



An
Coimisiún
Pleanála

Inspector's Report

ABP-317144-23

Development	Construction of 100 bed residential community nursing home with all associated site works
Location	Clonroadmore, Ennis, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	22709
Applicant	HSE Estates West.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	First Party Third Party
Appellant(s)	1. HSE Estates West 2. Sean Walzer 3. Patrick Walzer 4. Jim and Mary Wilde & Retired Teachers of St. Flannan's College 5. Maura Walzer

- 6. Board of Management of St. Flannan's College
- 7. Staff members of St. Flannan's College

Observer(s)	St. Flannan's (Killaloe) Diocesan Trust
Date of Site Inspection	10 th April 2024
Inspector	Daire McDevitt

1.0 Site Location and Description

1.1. The site, with a stated area of c.2.06 ha, is located in Clonroadmore, to the southeast of Turnpike Road and north west of St. Flannan's College in Ennis, Co. Clare. The site is used by the school as sports fields. Access is proposed off Turnpike Road where the boundary is a stone wall. The site is located within a predominantly residential area with a number of businesses (small scale) located off Clare Road and Limerick Road. The bulk of the northern boundary of the site runs along the rear of houses which front onto the Limerick Road, to the southwest is a cluster of trees and beyond this is the school's running track.

The site is grassed with the bulk of the site relatively flat with a rise towards the northwest boundary along Turnpike Road and to the northeast where it is bounded by the houses along Limerick Road. Boundaries have a mixture of screening at present given nature of adjoining developments (for example rear gardens of houses) and within the grounds of St. Flannan's College there are clusters of trees in places.

2.0 Proposed Development

Construction of a part two storey, part single storey 100 bed residential community nursing unit (CNU) including main entrance foyer block; production kitchens; offices; plantroom; courtyard gardens with ancillary support accommodation and an enclosed gated delivery yard incorporating a maintenance building and generator. The development will also consist of the provision of vehicular, pedestrian and cycle entrance and access road off the Turnpike Road into the site, installation of new services and drainage, provision of roof mounted photovoltaic panels, the provision of a sustainable urban drainage system and new access roads, cycle lane and footpaths with associated hard and soft landscaping, boundary walls and fencing,

site works, cycle bays and parking for 101 cars (inclusive of EV and disabled spaces) and set down for ambulance.

Subject to further information request which included AA Screening and NIS.

I wish to highlight to the Commission at this point that on foot of a section 132 notice issued by ABP¹, the applicant's response received 3 June 2025 included a redesign of the foul drainage strategy submitted under planning application Reg. Ref. 22/709 (drawing No. G2029DR0002) which is the application the subject of this appeal and changes to the red line site boundary. Revisions are set out in detail in section 7.8.4 of this report. Revised public notices submitted

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 17 conditions. they are broadly standard conditions for a development of this kind. Conditions of note include:

2. (a) the development in its entirety shall be constructed in one phase. In this regard the community Nursing Home shall not be occupied unless and until the entire development (including all required works on the public road, hard and soft landscaping and boundary treatments) have been constructed and completed to the written satisfaction of the Planning Authority.

(b) Upon completion of the development, the 5m set back from the edge of the public road, for the entire length of the site, along Turnpike Road, shall be dedicated to Clare County Council.

Reason: In the interest of clarity and orderly development having regard to the Community zoning of the site.

3. The development shall not come into operation unless and until the following have been constructed to the satisfaction of the planning authority:

¹ Now ACP

- i. Provision for pedestrian and cycle access 'from the site to the adjoining school grounds, and from the site to the R458.
- ii. Full design details of the proposed pedestrian crossing across the entrance to the site from the Turnpike Road, as per the site layout plan received by the planning authority on the 21st February 2023.

Prior to the commencement of development full design details in relation to the above shall be submitted to the planning authority for agreement and approval. The agreed and approved works along with all required associated works to existing/proposed roadways, footpaths, cycle lanes shall be constructed by the applicant/developer at their own expense.

Reason: In the interests of traffic safety and orderly development and the provision of sustainable transportation to and from the site.

6. (a) the developer shall ensure that all environmental mitigation measures set out in the Natura Impact Statement and bat Survey as received by the Planning Authority 21st February 2023 are implemented in full, unless otherwise specified in the conditions of this planning permission.
- (b) Prior to the commencement of any development on site applicant/developer shall undertake a bat survey by competent qualified person to ascertain the presence of any bat activity on the site in relation to roosting and foraging, and an assessment of any potential impact on the species arising from the proposed development. The nature and methodology of the survey shall be agreed with the planning Authority prior to the commencement of the survey. No buildings, features or vegetation should be altered or removed prior to the survey and assessment. Full details of the survey and assessment shall be submitted to the Planning Authority prior to the commencement of any work on site. Should the presence of bats be established on the site, no development should occur unless the necessary permission/derogation licences have been obtained from the appropriate statutory body.
- (c) Prior to the commencement of development. Full specification of all proposed bat boxes shall be submitted to the Planning Authority for agreement and approval.

Reason: In the interest of the natural heritage of the area and protecting the environment.

15. All ensuite windows shall be frosted/opaque glass.

Reason: In the interest of residential amenity and orderly development

16. (a) the proposed lighting shall be designed and installed in accordance with the details received by the planning authority on the 21st February 2023 and shall be in accordance with Bat Conservation Ireland Guidelines (2010) and Bat Conservation Trust Guidance Note (08/18).

(b) the proposed lighting shall be orientated to direct light to areas where required, and ensure the light is not directed at an angle greater than 700 from the vertical plane, using protectors (prevent light spillage from the area).

3.2. Planning Authority Reports

3.2.1. Planning Reports

The application was the subject to 2 no. Planner's Reports.

Report 1 (1st October 2022)

Assessed the proposal under the 2017-2023 Clare County Development Plan, considered submission received, technical reports and carried out a planning assessment of the proposed development. Appropriate Assessment dated 28.09.22 included with the report. Further Information recommendation recommends in relation to 8 items which included: 1) Rationale for site selection, 2) traffic, 3) residential amenities, 4) visual impact, 5) surface water and ground water, 6) ecology & appropriate assessment, 7) utilities and 8) flood risk.

Report 2 (27th April 2023)

Assessed the detailed FI response submitted. Considered application under the 2023 which was in effect at the time of decision and considered same to be acceptable. Recommendation to grant subject to 17 conditions.

3.2.2. Other Technical Reports

- CFO & BC Officer (5/09/23). Recommendations regarding water supply for firefighting and compliance with Health Technical Memorandum 05-02 Fire

code Guidance in support of functional provision (Fire safety in the design of healthcare premises).

Following receipt of the FI response:

RDO – satisfied outstanding issues addressed with the exception of a) the need to include pedestrian and cycling linkages with provisions to prevent the area becoming a drop off point for students attending St. Flannan's; b) The uncontrolled pedestrian crossing at the entrain should be a raised pedestrian crossing; c) need to review the auto tracking path sweep to ensure design accurately represents the vehicle movements on the ground.

CFO – No objection provided it complies with the Building Regulations 1997 and latest amendments.

Ennis MD – Recommended conditions set out.

3.3. Prescribed Bodies

Uisce Eireann (UE) (8th August 2022) No objection.

3.4. Third Party Observations

12 submissions were recorded. Issues raised are broadly in line with the grounds of appeals which I have summarised in section 7 of this report. Concerns raised centred around: traffic, inappropriate use of the site, development more suited to an alternative location, residential amenities, loss of playing pitches and leisure areas, issues relating to landownership, inappropriate design and scale, zoning, flood risk, wildlife impacts, loss of trees, services, overbearance, historical site, queries regarding quality of information submitted.

4.0 Planning History

There is no planning history associated with the site.

There are a number of applications on Clare County Council Planning Register pertaining to St. Flannan's School in general.

5.0 Policy Context

5.1 National

The National Planning Framework (NPF), First Revision, April 2025

This is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. Key elements of the NPF include commitments towards 'compact growth', 'sustainable mobility', 'sustainable management of environmental resources', 'transition to a carbon neutral and climate resilient society', and 'enhanced amenity and heritage'. It contains several relevant policy objectives that articulate the delivery of key elements, including:

- NPO 10 is to deliver Transport Orientated Development (TOD) at scale at suitable locations, served by high-capacity public transport and located within or adjacent to the built-up footprint of the five cities or a metropolitan town and ensure compact and sequential patterns of growth.
- NPO 11 outlines that planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.
- NPO 12 - 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.
- NPO 22 - 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.
- NPO 37: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

- NPO 45: 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, increased building height and more compact forms of development.
- NPO 77 - Enhance water quality and resource management by fully considering River Basin Management Plan objectives and integrating sustainable water management solutions.
- NPO 79 - Support the management of stormwater, rainwater and surface water flood and pollution risk through the use of nature-based solutions and sustainable drainage systems, including the retrofitting of existing environments to support nature-based solutions.
- NPO 92: Ensure the alignment of planned growth with the efficient and sustainable use and development of water resources and water services infrastructure, in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.

Climate Action Plan 2024 (May 2024) (2025)

Climate Action Plan 2024 is the third annual update to Ireland's Climate Action Plan 2019 and the second to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021. It builds on the introduction of carbon budgets and sectoral emissions ceilings in Climate Action Plan 2023 and sets a course for Ireland's targets to halve emissions by 2030 and reach net-zero no later than 2050. These national targets align with Ireland's obligations under EU and international treaties, most notably the Paris Agreement (2015) and the European Green Deal (2020).

