dromore Woods and Loughs SAC (6.6km)

Ballycullinan Lake SAC (8.4km)

East Burren Complex SAC (9.5km)
Poulnagordon Cave (quin) SAC (10.2km)
Lough Gash Turlough SAC (10.7km)
Moyree River System SAC (11.2km)
Ballyallia Lough SPA (2.9km)
Corofin Wetlands SPA (10.8km)

Potential source pathway receptor between the application site is the fact it is underlain by a karst/limestone aquifer with a an indirect linkage to the designated sites through discharges to groundwater during construction and operation and subsequent impact on water quality within the designated sites and significant effects on qualifying interests dependent on good water quality. I am of the view in relation to these sites that significant effects on qualifying interests as a result of deterioration of water quality can be ruled out on the basis of implementation of construction management measures during the construction phase that would prevent discharge of sediment and pollution materials groundwater. At the operational phase surface water drainage proposal including SuDS measures and standard surface drainage measures associated with urban development are sufficient to prevent contamination of groundwater. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites can be excluded given the interrupted hydrological connection and remote nature of the sites relative to the application site.

12.7.8 Two sites are identified by the applicant on the basis that the application site is within the 2.5km foraging range of the lesser horseshoe bat, which is the qualifying interest of these designated sites. These sites are...

Newhall and Edenvale Complex SAC (1.7km).

Pouladatig Cave SAC (1.7km).

The application site is within the foraging range of these designated sites and bat surveys carried out on site have identified the qualifying interest on the application site. The proposed development will change the application site from agricultural lands defined by a significant level of linear hedgerow with potential for significant effects on the lesser horseshoe bat, which is a qualifying interest of the designated sites. On this basis significant effects in absence of mitigation measures cannot be ruled out and a Stage 2-Appropriate Assessment is required in relation to these two designated sites.

12.7.9 In-combination effects are considered in the applicant's screening report and following the consideration of a number of planning applications in the area, which are mainly relating to other residential development, I am would consider that there is no potential for in-combination effects given the scale and location of the such developments and the fact that such are subject to the same construction management and drainage arrangements as this proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites).

12.8 AA Screening Conclusion:

12.8.1 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 likelihood of the proposed development, individually or in combination with other plans or projects having significant effects on the Newhall and Edenvale Complex and Pouladatig Cave SAC cannot be ruled out and there is a requirement to carry out Stage 2 Appropriate Assessment.

12.9 Stage 2 – Appropriate Assessment

12.9.1 The receiving environments at Newhall and Edenvale Complex SAC (1.7km). Pouladatig Cave SAC (1.7km) are described in detail in the submitted Natura Impact Statement (NIS) report.

12.9.2 The site-specific conservation objectives and qualifying interests / species of conservation interests of the aforementioned Natura 2000 sites are described above in the table at Section 12.2.4.

Newhall and Edenvale Complex SAC: Newhall and Edenvale Caves are natural fossil limestone caves situated approximately 4 km south of Ennis in Co. Clare. The qualifying interest is the lesser horseshoe bat. The conservation objective is to maintain the favourable conservation condition of the qualifying interests.

Pouladatig Cave SAC: Pouladatig Cave is a natural limestone cave situated near Inch bridge, west of Ennis, Co. Clare. The qualifying interest is the lesser horseshoe bat. The conservation objective is to maintain the favourable conservation condition of the qualifying interests.

12.9.3 The application site is within the foraging range (2.5km) for the qualifying interest for both sites with the proposed development resulting in change from agricultural lands defined by a significant level of linear hedgerow. There are no direct effect on the designated site itself due to the physical separation between the application site and the two designated sites.

12.9.4 During construction there will be removal of existing vegetation including hedgerows, trees and stone walls on site with potential impact on lesser horseshoe bat through loss of foraging and roosting habitat. Disturbance of the qualifying interest due construction activity and lighting. During the operational phase, there is permanent loss of foraging and roosting habitats and disturbance through increase lighting and human activity at this location.

12.9.5 Mitigation measures proposed include retaining hedgerows and trees where possible including the trees along the south west, north and north eastern boundaries. The proposal also entails significant additional planting and landscaping

on site including native species to enhance biodiversity. Specific mitigation measures in relation to bats include, a pre-development survey, felling of trees identified as suitable for roosting (4 in total) during periods to avoid periods of high bat activity and provision of alternative roosting sites (bat boxes). Operational phase mitigation measures include lighting design to reduce impacts on bat populations, provision of bat boxes, and provision of a landscaping including a conservation zone along a linear strip to the north of the proposed development and monitoring of mitigation measures.

12.9.6 Following the implementation of mitigation measures described above, no significant impacts on the conservation objectives of qualifying interests are identified. Monitoring by a suitably qualified expert is also intended to ensure the effectiveness of the mitigation measures proposed.