Embedded in Climate Action Plan 2024 are the principles of Ireland's Just Transition Framework. The integration of these principles into the policy cycle through the annual Climate Action Plans continues to ensure that climate action policies and measures are effectively aligned with the needs to ensure that the costs of transition are fairly distributed, and that people are equipped with the necessary skills to benefit from the transition.

National Biodiversity Action Plan

This includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local Level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, EIA Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable

Section 28 Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the reports from the planning authority, prescribed bodies, third party submissions and the grounds of appeal, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- The Planning System and Flood Risk Management – Guidelines for Planning Authorities & Technical Appendices (2009).
- Architectural Heritage Protection Guidelines for Planning Authorities (published October 2011 and last updated October 2022)

Other:

- Guidance on Appropriate Assessment for Planning Authorities (NPWS)

5.2 Regional

Southern Region Regional Social Economic Strategy (RSES) (2020)

The RSES provides a long-term, strategic development framework for the future physical, economic and social development of the Southern Region and includes Metropolitan Area Strategic Plans (MASPs) to guide the future development of the

Region's three main cities and metropolitan areas – Cork, Limerick-Shannon and Waterford.

The RSES sets out a vision for the Southern Region to:

- Nurture all our places to realise their full potential.
- Protect, and enhance our environment.
- Successfully combat climate change.
- Achieve economic prosperity and improved quality of life for all our citizens.
- Accommodate expanded growth and development in suitable locations.
- Make the Southern Region one of Europe's most creative, innovative, greenest and liveable regions.

The RSES seeks to achieve balanced regional development and full implementation of Project Ireland 2040 – the National Planning Framework. It will be implemented in partnership with local authorities and state agencies to deliver on this vision and build a cohesive and sustainable region.

5.3 Local

The application was lodged with Clare County Council on 8th August 2022 under the Clare County Development Plan 2017-2023. This application was the subject of a Further Information request with the Planning Authority making a decision on the 28th April 2023 at which stage the 2023-2027 Clare County Development was in effect.

Clare County Development Plan 2023-2029 is the operational plan

The appeal site is located on lands zoned 'Community'. The development of lands for community uses shall be taken to include the use of lands for community, civic, health services, public or educational uses including the provision of schools, community halls, healthcare facilities and any other facility that is intended to provide some form of community service. A service may be delivered by either a public, community or private body.

Appendix 2 – Indicative Land Use Zoning Matrix:

- Nursing Home/Retirement Village is normally acceptable in principle on community lands
- Health Centre/Clinic is normally acceptable in principle on community lands.

A drainage strip off the site where underground surface water infrastructure is proposed on lands zoned 'Open Space'.

Note: A proposed use that will be classified as acceptable in principle in the relevant zone subject to compliance with policies and objective as set out in the plan and in accordance with the proper planning and sustainable development of the area.

A proposed use that will be open to consideration, but subject to particular considerations for example, compatibility with adjoining uses, scale or whether or not the proposal is prejudicial to the amenities of an area or the residential amenities of an adjoining property.

The proposed development is a Community Nursing Unit (CNU) with 100 bedspaces for short and long term stay, this is a residential care centre by another name in my opinion.

Section 5.2.11 refers to Housing and Accommodation for an Ageing Population.

CDP5.11 It is an objective of Clare County Council: a) To ensure that new housing developments are attractive, safe and provide a range of house types and that accessibility and lifetime adaptability that can accommodate the changing needs of a household over time are key elements in house design; b) To provide and facilitate the provision of accommodation to meet the needs of older people and to encourage the provision of a range of housing options for older people in appropriate, convenient and easily accessible locations; c) To promote 'aging in place' opportunities for 'downsizing' or 'right sizing' within their community; d) To support the development of new nursing home and day care facilities in towns and villages in the County; e) To support nursing home and day care facilities on brownfield sites outside of settlements, subject to normal site suitability criteria; and f) To proactively support the implementation of the Smart Ageing and National Positive Ageing policies, the An Garda Síochána Older People Strategy and the Clare Age Friendly Strategy and Action Plan 2018-2022.

Volume 3(a) Ennis Municipal District Settlement Plans

1.14.5 Wastewater Treatment

In terms of wastewater treatment, the Ennis area is served by treatment plants at Clonroadmore and Clareabbey. Uisce Éireann is progressing works to ensure that

wastewater services are available to meet the population targets. The existing wastewater treatment plant at Clonroadmore has 31,500PE capacity.

The Waste Water Treatment Plant (WWTP) at Clareabbey provides treatment for the southern part of Ennis and part of the Clarecastle area. The Clarecastle Agglomeration Upgrade is currently underway. The existing Clareabbey WWTP will have sufficient capacity to cater for the current load from the area along with some added capacity.

Future development of neighbourhoods in the Ennis area is dependent on the availability of supporting infrastructure. The upgrade and maintenance of the wastewater treatment plants in the plan area is critical in this regard. The provision of appropriate services is vital to ensure environmental protection, quality of life for local residents and to create opportunities for residential and business development.

Section 1.14.5 refers to wastewater treatment.

This states “The Waste Water Treatment Plant (WWTP) at Clareabbey provides treatment for the southern part of Ennis and part of the Clarecastle area. The Clarecastle Agglomeration Upgrade is currently underway. The existing Clareabbey WWTP will have sufficient capacity to cater for the current load from the area along with some added capacity.”

Objective V3(a)18 b) To facilitate the development of new or upgrade of existing, wastewater infrastructure facilities to serve Ennis and Clarecastle and their environs subject to protect of the environment, and in compliance with the Habitats Directive and other environmental considerations.

5.1. Natural Heritage Designations

The site is not located within or adjacent to any nature heritage designation. Sites of note include:

Natura 2000:

Newhall & Edenvale Complex SAC (002019) c. 2.2km from the site.

Lower Shannon SAC (002165) c.1.2km from the site.

River Shannon and River Fergus Estuaries SPA (004077) c.2.6km from the site.

Ballyallia Lake SAC (000014) c/2.9km from the site.

Ballyallia Lough SPA (004041) c.3.8km from the site

Pouladatig Cave SAC (000037) c.3.2km from the site

NHA/pNHA:

Cahircalla pNHA

6.0 Environmental Impact Assessment Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1 First Party appeal

A first party appeal has been lodged by HSE Estates West. The grounds of appeal against conditions are summarised as follows:

Omission of condition 3(i):

- This condition relates to the provision of pedestrian and cycle access to the sit, the adjoining school grounds and the R458.
- Concerns are raised regarding the legality of this condition in respect of planning legislation and the appropriateness in the context of the proposed CNU use.
- It also relates to development that is outside the applicant's control (as clarified at FI stage) and the landowner has clearly not consented to these particular works being carried out.
- The creation of a through fare would detract from the amenities of resident of the CNU and staff/students of St. Flannan's College through potential anti-social behaviour during night time hours.

- Provision of pedestrian link from site to the Clare/Limerick Road would traverse third party lands outside the applicant control and there is no consent for this.
- Could also potentially impact on accessibility to the site and could be used as a drop off area for students.
- Condition is Ultra vires as involves works outside the scope of the application and on lands outside the applicant's control.

Amendment of conditions 2 and 3(ii).

- Condition 2 relates to a) development to be constructed in one phase and sign off by the planning authority prior to its occupation and b) the provision of a 5m setback from the edge of the public road, for the entire length of the site, along the Turnpike Road and shall be dedicated to Clare County Council.
- It is submitted that the condition 2(a) should be amended to remove the requirement for the written satisfaction of the planning authority, this is unprecedented in terms of planning compliance.
- The physical construction is governed also by requirement to comply with Building and Fire Regulations which are separated to the planning code.
- Regarding condition 2(b), no objection to the set back but the 5m clearance/set back cannot be achieved for the section of the site adjoining Turnpike Road, south of the junction of the access road into the proposed CNU given the configuration of the redline application boundary.
- Condition 3(ii) relates to the crossing across the entrance to the site from the Turnpike Road. No footpath can be provided as part of the works required to comply with the condition given the configuration of the redline boundary of the site. The proposed crossing location can otherwise be provided as shown on the submitted site layout plan.

7.2 Third Party Appeal

Six Third party appeals have been received,

- Sean Walzer

- Patrick Walzer
- Jim and Mary Wilde & Retired Teachers of St. Flannan's College
- Maura Walzer
- Board of Management of St. Flannan's College
- Staff members of St. Flannan's College

There is a degree of overlap in the issues raised in the grounds of appeal and therefore I propose to summarise the issues by topic rather than individually, this shall follow through in my assessment in section 8. There are two Oral Hearing request. This matter is addressed in section 7 below.

Compliance with the Clare County Development Plan 2023-2029:

- Land use zoning change from low density housing (when application submitted) to Community in the 2023 Development Plan to accommodate the development.
- Ministerial Direction issued on the 18/04/23 contending that the Clare County Development Plan does not comply with the national and regional framework of Strategies, Policies and Guidelines. Therefore, the development should not have been approved on the 28/04/23.
- The development would seriously affect the physical activities of c.1200 students of St. Flannans College and other groups who use the field. Section 10. Has a strategic aim to encourage, promote and facilitate active and inclusive participation in physical and social activity.
- The development is not inclusive and only caters for 100 people, no consideration given to teachers, staff, local residents, pedestrians, cyclists or road users as required under plan objective 10.4.
- The development does not comply with Development Plan objectives to promote sustainable communities, age friendly county, community as set out in section 10.4, 10.5, 10.6, 10.7 and 10.10.
- Connecting pipeline contravenes the open space zoning.
- No planning permission for the entrance. The gate is located on lands zoned 'open space'. The proposed easements encroach on lands zoned open space and should be refused.

- 'Community Nursing Unit' is not listed as a permitted use under the zoning, an attempt to describe is as a nursing home/retirement village is stretching the definition.

Residential Amenity

- The palliative care unit will overlook home at Alymer Cross.
- Balcony overlooks house and garden.
- Overbearing impact on adjoining houses.
- Inadequate setback from boundaries.
- Noise and air pollution
- Overshadowing of home at Alymer Cross and at the end of St. Patrick Terrace.
- Noise and safety (traffic), air pollution concerns for students and staff of St. Flanan's College during and after construction phase.

Design:

- Visually the building is not in keeping with the historical architectural landscape and residential landscape of the area.

Access and Traffic:

- Significant increase in traffic movements in an area already saturated with traffic.
- Road network is not capable of taking more traffic.
- Traffic conflict with school traffic, cyclist, pedestrians etc.
- Restricted sightlines at entrance off public road.
- Distorted information provided relating to car parking breakdown.
- Inadequate car parking provided on site, non compliant with Development Plan requirements.
- Creation of unofficial student drop off along the link from Turnpike Road. Mitigation of this would push traffic back on the public road.

Connection to services (water, sewerage)

- IW have 3 different reports on file and each note no approval for fire flow water has been given.
- Drawing no G2029DR0003 (D Fallon) (appendix C) proposed water main layout show the effective radius of the proposed hydrants. There is a large area of Zone Cover or close to kitchen which is not served by any fire water hydrant. Permission should be refused.
- The route of the pipe (sewer) would result in the removal of several mature trees outside the site. This will interfere the sewerage pipes that serve houses no. 1, 2, 3 and 4 Green Park.
- No capacity at Clareabbey WWTP

Groundwater and surface water – Flood risk

- Groundwater not adequately assessed.
- It is connected via a pipe to the culvert on the Edenvale River. This culvert was designed in response to severe flooding of the grounds of St. Flannan's College and surrounding housing estates. The South Ennis Flood Relief Scheme has a condition restricting any surface water discharges to the system. It has no capacity and will lead to the destruction of area of conservation both up and down stream as well as flooding. This matter has not been addressed.

Bat Survey:

- The Council requested a Bat Survey during the season May/June to September that was not furnished. A report was submitted which suggested bat activity in an adjacent building and the walls and trees provided foraging and habitat.
- There are bats on site.
- The site is dark and suitable for bats. An increase in light either from additional street lighting, vehicle lighting or buildings would have a significant detrimental impact on the bat population of the immediate area

Architectural Heritage

- Inadequate consideration of the protected structures (St. Flanan's College and St. Patrick Terrace).
- Removal of sections of the stone wall on the Turnpike Road/Gallows Hills which is protected.
- Negative impact on ACA

Appropriate Assessment:

- Kingfisher.
- Bats (inadequate surveys)
- Potential impact from wastewater not adequately addressed. Clareabbey WWTP overloaded.
- Flawed AA Screening and NIS.
- Lacunae in information.

Conditions:

- A number of the condition can facilitate changes to area of construction, landscape design, finishes, bat survey etc without public participation which is a contravention of section 81 of the Planning and Development Act 2000 as amended.

Validity of application:

- Incorrect Planning Reference on the Site Notice. Refers to 22703 not 22709.
- Inaccuracies in the drawings and plans submitted.
- Discrepancies in boundaries.

Land Ownership:

- St. Flannans (Killaloe) Diocesan Trust have not established ownership or right to sell the lands. It is submitted that the will of Mary Charlotte McNamara bequeathed the lands in question to ST. Flannans College and that this clearly shows that the lands in question cannot be sold or let.
- The Trust has no legal right to sell the lands, it renders the owners consent letter (29 July 2022) with the application invalid.

- Attempt in the past to sell the lands for a primary school could not proceed on the basis of the burden attached to the lands arising from the will.

Oral Hearing

A request for an Oral Hearing was made by 2 no. appellants, John Conole & Other Staff Members of St. Flannan's College and by St. Flanna's Board of Management which I have addressed in section 7 of this report.

Other:

- A statement that the lands are not required by the school authorities/management for any potential/future school expansion (on community zoned lands) was not made with the knowledge of St. Flannan's Board of Management (BoM). The BoM dispute these, the lands are in constant use by the school as a sports/recreational area, the soccer pitch would be lost, which was redeveloped at great cost. Loss of the amenities would reduce facilities available to students.
- The development would have a serious negative impact on the student population of St. Flannan's College.
- There are other more suitable sites for the proposed hospital.
- Loss of amenities for current and future pupils of St. Flannan's College.
- There is a need for the lands now and into the future for sporting and education purposes.
- Loss of mature trees.
- Contrary to EU Biodiversity Strategy.
- Application is reverse engineered onto the site given change in zoning.
- Ennis has poor air quality
- Climate change.
- No climate action mitigation measures included in the application.
- More appropriate locations available for a development of this nature.
- Exclusion of local community in the process.

Documentation included:

- Photographs.

- Details of Will of Mc Mary Charlotte MacNamara.
- Copy of Notice of Draft Direction on the Clare County Development Plan 2023-2029.
- Extract of drawings.
- Extract of Clare County Development Plan.
- Copy of correspondence to IW relating to P18/1004 (upgrade to Clareabbey WWTP) – copy of decision, planning report, AA Screening and Determination.
- Copy of Application for wastewater discharge license Clareabbey WWTP non-technical summary.

7.3 Applicant Response to Third party appeals

The applicant submitted one response, received by An Bord Pleanála on the 23rd June 2023 which included responses to all the third party appeals and grounds raised. The response broadly reiterates items addressed at application stage by the planning authority and observers. Points of note include:

- It is submitted that the information submitted with the application, letter of consent from St. Flannan's (Diocese) and subsequent letter of support is sufficient evidence to allow permission to be granted.
- Site selection rationale was requested by the PA and part of the FI request, a detailed response was submitted setting out the site selection rationale, which the PA considered appropriate and in accordance with the land use zoning.
- The 2023-2029 Plan has been reviewed and it is noted that no material changes have occurred. The majority of the site is on lands zoned community, with a portion zoned open space and existing residential.
- There is no provision/objective in the 2023 Plan providing a specific instruction or prioritisation for educational uses to be located exclusively on the lands zoned community.
- The portion located on lands zoned open space provides for underground connections to existing services and is not a material contravention of the zoning and no conflicts arise.

- The proposal is for a CNU ran by the HSE and is not a large commercial scale enterprise.
- The development does not trigger a requirement for an EIAR.
- The application was accepted as valise by the Council and assessed in line with standard practice.
- Aligns with NPO 30 of the National Planning Framework.
- The design, mass, scale and siting of the proposed development have been designed to have regard to the existing surrounding context.
- Overlooking/overshadowing/overbearance do not arise given height and setback form boundaries and neighbouring properties.
- Not all extensions may be shown on the plans, but the design team acted in good faith when carrying out their surveys. As such up to date drawings are provided that how these and setback noted.
- For avoidance of doubt a technical assessment has been carried and in relation to sunlight, daylight and overshadowing. This concluded that the proposal would not give rise to unacceptable levels of adverse impacts on adjoining properties in terms of impact on daylight, sunlight or overshadowing.
- The appellants argue that the boundary wall by virtue of its connection to St. Flannan's College is a protected structure. It is submitted that the wall has neem altered as the school has expanded and for the most part is not intact, and the original boundary altered.
- Reference to 'protected structures' in the notices is submitted to be 'technically incorrect' as the site is not within the curtilage of the PS, the council considered it valid and proceeded to assess it.
- It is submitted that the proposed development will be marginally visible over ST. Patrick's Terrace and the ACA along Limerick Road but given the setbacks (c.45m), the height and form it will not domineer or detract from the ACA.
- Overall it is submitted that the layout makes optimum use of the part of the site which has capacity to absorb development. And is it considered that the

land can accommodate a much needed community nursing facility without negatively impacting the surrounding built heritage.

- Large Beech Tree and adjacent cluster of trees are to be protected and retained on site.
- A balance approach to removal of trees to facilitate the development and rationale is set out.
- Dispute claims the NIS is flawed and that insufficient bat surveys were carried out. Notwithstanding a bat specialist has been commissioned to carry further surveys as required under condition 6(b) of the schedule.
- A first party appeal has been lodged against conditions to argue why additional pedestrian and cycle access cannot be provided between the R458 and the grounds of St. Flanan's College.
- The proposal will not give rise to adverse traffic impacts in the locality.
- CoF from UE, report on file from Ennis Municipal District Engineer and own reports show that from a drainage and water services perspective the development is acceptable.
- Clare CC CFO raised no issues in relation to fire safety.
- Condition no. 7 requires a CEMP to be submitted.