12.10. AA determination – Conclusion

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

Having carried out for a Stage 1 Appropriate Assessment Screening of the proposed development, it was concluded that likely significant effects on the Newhall and Edenvale Complex SAC and Pouladatig Cave SAC could not be ruled out, due to the sites location within the 2.5km foraging range of the main qualifying interest associated with these sites. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

12.10.2 Following a Stage 2 Appropriate Assessment, with submission of a NIS, it has been determined that subject to mitigation (which is known to be effective) the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites, Newhall and Edenvale Complex SAC and Pouladatig Cave SAC, or any other designated European Sites in view of the sites' Conservation Objectives.

12.10.3 This conclusion is based on a complete assessment of all aspects of the proposed project, both alone and in combination with other plans and projects, and it has been established beyond scientific reasonable doubt that there will be no adverse effects.

13.0 Recommendation

Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
- (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
- (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
- (d) refuse to grant permission for the proposed development,

and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

In conclusion, I consider the principle of development as proposed to be acceptable on this site. The site is suitably zoned for residential development and is a serviced site. The proposed development is of a suitably high quality and provides for a mix of one and two-bedroom apartments and two, three and/four-bedroom dwellings, which are served by suitable quality communal, private and public open space.

I do not foresee that the development will negatively impact on the existing residential and visual amenities of the area. Suitable pedestrian infrastructure is available to serve the development. The development is generally in accordance with National Guidance and Local Policy and is in accordance with the proper planning and sustainable development of the area.

Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied, and that permission is **GRANTED** for the development, for the reasons and considerations and subject to the conditions set out below.

14.0 Reasons and Considerations

Having regard to

(i) the site's location on lands with zoning objectives for residential development, buffer zone and open space, and objective provisions in the Clare County Development Plan 2017 - 2023 in respect of residential development,

(ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Clare County Development Plan 2017 - 2023 and appendices contained therein,

(iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

(iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,

(v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,

(vi) Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2018.

(vii) Housing for All, issued by the Department of Housing, Local Government and Heritage in September 2021,

(viii) the availability in the area of a wide range of social and transport infrastructure,

(ix) to the pattern of existing and permitted development in the area, and

(x) Chief Executive's Report and supporting technical reports of Clare County Council,

(xi) to the submissions and observations received,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban

design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Recommended Draft Order

15.1. Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 25th of August 2022 by the applicant Glenveagh Home Ltd.

15.2. Proposed Development

- The proposed development comprises of permission for strategic housing development at Ballymacuala, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare.
- The proposed development consist of 289 no. residential units comprising a mixture of 12 no. 1 bed apartments, 78 no. 2 bed townhouse/duplex/apartment units, 165 no. 3 bed dwelling houses, and 34 no. dwelling houses with an option of a 3 or 4 bedroom house-type;
- 1 400.7sqm crèche/childcare facility.
- The provision of 2 no. pedestrian connections to the existing public footpath along the N85, 2 no. pedestrian connections into Ballymacuala View Estate;
- All associated infrastructure and services including 1 no. vehicular access point onto Circular Road, car and bicycle parking and bin storage, light, 2 no. ESB substations, drainage and 1 no. pumping station, boundary treatments.

15.3 Decision

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

15.4 Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

- (i) the site's location on lands within a zoning objective for residential, buffer zone and open space, and the policy and objective provisions in the Clare County Development Plan 2017 - 2023,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Clare County Development Plan 2017 - 2023 and appendices contained therein,
- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,
- (vi) Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2018.
- (vii) Housing for All, issued by the Department of Housing, Local Government and Heritage in September 2021,

- (viii) the availability in the area of a wide range of social and transport infrastructure,
- (ix) to the pattern of existing and permitted development in the area, and
- (x) Chief Executive's Report and supporting technical reports of Clare County Council,
- (xi) to the submissions and observations received,
- (xii) the Inspectors report.

15.5 Appropriate Assessment (AA Screening)

15.5.1 The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Natura Impact Statement Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, other than Newhall and Edenvale Complex SAC (site code 002091) and Pouladatig Cave SAC (site code 000037) which is the European site for which there is a potential likelihood of significant effects.

15.6 Appropriate Assessment (Stage 2)

15.6.1 The Board considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on Newhall and Edenvale Complex SAC (site code 002091) and Pouladatig Cave SAC (site code 000037), 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: a) the site-specific conservation objectives for the European site, b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and in particular the risk of impacts on lesser horseshoe bats, c) the mitigation measures which are included as part of the

current proposal. 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 aforementioned European Site, having regard to the sites' 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 European Site in view of the sites conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the Newhall and Edenvale Complex SAC (site code 002091) and Pouladatig Cave SAC (site code 000037).
- Detailed assessment of in-combination effects with other plans and projects including current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Newhall and Edenvale Complex SAC (site code 002091) and Pouladatig Cave SAC (site code 000037)

15.7 Environmental Impact Assessment

15.7.1 The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions from the Planning Authority, the observers and prescribed bodies in the course of the application,
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes

adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects

15.7.2 The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Management Plan is the overarching general mitigation relevant to the project design and delivery for the construction stage. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

15.7.3 **Biodiversity:** Potential effects from change of an agricultural site to urban development with loss of habitats relating to birds, mammals and bat species. With mitigation in place including retaining trees and hedgerow and providing additional landscaping there will be no significant adverse effects on biodiversity.