7.4 Planning Authority Response

A response was received from the planning authority on the 13 June 2023. Points of note include:

- The Clare County Development plan 2023*-2029 came into effect on the 20 April 2023.
- The lands are zoned 'Community' in the 2023 Plan.
- Relevant CDP Development Plan Objectives are set out.
- It is not considered that the proposed underground works along the lands zoned open space materially contravene zoning objective of such lands having regard to the nature and context of such works.

- A nursing home is acceptable in principle on Community zoned lands.
- Issues raised by Sean Walzer are addressed in the Planning Report, this includes validity of site notice, landownership, consent. Issues relating to consent are a matter to be resolved between parties.
- The site is considered an appropriate location for the proposed nursing home and achieve strategic aims set out in the plan which have been queried by appellants.

7.5 Observations

St. Flannan's (Killaloe) Diocesan Trust lodged a response to the First Party appeal

- They are the owners of the property which is the subject of the application (appeal). They have agreed to sell the lands to the applicants subject to planning permission being obtained for a community nursing home (CNU) on the lands.
- Condition 3(i) relates to works on their lands and consent has not been given for the works or the inclusion of these lands within the application site boundaries.
- Do not agree to the inclusion of the lands for the works and consent is not forthcoming.
- Not in favour of the pedestrian link as would encourage drop-off of students at this point. This was also raised as a concern by third parties who made submissions.
- Query the validity of the condition that applies burden unduly on the owners of the lands and would limit the use of the balance of the lands, it infringes on their property rights.
- Difficult to enforce a condition which is outside the control of the applicant to provide/comply with.
- Nursing home permitted under land use zoning.
- St. Flannan's (Killaloe) Diocesan Trust have full title to the property in sale and have the necessary authority and power to sell same.

- The lands are not public lands, no one has right to enter without the consent of the owner.
- The school has consent to use the lands for sporting and school related activities.

Documentation included with response:

- Architect's Response to third party appeals.
- Response in relation to civil and structural (C&S) aspects raised in appeals.
- Sunlight, Daylight & Shadow Assessment Impact Neighbours) Addendum 1.
- Observations on 3rd Party appeals as they relate to the Habitats Directive Appropriate Assessment Screening and Natura Impact Statement (stage 2).

7.6 Further Responses

7.6.1 Planning Authority response dated 23 June 2023:

- The PA note the third party appeals and is of the view that the issues raised have been addressed in the planning report on file.
- In terms of the first party appeal, respectfully request the Board uphold condition 3(i) in the interest of pedestrian and cycle permeability in the area.

7.6.2 Response by agent for Jim Wylde and retired teachers of St. Flannan's dated 17th August 2023:

Noted revised notices submitted to ABP.

- They are of the view that the error cannot be correct through submission of notices to An Bord Pleanála and reserve their position on the matter going forward. It is incumbent on ABP to consider the validity of the application and thereafter its jurisdiction to carry out de novo assessment.
- The Board must assess its position before carrying out an appeal including whether or not the original application was valid in the first instance notwithstanding that the decided matter of non-compliance with the further information and public notification of the NIS as already determined.

- Site notice erected on 14th July 2023 is not compliance with Article 19(c) of the Planning and Development Regulations 2001 as amended as it is not located in a conspicuous position or near the main road.
- It is submitted that the Board has no option but to refuse to consider the appeal on grounds that the application was invalid in the first place.
- It is submitted also that they will not be making any submission on the current notice on the basis that they already paid to make their submission.

I draw the Commission's attention to correspondence dated 7th July 2023 requiring revised public notice and the erection of a site notice.

This response was circulated to all parties on the 7th November 2024 with submissions/observations to be received by An Bord Pleanála² on or before 25th November 2024.

7.7 Responses to the circulation of the applicant's response (dated 23rd June 2023) to the Third Party Appeals:

7.7.1 Response from St. Flannan's (Killaloe) Diocesan Trust dated 18th November 2024 (received by ABP 19th November 2024):

- Confirm their continued support for the proposed development and arguments put forward by the First Party, which in their opinion have comprehensively addressed the concerns raised by the Third Party appeals.
- Strongly urge the Board to grant permission for the much needed development in line with Clare County Council's decision to grant permission with the removal of condition no. 3(i) regarding the provision of a pedestrian and cycle linkage from the proposed development to the school grounds and to the R458.

7.7.2 Response from Planning Authority dated 22nd November 2024 (received by ABP 22nd November 2024):

- It is noted that the submission outlines specifically the applicant's response to the third party appeals of the development.

² Now An Coimisiún Pleanála

- The submission has been reviewed by the PA and not no further comment on same.

7.7.3 Response from Patrick Walzer dated 21st November 2024 (received by ABP 22nd November 2024):

This reiterates a number of points raised in the grounds of appeal. Points of note include:

- The land serves the current and growing needs of the student and broader community, and its loss will lead to a fall in local amenities and an area of biodiversity which is an important urban green space.
- Submitted that a pheasant was spotted on the site on the 31st October.
- Not opposed to development but opposed to the development.
- Disputes that the design and height have regard to the character of the area and has significant implications for the adjoining properties. Overbearance due to inappropriate scale, bulk and massing.
- 11m height is out of character with the area, lack of consultation.
- Services, delivers etc are all located on the side closest to residences.
- Reference to an ESRI research paper relating to the NTFP.
- Dispute the rationale for site selection.
- Reference to Dun Laoghaire Rathdown and Galway City Council Development Plans and judgement pertaining to Clonkeen College and lands designated as 'Community/cultural/institutional land' and its relevance to current case.
- Lands also used by local GAA club and Soccer club
- Given a Ministerial Direction on the Clare County Development Plan 2023-2029, the relevant plan is the 2017 plan and not the 2023 plan for determining this appeal.
- Temporary entrance does not have planning or consent of owner.
- Site ownership and title issues remain, and caveats contained in the will of Ms Mac Namara clearly prevent the sale or letting of the lands. This matter came

up previously when a primary school considered the site and legal advice (2003) highlight the caveats.

- The Trust could only take ownership of the Mac Namara lands on the conditionality laid out within the will.
- It is submitted that the site selection is flawed.
- Non- compliance with open space zoning.
- Reference to High Court judgment IEHC 186 Record No.2022/148 handed down on the 30th August 2024 and institutional lands. Reference to Galway City Plan.
- It is submitted that while the lands are not zoned institutional, they are institutional by nature and policies relating to same should apply.
- Dispute the first parties stance relating to the protected structure and curtilage.
- The importance of trees line in terms of carbon capture, the loss of 1 sycamore trees which have potential storage of 105 tonnes of carbon.
- Removal of grasslands etc in 2023 render the bat survey invalid.
- The TTA submitted in 2022 does not reflect the current traffic scenario in term of traffic movements, development in the area, HGVs etc
- BOM and staff of the school area collectively against the proposed development and should be listened to.

I draw the Commission's attention that the submission contains comments relating to alleged potential conflicts of interest which I do not intend to comment on.

7.7.4 Response from Jim & Mary Wylde, Retired Teachers of St. Flannan's College, John Maloney, Colm McDonagh, Elizabeth Ryan, Maura Walzer, Marth Walzer, Sea Walzer and Patrick Walzer dated 25th November 2024 (received by ABP 25th November 2024):

This reiterates points raised in the grounds of appeal. Points of note include:

- Appeal refers to an incorrect version of the Architectural Heritage Protection Guidelines for Planning Authorities October 2011.

- Curtilage of protected structures includes the boundaries.
- No reference to attendant grounds
- Clareabbey WWTP is recognised to be overloaded and not in compliance with the urban wastewater discharge license or the requirements for stormwater overflows. Red on the UE capacity register indicating no capacity for new connections. UE have no plans to upgrade in the current funding cycle
- 2022 Confirmation of Feasibility to connect referred to a point in time and no longer valid and an up to date letter would be required.
- A proper AA should be carried out given the status of the WWTP.

Documentation submitted with the response includes:

- Copy of EPA site reports (Clareabbey WWTP) dated 10/10/2024.
- Correspondence with UE dated 2022 and 2023.

7.7.5 Response from Maura Walzer dated 25th November 2024 (received by ABP 25th November 2024):

A degree of overlap with grounds of appeal. Points of note include:

- Upholds previous objections made.
- Site is not suitable for the proposed development.
- Site is limited in size and would not accommodate any potential expansion.
- Under provision of parking and potential conflict arising from other users parking here.
- Public transport links. Users/visitors of the development would be more inclined to drive given the context of the site and use.
- Lack of foresight for the school expansion and needs of the student population.
- Impacts on adjoining residential amenities – flaws raised regarding the daylight/sunlight/overshadowing analysis submitted.
- Will detract from ACA – height and massing
- Extension to landscape buffer not shown on the drawings.

- Enough time has passed for an in-season bat survey to have been carried out and results submitted.
- Objection is in the interest of the Palliative Care Units and those commercial/residential people affected by the proposed development.
- Agree with the HSE that the 'road' is inappropriate and requirement to provide after the fact was not part of the initial application, could be used for school drop off and unsuitable for clients of the CNU.

Copy of article relating to expansion of St. Flannan's College included along with photographs of ACA.

7.7.6 Response from Sean Walzer dated 22nd November 2024 (received by ABP 25th November 2024):

A degree of overlap with grounds of appeal. Points of note include:

- Reference to the site notice and correspondence from ABP dates 7/07/2023 regarding public notices and the need to comply with statutory requirements. The files should have been made invalid at this stage.
- Reference to Kelly v Cork CoCo IEHG 122 where the judge annulled the planning permission on the grounds of non compliance with Article 19 of the Planning and Development Regulations.
- Not opposed to the construction of a nursing home. Objections relate to the incorrect site and incorrect structure as proposed.
- NPO 30 and requirement to facilitate school expansion.
- Site is used by local GAA and soccer clubs.
- Visitors will travel by car to the unit as only viable option.
- Expansion announced by school will impact on traffic, sewerage levels, eater usage etc.
- Dispute that the site is the appropriate location for the development.
- Query Daylight/sunlight and overshadowing report/results.
- Reiteration of issues relating to site that was bequeathed to St. Flanna's College.

- Land and wall along Turnpike Road are within the curtilage of the protected structure notwithstanding the assertions made by the applicants. RPS designated c.2000.
- Visual impact and ACA - Imposing 2 storey building.
- Nuisance during construction and operational phase.
- Devaluation of houses.
- Loss of area available for students for science projects.
- Loss of trees.
- Lack of bat survey.
- It is submitted that bat activity on site was witnessed by the author of the submission.
- Risk to lower Shannon and River Fergus and Newhall Edenvale complex.
- Traffic concerns,
- Drainage and water services and water supply for fire service.
- Damage to wall associated with St. Flannan's to provide foul drainage.

The submission is accompanied but numerous annotated photographs.

7.8 Memo & Further Correspondence

7.8.1 ABP Memo dated 20th December 2024

Summarised as follows

The applicant (HSE Estates West) is required under section 132 of the Planning and Development Act 2000, as amended to submit a revised/up to date Confirmation of Feasibility in light of the December 2024 updates to the National Wastewater Treatment Capacity Register and given the passage of time since IW Pre-Connection Enquiry Reference CDS21008799 dated 29th April 2022 issued to the HSE which stated in relation to wastewater connection that there is sufficient capacity for the proposed development and that connection was feasible without infrastructure upgrade by Irish Water.

7.8.2 Correspondence received from the applicant dated 24th January 2025:

Requesting an extension on the 17th February deadline for response to the 30th May 2025 on the basis that a new PCE was submitted to Uisce Eireann on the 20th January 2025 and were informed that the current processing time was c.16 weeks and as such required an extension the deadline for response to ABP (now ACP).³

7.8.3 Correspondence from An Bord Pleanála dated 12 February 2025

This confirms that previous section 132 Notice is supersede and new submission deadline is on or before 3 June 2025.

7.8.4 Applicant response to Section 132 Notice received 3 June 2025:

The response is summarised as follows:

Copy of Uisce Eireann Confirmation of Feasibility letter dated 24 March 2025 (UE Ref. CDS25000393) outlining that:

- The proposed water connection is feasible without infrastructure upgrades and identifies the location of the existing UE water main on Turnpike Road.
- The proposed wastewater connection is 'Feasible subject to upgrade'

This position regarding wastewater represents a change from the CoF issued by UE on 29 April 2022 at which time UE confirmed that wastewater connection was 'feasible without infrastructure upgrade by Irish Water'

Given the uncertainty surrounding the upgrade of the Clareabbey WWTP, the CFO identifies the wastewater network located to the west, along Turnpike Road/Collins Park, as the preferred connection point for the proposed development.

In order to facilitate a connection to the Turnpike Road/Collins Park, a redesign of the foul drainage strategy submitted under planning application Reg. Ref. 22/709 (drawing No. G2029DR0002) would be required.

An updated foul water drainage layout (Drawing No. H2029DR002) is submitted which shows the preferred wastewater connection point to serve the proposed development to the south-west of the site.

³ Note the correspondence from Uisce Eireann dated 21st January 2025 is a generic response to the submission of a pre-connection enquiry (CDS25000393) . This outlines timelines from submission of PCE to issuing of CoF. I note there is also makes reference to Strategic Housing Development (I consider this a generic paragraph and does not apply to the proposed development before the Commission at this time).

The foul wastewater network surrounding the new building would remain a gravity system, discharging to private-side pump station. From the pump station, a rising main will discharge to a new manhole at Turnpike Road. Then a gravity foul sewer extension will be required from manhole 3.02 (the discharge manhole for the rising main) to MH109 (the existing public sewer) along Turnpike Road/Collins Park. This will undergo further design development following planning and subject to UEs connection application process.

The extended redline area which previously ran from the eastern corner to the site through third party lands and onto Clare Road will no longer be required. The new connection via Turnpike Road would not traverse third party lands as relates to lands/infrastructure in the ownership of Clare County Council or Uisce Eireann.

Revised connection details and range layout have been reviewed for the purposes of AA. It was concluded that the changes, including the revised connection point to the mains sewer creates no significant changes to the proposed development site, or its surrounding ecology, as set out in the NIS dated 15th February 2023 or the findings or conclusion of the NIS. Addendum to AA NIS Report is submitted with the response.

I wish to draw to the Commissions attention that the revised wastewater drainage drawing submitted with the response does not comply with the requirements set out in the Planning and Development Regulations 2001 (as amended) for plans and particulars. The drawing is presented at a scale of 1:500 on A4 paper attached to the response.

Furthermore, there is reference to a private -side pump arrangement is proposed to facilitate connection to the wastewater network along Turnpike Road/Collins Park, no detail submitted of same.

Revised Public Notice submitted

7.8.5 Response from Applicant to Section 132 Notices received 9th July 2025.

Updated letters of consent from St. Flannan's (Killaloe) Diocesan Trust

Confirmation from Clare County Council that works on public road so subject to Road Opening Licence.

7.8.6 Planning Authority response to the applicant response to the section 132

Notice received 11th July 2025

- It is noted that due to required upgrades to the Clareabbey WWTP it is now proposed to connect to the Turnpike Road/Collins Park connection point. This connection point in turn goes to the Clonroadmore WWTP.
- It is not clear from the drawings received as to whether the red line boundary is now changing.
- The addendum to the NIS is noted. In terms of in-combination effects with other projects, the Commission are advised that an extension on the school grounds to the immediate south of this site is currently under construction and as such may need to be considered as part of the assessment of any cumulative impacts.

7.8.7 Appellants (Sean Walzer) response to the applicant response to the section 132 Notice received 15th July 2025

Objections are raised to the proposed alteration of wastewater route and failure to secure a current Confirmation of Feasibility from Uisce Eireann.

Non-Compliance with original Permission

The proposed route materially contravenes the conditions and layout as approved under the original grant of permission by Clare County Council (22709).

It represents a substantive change that warrants full and independent assessment and is not merely a 'minor modification'.

Concerns raised that the applicant did not comply with deadlines associated with the request for an up to date COI and an extension was confirmed.

Appeal should have been dismissed as the applicant failed to comply with request.

Lack of fairness. Applicant given opportunity to submit information and time period for same extended. And they (the appellant) were refused an Oral hearing.

Process is not fair. Applicant had 6 months, appellants 3 weeks to respond to their response.

Development to the east now encroaches onto the HSE site, reducing it in size. A number of the planning conditions have been removed by this new development and will greatly affect the HSE building.

The COI submitted is flawed. UE does NOT state that the discharged load from the Nursing Home is not going to Clareabbey WWTP. It does not state which plant it will be treated in.

Notes the UE letter states "This letter does not constitute an offer, in whole or in part to provide connection to any Uisce Eireann infrastructure" and further states "As the network capacity changes constantly, this review is only valid at the time of its completion" which was 24th March 2025.

There is uncertainty will put the current pipe network at Collins Park/Turnpike and beyond under extreme pressure causing it to perhaps fail.

Lack of Public Consultation.

No public Consultation and query the location of the site notice which is submitted was not accessible/clearly visible.

Environmental & Amenity Impact

EIA has not considered revised proposals. No proper studies carried out to assess potential environmental impacts.

No proper details of site layout, pump requirements, noise from pump, odours, storage of waste prior to pumping into Collins Park/Turnpike Road have been submitted.

Impact on property and landowners

Has not been considered/assessed.

Precedent & procedural fairness

Process sets an undesirable precedent and facilitates redesign, undermining public confidence in the planning system.

Request that permission is refused for the proposed change in the wastewater route on the grounds that it constitutes a major material alteration requiring a new planning application and environmental assessment.

7.8.8 Appellants (Patrick Walzer) response to the applicant response to the section 132 Notice received 15th July 2025

The response outlines issues the appellant had regarding the process for the record:

- It is submitted that he did not receive a response to his request for further time to gather specialist information and replies in respect of the information submitted to ACP. Notes no responses to his request were received and raised queries regarding the fairness of the process and natural justice.
- Clare County Council in response to queries noted that they are no longer a Water Service Authority and queries should be addressed to Uisce Eireann.
- Uisce Eireann 'rebuffed' the appellant's requests and cited GDPR. Notes that a formal complaint has been made relating to this matter.

Confirmation of Feasibility letter

UE Annual Report 2023 for Ennis North states that a Drainage area plan is ongoing.

Query capacity of the existing pipe and pump to deal with existing load and proposed load.