- 15.7.4 **Land and soil:** Direct effects on land and soil with construction excavation and change of agricultural land to residential development. Construction impacts will be mitigated with construction management measures with no significant effects. Operational impact is long-term but no a significant adverse effect.
- 15.7.5 **Water:** Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the municipal foul sewerage system, and which will be mitigated during construction by appropriate construction management measures. No significant effects during construction or operational phase.
- 15.7.6 **Air and climate:** Potential effects arising from noise, vibration and dust during construction which are temporary and will be mitigated by construction management measures. Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme. No significant effects during the operation phase.
- 15.7.7 **Cultural Heritage:** A significant potential negative effect on the cultural heritage of the area arising from the potential disturbance of previously undiscovered archaeological material on site but which would be mitigated by plans for archaeological monitoring leading to no significant effects.
- 15.7.8 **Landscape:** A significant direct effect on land and the landscape by the change in the use and appearance of a relatively large site from agricultural to residential. Given the location of the site within the urban boundary of Ennis and the public need for housing there, this effect would not have a significant negative impact on the environment.
- 15.7.9 **Material Assets:** Temporary impacts during construction phase with increased traffic with mitigation in the form of a construction traffic management plan with no significant long term effects. No significant effects during the operational phase

road network having sufficient capacity and the level of. No significant effects are anticipated in relation to the supply of utilities. Mitigation is formed of adherence to relevant codes of practice, design guidance and consultation with local and statutory authorities.

15.8 Conclusions on Proper Planning and Sustainable Development:

15.8.1 The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, or historic environment, would be acceptable in terms of urban design, height, scale, mass, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report despite its recommendation that permission be refused.

15.8.2 The Board considered that the proposed development is apart from the stipulation for low density residential at this location, is broadly compliant with the current Clare County Development Plan 2017 - 2023 and would therefore be in accordance with the proper planning and sustainable development of the area.

15.8.3 The Board considers that, while a grant of permission for the proposed Strategic Housing Development would materially contravene the Clare County Council Development Plan 2017-2023 with respect the stipulation that residential development at this location be low density residential with a maximum density of 15 units per hectare. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Clare Council Development Plan 2017-2024 would be justified for the following reasons and considerations:

- With regard to S.37(2)(b)(i), the proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and delivers on the Government's policy to increase delivery of housing from its current under-supply as

set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016.

- With regard to S.37(2)(b)(iii), the proposed development in terms of its density is in accordance with as described in Rebuilding Ireland, An Action Plan for Housing and Homelessness and Project Ireland 2040 – National Planning Framework; the Sustainable Residential Development in Urban Areas Planning Guidelines 2009 and Urban Development and Building Heights Guidelines (2018), in particular SPPR4.

16.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 15 of the EIAR 'Summary of EIAR Mitigation and Monitoring', shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

3. Mitigation and monitoring measures outlined in the Natura Impact Statement submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

4. Details of the materials, colours and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

5. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

6. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity and public safety.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to service areas shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety.

9. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose.
(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the Planning Authority.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

10. A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car

parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development. The car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

11. The level of communal bicycle parking spaces specified (130) spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

12. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and surface water management.

13. The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

14. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

15. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

16. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the

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

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

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

Reason: In the interest of sustainable waste management.

18. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted EIAR for the application, in addition to the following:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of access points to the site for any construction related activity;
- c) Location of areas for construction site offices and staff facilities;
- d) Details of site security fencing and hoardings;
- e) Details of on-site car parking facilities for site workers during the course of construction;
- f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. Reason: In the interest of amenities, public health and safety.

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

19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

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

20. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) engage the services of a suitably qualified archaeologist to co-ordinate the mitigation proposals contained in the Archaeological Assessment report for archaeological excavation (preservation by record) of Archaeological Areas 1-4 in advance of construction works and Archaeological Monitoring of ground disturbance at construction stages across the development site,

(b) should previously unidentified archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer

shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation *in situ*, or excavation) and should facilitate the archaeologist in recording any material found.

(c) the planning authority and the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, site, features or other objects of archaeological interest.

21. Prior to the commencement of development the applicant/developer shall submit to be agreed in writing with the Planning Authority amended plans altering the internal layout of the childcare facility to comply with requirements of Clare County Childcare Committee.

Reason: In the interest of orderly development.

22. Prior to the commencement of development the applicant shall submit for written consent of the Planning Authority, detail of secure fencing around the infiltration basement to prevent public access. Such fencing should allow for movement of small mammals through the site.

Reason: In the interests of public safety and biodiversity.

23. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a

corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

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

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

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

25. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed

between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

26. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colin McBride
Senior Planning Inspector

11th April 2023