Letter is not a promise to connect. Proposed development would add 278.89 PE to the capacity of Clonroadmore WWTP. No evidence been provided as to the available capacity of the existing network to accommodate the additional load.

No UE report provided.

No evidence that the connection on the Turnpike Road/Collins Park does not connect to the Clareabbey WWTP.

Query the lack of information/detail submitted regarding pipe capacity, Clarity regarding which WWTP it will connect to and capacity in WWTP to cater for additional loading.

Query impact on stormwater overflows during rainfall events.

Impact of new construction on the revised wastewater proposal

Reference to maps submitted with application for St. Josephs CNU, Ennis which show the pump and pipes located along the road to the west of the site with pipes

leading along the road onto the proposed development entrance/exist onto Collins Park.

Additional Classrooms are under construction to accommodate Knockanean National School for the next 2 years on adjoining grounds, but which encroaches on the site. A road has been constructed to this site currently under construction.

The road runs parallel to the treeline. This will prevent the locating of either the pump or the sewerage connection to Collins Park and not dealt with in the applicant's response.

It is submitted that the adjoining development has no planning permission and is not exempted development, has already laid pipes up to the boundary of the site.

(photographs submitted).

It is submitted that the changes in dealing with wastewater form the proposed development invalidates point 10 of the grant of permission, renders the grant void and would require a fresh planning proposal.

In addition, it is submitted that the current construction works and future use of the internal road are contrary to plans submitted and would not allow for the pipe and pump connection to be located as submitted on the Engineering drawings by the applicant in their response to ACP.

7.8.9 Appellants (Jim & Mary Wilde, Retired Teachers of St. Flannan's College, John Maloney, Colm McDonagh and Elizabeth Ryan) response to the applicant response to the section 132 Notice received 15th July 2025

Response prepared by Michael J. Duffy Engineer.

Wish to reiterate points raised in their original submission and grounds of appeal.

The latest proposal is material different to the application made to the planning authority and on its face requires a new planning application.

Unauthorised development

It is submitted that since January 2025 there is unauthorised development being carried out on lands contiguous to the site by the construction of a c. 2500sq.m temporary school.

The proposed development requires AA and NIS.

Reference to Bat survey to inform on bat roosting and foraging and no buildings/vegetation should be altered/removed prior to commencement and survey required. Vegetation has been removed.

Large Beech Tree has been removed (Arboriculture report submitted stated this was to be retained).

Provision of road and access route from site to Clonroad Beg Road.

All of which means condition no. 1 of the planning permission or any imposed by ACP cannot be complied with as the baseline has changed.

The redline boundary for development is not consistent with the revised proposal for wastewater connection and consent from the LA for the new proposal has not been provided.

Wastewater Connections

The application should be refused as premature pending upgrades to the wastewater network.

Drawing submitted 3rd June 2025 is not at a scale that can be interpreted by interested parties. States it is of a scale of 1:500 but in submitted in A4 format. This applies to all drawings/sketches submitted with the response.

No details/drawings provided of the “private side pump arrangement”

Engineer (DFCE) notes that the revised arrangement “will undergo further design development following the planning stage and will be subject to UE connection application process”. This is inappropriate and will be vigorously challenged.

Reference to Sweetman v ABP & Other 2021 IEHC 390.

None of the applicant/consultants/UE have stated where this new “preferred connection point” delivers wastewater to. The CoF states nothing about capacity to treat wastewater anywhere.

CoF refers to ‘feasibility subject to upgrades’.

CoF sheds no light on capacity of network or WWTP.

Drawing/sketches submitted by DFCE are illegible.

The UE Map included with the CoF provides no meaningful information and is mostly illegible.

The applicant has provided no verification/confirmation regarding network, capacity etc.

NIS Addendum

Given the works taking place on part of the site and contiguous to the site, it is submitted that the concept of an addendum to the NIS is irrelevant and of no material use in this process.

As submitted previously, the appellant is of the view that the original NIS was lagged as did not include a proper bat assessment or of a derogation license may be required.

The addendum report does not address the issue of connectivity between the wastewater and the Natura 2000 sites.

It is submitted that ACP does not have the required information to carry out a proper AA and arrive at the necessary Determination.

The removal of the Beech Tree and other works on the site render the environmental assessment submitted with the application of no relevance. It is submitted that there was no proper or timely assessment of the removed tree for bat roosts.

ACP does not have the required information to assess the likely impacts on Natura 2000 sites from dysfunctional wastewater networks, pump station, stormwater overflows and wastewater treatment plants.

ACP cannot assess compliance with Article 4 of the WRD and associated national status regarding treatment of wastewater prior to discharge to receiving waters.

Development will require a Section 16 Local Government (Water Pollution) Act Licence, this in itself indicates that the wastewater arising from the development is material and of significant planning consequence.

The response provided by the application to the section 132 Notice is deficient in detail and cannot properly be considered by ACP or by interested parties.

There are numerous cumulative or in-combination issues which have not been addressed that have occurred since the application was originally lodged and not addressed by the application in their response on the 3rd June 2025.

The proposed development is a material contravention of CDP 4.1:

m) to monitor the cumulative effects of grants of permission on available wastewater capacity where connection to a public wastewater treatment plant is included as part of a development proposal.

No evidence of monitoring has been provided by the applicant/planning authority.

Request that ACP revokes the decision of the planning authority and refuses permission for reason of likely environmental impacts on protected species, Natura 2000 sites and water quality.

7.8.10 Appellants (Maura Walzer) response to the applicant response to the section 132 Notice received 15th July 2025 (noted received by email and only page 1 is accessible)

Public Notices do not comply with statutory requirements (i.e. location etc0.

Pre-Connection enquiry based on the feasibility of Turnpike scheme on the 20th Janaiury2025, received by Applicant on the 24th March 2025 and ACP informed in May/June 2025.

New school got their connection offer to Clareabbey WWTP thus necessitating the applicants to look elsewhere. UE are undertaking a project to upgrade the Clareabbey WWTP indicating limited or no spare capacity thus will become overburdened when school opens. The natural inclination and easiest option will be to link the private pumped HSE wastewater system utilising the Turnpike Scheme.

No account has been taken of future potential expansion to the HSE facility as indicated in the original application. Wil the new private pumped foul water system be able to cater for increased usage, especially given the topographical challenged on both the site and in the Collins Park/Turnpike area. Query if there is a back up system.

No details proved regarding the pumping station.

7.8.12 Correspondence from Applicant received 14th July 2025

Site Notice and Newspaper Notice – 4 weeks for submissions subject to fee.

7.8.13 On foot of Public Notices - Submission by St. Flannan's (Killaloe) Diocesan Trust received 1st August 2025

The Trust wish to confirm:

The Trust is fully supportive of the revise foul drainage strategy, which proposes to pump foul wastewater from the development to the Uisce Eireann sewer on Turnpike Road, in accordance with UE most recent feasibility advice.

The Trust hereby consents to the laying of the pumped rising main by the HSE across the lands at Clonroadmore through the route of the new access road serving the proposed CNU.

Letter of consent enclosed.

7.8.14 On foot of Public Notices - Submission by Sean Walzer received 4th August 2025

Submission reiterates issues addressed in correspondence received by ACP on the 15th July 2025.

Points of note include:

Change to the route of the wastewater pipeline represents a significant departure from the route previously granted permission and raises a number of concerns.

Non-compliance with original permission.

Can not comply with conditions

Drainage and wastewater management

The redesign of the local foul water drainage strategy involving redirection of the flow from Clare Road (to Clareabbey) to the Turnpike/Collins Park (to processing plant unknow and not stated in the CoF supplied) and the use of a private side pump, raises serious concerns about flood risk and infrastructure strain. The topographical challenges could further exacerbate problems for nearby residents.

Lack of Public Consultation

Residents affected may not be aware of proposed changes.

Query location of site notice and visibility (blocked by a parked van)

Environment & Amenity Impact

The installation of new infrastructure including storage tank, pump, enclosed service yard and generator along with the removal of hedgerow will change the landscape and negatively affect local biodiversity and visual amenity.

Environmental reports are inadequate. Do not consider new access road, potential risk of leakage, odour, noise (pump and generator) and effect on groundwater and local biodiversity.

Scale and Suitability

Scale of the development (100 beds, ancillary facilities and 101 car parking spaces) is disproportionate to the surrounding area.

A 30000sq.ft school (297 students plus staff and vehicles is under construction adjacent to the site on the eastern side which will connect to Clareabbey WWTP.

150 year old tree and other trees that were conditioned to be retained has been removed.

ACP sought an updated CoF which the applicant has failed to provide, therefore the grant of permission should have been revoked. In an effort to save the application they have submitted an alternative drainage system with connection to the Collins Park/Turnpike Road old system.

Precedent and Procedural Fairness

Query enabling significant changes without full planning scrutiny could set an undesirable precedent whereby developers get permission with one design and then later implement a materially different one.

Request that permission is refused for the proposed change in the wastewater route on the grounds that it constitutes a major alteration requiring a new planning application and environmental assessment.

7.8.15 Prescribed Bodies

I wish to highlight to the Commission that the applicant's response to the section 132 Notice received on the 3rd June 2025 was referred to Uisce Eireann on 25th June 2025 for comment. No response received.

8.0 Oral Hearing Request

There are two requests for Oral Hearing.

One was made by John Conole & Other Staff Members of St. Flannan's College, the specific basis for the request is not outlined, however the appeal predominantly relates to concerns regarding potential serious negative impact on the student population of St. Flannan's College.

And the other was by the Board of Management of St. Flannan's College. The specific basis was not outlined; however the appeal refers to limitation on the expansion of the school, lack of consultation, loss of playing pitches by the school and its use by wider community.

On the 22nd August 2023 a Senior Planning Inspector recommended that on the basis that there is sufficient information on the file to enable a determination to be made by means of written representations on the issues arising from the appeals.

Following a Board meeting held on 1st November 2024, a Board Direction BD – 0108044-23) the Board decided, as recommended by the Senior Planning Inspector, that there was sufficient written evidence on file to enable an assessment of issues raised, and therefore that an oral hearing should not be held.

9.0 Assessment

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

- Procedural Matters
- Principle of Development.
- Landownership

- Design
- Residential Amenity
- Access and Traffic
- Services
- Biodiversity
- Trees & Bats
- Architectural Heritage (wall and ACA)
- Appropriate Assessment
- Other Matters
- First party appeal relating to Conditions 2 and 3.

9.1 Procedural Matters

Submissions received have noted the revised public notices requested by the Board and have argued that the file should be invalidated on the grounds of incorrect notices submitted to the PA at FI stage as the notices did not refer to the NIS that was submitted as part of the FI.

In terms of procedural matters and the alleged irregularities in terms of the wording of the site notice. I note this matter was considered acceptable by the planning authority. I am satisfied that this did not prevent the concerns party from making representations/submissions. This assessment represents my consideration of all planning issues material to this appeal.

An Bord Pleanála in correspondence dated 7th July 2023 noted that the public notices do not comply with the statutory requirements and hereby required under section 142(4) of the planning and Development Act 2000 (as amended) to publish a new newspaper notice and erect a new site notice. The applicant submitted new public notices to the Board and erected a new site notice on 14th July 2023. The notices before the Board clearly reference that a Natura Impact Statement is submitted and available for inspection.

9.2 Principle of Development.

A common thread across the multiple third party appeals is that the proposed development, a Community Nursing Unit, does not comply with the land use zoning.

When the application was lodge with the planning authority the 2017-2023 Clare County Development Plan was the statutory Plan, under which the lands were zoned for community and low density housing and part of a comprehensive FI requested by the PA included item no. 1 which required a rationale for site selection. By the time the planning authority issued its decision April 2023 the 2023-2028 Clare County Development Plan had been adopted and was in effect and the PA had regard to this Plan when making its decision.

Permission is sought for a 100 bed Community Nursing Unit (CNU) on lands zoned 'Community' A CNU is a residential care facility which provides short and long terms beds and is akin to a Nursing Home which is considered acceptable in principle as set out in the Land Use Zoning matrix contained in the current Plan. A drainage strip traverse lands zoned 'open space' which is also considered acceptable.

Subject to compliance with relevant standards and objective the principle of the proposed CNU on lands zoned 'community' is acceptable.

9.3 Landownership

A common thread throughout the third party appeals relates to the ownership of the lands and covenants attached to the will of Charlotte McNamara, which is stated to stipulate that lands bequeathed to St. Flannan's could not be sold or let.

A letter of support from St. Flannan's (Killaoe) Diocesan Trust) is submitted with the application and in their observation to the appeal, St. Flannan's (Killaoe) Diocesan Trust reiterated that they are the owners of the property which is the subject of the application (appeal). They have agreed to sell the lands to the applicants subject to planning permission being obtained for a community nursing home (CNU) on the lands. Subsequently in correspondence received 9th July 2025 this support was reiterated

The site is stated to be owned by St. Flannan's (Killaoe) Diocesan Trust) and part of which is used by St. Flanna's College for sporting and recreational purposes. Letter of consent submitted from St. Flannan's (Killaoe) Diocesan Trust with the application. I further note that the application was considered valid by Clare County

Council who proceeded to adjudicate on the planning application before them and with the relevant facts available to them.

On the basis of the information before me I have no reason not to accept that the applicants have the consent of the owners to not only lodge a planning application but also to carry out the relevant works. In terms of legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal intent to make an application. Any further legal dispute is considered a Civil matter and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provision of s.34(13) of the Planning and Development Act 2000 as amended.

9.4 Design

The proposed development, a c. 9711sq.m Community Nursing Unit (CNU), comprises 2 interconnecting blocks, each of which contain 50 bed spaces (split into 75 no. long stay and 25 no. short stay). The breakdown is 88 no. single bedrooms, 4 no. twin bedrooms and 2 no. palliative care suites (total 100 bedspaces). There is a centrally located reception area, residential shared spaces, support services, activity and visitor rooms, clinical treatment room, family overnight accommodation and support services such as kitchen, sanitary etc.

The proposed block is part single/part two storey with a max. height of c. 10.9m. The block is divided into 3 zones (A/B & C) with Zone A and C located on the northern portion of the site, with Zone B located to the south. There are a number of internal courtyards and gardens located within each zone and the wider perimeter of the interconnecting blocks.

The proposal also includes landscaped open spaces within the site, parking, ambulance bay, service yard, waste storage areas, pedestrian and cycle infrastructure, which in turn links to the Turnpike Road. Visitor and accessible car parking spaces are located to the front of the building with staff parking to the rear.

Concerns have been raised in relation to the overall height, bulk, scale and massing of the proposed building that are not considered to be in keeping with the existing built environment and would detract from St. Patrick Terrace ACA (which I address in section 9.10 below).

I am of the view that the proposed design, which through the use of interconnecting blocks, reduces the impact of the proposed development within the site and vis a vis the surrounding area. Boundaries with adjoining properties are low in places and this compounds the concerns raised by some of the appellants that the overall height, bulk, scale and massing results in an overbearing development when viewed from their properties. I note the setback proposed and the two storey nature of the proposed CNU which has heights ranging from c.10.4 to 10.8m. I do not consider the proposed heights excessive and can be accommodated within the site and assimilated into the existing built environment which comprises an eclectic mix of bungalows, cottages, two storey terraces, two storey houses, commercial buildings (single and two storey) and St. Flannan's College which in itself is a large structure dominating the area.

Having regard to the foregoing and noting the concerns raised by the appellants I am of the view that the proposed development in terms of design, height, bulk and massing is an acceptable intervention at this location that brings a contemporary take on the traditional vernacular architecture of the area while also taking inspiration from and having regard to the character of St. Flannan's College and St. Peter's Terrace long the Limerick Road ACA.

9.5 Residential Amenity

Appellants have raised concerns in relation to overlooking and overshadowing in addition to concerns regarding nuisance from noise and odours considering the location of services and deliver/ambulance bays etc.

The bulk of first floor windows serving the proposed CNU located on the northern elevation which faces the rear of properties fronting onto Limerick road serve bedrooms. These are set back between c.22.9 and 31.4m from the boundaries with the existing houses and their rear amenity areas (gardens), with landscaping and access road between the building and these boundaries. I am satisfied that overlooking does not arise given the setbacks proposed. In relation to perceived overlooking from the Palliative Viewing Garden, this is setback c. 23.6m from the boundaries with the adjoining rear gardens and is located at ground level, as such overlooking of adjoining properties does not arise as a concern.

A daylight, sunlight and overshadowing analysis was carried out and submitted as part of the FI request and following concerns raised in the appeals, a revised assessment was submitted by the applicant on 23rd June 2023 as part of their response to the appeals and concerns raised regarding omission of extension etc, this was circulated too all parties for comment at the time and I note the responses received and concerns raised regarding this assessment.

I have reviewed the Assessments submitted both at application stage and subsequent addendum submitted to the Board. The assessment considered potential impacts on adjoining properties and labelled individual windows which were assessed in accordance with Site Layout Planning a for Daylight and Sunlight: A Guide to Good Practice, Third Edition 2022.

The BRE Guidance is intended for in Ireland through recommendations in the Irish Standard ISEN17037 which may vary from those in the BSEN17037

The following is noted:

In terms of Skylight (VSC – Vertical Sky Component) 100% of the windows tested comply with the 27% (0.8 ratio) requirements for habitable rooms. Across the windows assessed the average VSC is 0.98. With regard to Sunlight, both APSH and WPSH were considered. 100% of windows tested comply with annual APSH and 100% with WPSH (winter) requirements with averages of 0.98 for ASPH and 0.93 for WSPH achieve. Sunlight on Ground SOG (shadow) was also addressed, all (100%) of adjoining amenity spaces achieve the 2 hour test requirements for the 21st March with an average change ratio for shadow/sunlight of 1.00.

The Board should also consider the overall height of the block (ranging from 10.4 to 1o.6m) coupled with the average setback from adjoining properties reduces potential impact in this urban environment which is reflected in the results outlined above.

Having regard to the foregoing I am satisfied that the proposed development, a two storey CNU, complies with the requirements set out in Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2022 and would not have a detrimental impact on adjoining properties sin terms of daylight, sunlight or potential overshadowing.

9.6 Access and Traffic

Another common thread throughout the 6 individual third party appeals relates to traffic safety and in particular in relation to proposed pedestrian/cycle infrastructure from the site to Turnpike Road and proposed works to accommodate same which would involve the removal of the existing stone wall associated with St. Flannan's College (PS) which I address under Architectural Heritage in 9.10 below.

The Planning Authority attached a number of conditions which sought to address concerns raised by third parties and internal sections. A first party appeal has also been lodged regarding conditions which include condition no 3 which requires the provision of pedestrian and cycle access to the site and the removal of the stone wall. I address the first party appeal in section 9.14 of this report. However, I address the matter of condition no. 3 here as was raised by third parties and the applicant.

The applicant and third parties object to the proposed requirement for pedestrian and cycle access to the site, the adjoining school grounds and the R458

Third parties raised concerns that this would result in traffic conflict with school traffic, cyclist, pedestrians etc and the creation of unofficial student drop off along the link from Turnpike Road. Mitigation of this would push traffic back on the public road.

The applicant raised concerns are raised regarding the legality of this condition in respect of planning legislation and the appropriateness in the context of the proposed CNU use. Furthermore, it relates to development that is outside the applicant's control (as was clarified at FI stage to Clare County Council) and the landowner has not consented to these particular works being carried out.

It is also submitted that the creation of a through fare would detract from the amenities of resident of the CNU and staff/students of St. Flannan's College through potential anti-social behaviour during night time hours.

The provision of pedestrian link from site to the Clare/Limerick Road would traverse third party lands outside the applicant control and I have not found any correspondence which consents to this. I am satisfied that condition 3(i) should be omitted if the Commission is of a mind to grant permission

Third parties are against the removal of sections of the stone wall on the Turnpike Road/Gallows Hills which is protected, I address architectural heritage in section 9.10 below.

The applicant has no objection to the setback but the 5m clearance/set back cannot be achieved for the section of the site adjoining Turnpike Road, south of the junction of the access road into the proposed CNU given the configuration of the redline application boundary. I am of the view that this matter could be addressed through an appropriate condition relating to a reasonable clearance/setback to be agreed with the planning authority should the Commission grant permission.

Concerns relating to traffic movement associated with the proposed development are also raised, the PA raised no concerns in this regard. The potential impact on the adjoining road network and the carry capacity of same are addressed, given the nature of the proposed development and the context of the site on community zoned land I am satisfied that the adjoining road network can cater for the additional traffic ,movements that would arise from the development.

9.7 Services

There are no issues in relation to connection to watermain.

The wastewater drainage strategy has been revised from that originally submitted to and assessed by Clare County Council. I have set out below the timeline for correspondence that has impacts on the applicant proposal to submit a revised strategy on the 3 June 2025.

Response received in November 2024 reiterated concerns raised in the appeals that Clareabbey WWTP does not have capacity to cater for the proposed development.

Section 1.14.5 of the current County Development Plan notes that Ennis is served by WWTP at Clareabbey and Clonroadmore and that the existing WWTP at Clonraodmore has 31500PE capacity and Clareabbey WWTP, which provides treatment for the southern part of Ennis and part of the Clarecastle area and has sufficient capacity to cater for the current load from the area along with some added capacity.

Uisce Éireann note on their website that, working in partnership with Clare County Council, is investing €1.8 million to undertake essential upgrade works to wastewater treatment plants in Clareabbey and Inagh Co. Clare. These improvement works include upgrades to the inlet works, storm water management and sludge treatment and storage at the plants and subject to statutory approvals, it is envisaged that works would be completed at the sites by 2021.

Clare Abbey Wastewater Discharge Licence (D1099) accessed 18th December 2024 (EPA) was issued 17/02/2012 with latest update closed 4/12/2024. Annual Inspection report dated 29/05/24. I noted UE Wastewater Treatment Capacity Register published December 2024 (accessed 18th December 2024) has assigned a 'red status' (no spare capacity at present) to Clareabbey WWTP noting WWTP Project is planned/underway.

Correspondence (report by Consulting Engineers) submitted with the application to Clare County Council note that UE had issued a COF (IW Pre-Connection Enquiry Reference CDS21008799) dated 29th April 2022 which states in relation to wastewater connection that there is sufficient capacity for the proposed development. And that connection is feasible without infrastructure upgrade by Irish water. I note that UE have not stated that the WWTP in question is Clareabbey WWTP, notwithstanding having regard to the detail on file and location of the site it can be deduced that this is the WWTP the proposed development would ultimately be connected to.

Clare CC planners reports noted that Uisce Eireann raised no concerns. I also note CCC Drainage Division raised no objection to the proposed development subject to conditions. I further note that Clare CC in correspondence dated 22nd November 2024 noted that they had no further comment to make.

Notwithstanding that the applicant submitted a COF, this is dated April 2022, having regard to the updated Wastewater Treatment Capacity Register in December 2024 (accessed 18th December 2024) and the 'red' status assigned to Clareabbey WWTP. The WWTP has capacity of 6000PE and its current loading at that time was 6906PE. In my Memo dated 20th December 2024 I held the view that in the absence of confirmation by Uisce Eireann that their systems have capacity to accommodate the proposed CNU given the passage of time since the 2022 COF issued then and in the interest of natural justice given the passage of time I recommended that the applicant should be given an opportunity to submit an updated Confirmation of Feasibility from Uisce Eireann. Section 7.8 set out in detail summary of the response to this Notice, this was subsequently circulated to the appellants and their responses summarised in section 7.8. Furthermore public notices were erected on site and in the local paper and submission period of 4 week allowed.

The applicant is an attempt to respond to the section 132 notice on the 3rd June 2025, submitted a copy of Uisce Eireann Confirmation of Feasibility letter dated 24 March 2025 (UE Ref. CDS25000393) outlining that:

- The proposed water connection is feasible without infrastructure upgrades and identifies the location of the existing UE water main on Turnpike Road.
- The proposed wastewater connection is 'Feasible subject to upgrade'

The response outlines that the position regarding wastewater connection in the COF from UE in March 2025 represents a change from the CoF issued by UE on 29 April 2022 at which time UE confirmed that wastewater connection was 'feasible without infrastructure upgrade by Irish Water' and that given the uncertainty surrounding the upgrade of the Clareabbey WWTP, the CFO identifies the wastewater network located to the west, along Turnpike Road/Collins Park, as the preferred connection point for the proposed development.

In order to facilitate a connection to the Turnpike Road/Collins Park, a redesign of the foul drainage strategy submitted under planning application Reg. Ref. 22/709 (drawing No. G2029DR0002) would be required. An updated foul water drainage layout (Drawing No. H2029DR002) is submitted showing the preferred wastewater connection point to serve the proposed development to the south-west of the site. I wish to draw to the Commissions attention that the revised foul drainage layout (Drawing No. H2029DR002) submitted with the response does not comply with the requirements set out in the Planning and Development Regulations 2001 (as amended) for plans and particulars. The drawing states it is scale 1:500 and presented on A4 paper attached to the response.

The applicant also highlights in their response that the foul wastewater network surrounding the new building would remain a gravity system, discharging to private-side pump station. From the pump station, a rising main would discharge to a new manhole at Turnpike Road. Then a gravity foul sewer extension would be required from manhole 3.02 (the discharge manhole for the rising main) to MH109 (the existing public sewer) along Turnpike Road/Collins Park. This would undergo further design development following planning and subject to UEs connection application process. Again, I wish to highlight to the Commission while there is reference to a private -side pump arrangement proposed to facilitate connection to the wastewater

network along Turnpike Road/Collins Park, no details are same are however submitted. The planning authority in their response dated 11th July 2025 noted that due to required upgrades to the Clareabbey WWTP it is now proposed to connect to the Turnpike Road/Collins Park connection point. This connection point in turn goes to the Clonroadmore WWTP. I wish to highlight to the Commission that neither the applicant nor Uisce Eireann in their CoF letter highlight this matter and therefore there is uncertainty in my view regarding which WWTP it is now proposed to be connected to.

The extended redline area which previously ran from the eastern corner to the site through third party lands and onto Clare Road will no longer be required. And the new connection via Turnpike Road would not traverse third party lands as relates to lands/infrastructure in the ownership of Clare County Council or Uisce Eireann.

Revised connection details and drainage layout have been reviewed for the purposes of AA. The applicant in the submitted Addendum to the NIS concluded that the changes, including the revised connection point to the mains sewer creates no significant changes to the proposed development site, or its surrounding ecology, as set out in the NIS dated 15th February 2023 or the findings or conclusion of the NIS. I address this point in section 9.11, section 10 and Appendix 2.

Having reviewed the response submitted, the history associated with this site and extensive correspondence on file. I am of the view that the applicant's response received by ACP on the 3rd June 2025 does not provide sufficient detail for a full assessment of the proposed revised wastewater drainage strategy to be carried out, furthermore plans and particulars do not comply with the requirements set out in the Planning and Development Regulations (submitted in A4 format and refer to scale of 1:500 for A1).

I also note correspondence on file from Uisce Eireann (March 2025) does not clarify capacity matters nor confirm proposed connection is to Clareabbey WWTP or Clonroadmore WWTP, all of which has implications in terms of capacity and appropriate assessment, again which I address in section 9.11, section 11 and Appendix 2. The applicant's response to the Section 132 Notice was circulated by ACP to Uisce Eireann for comment, none received.

UE Wastewater Capacity Register (published August 2025) has assigned Clareabbey WWTP an Amber status and the Ennis North WWTP green status. There is no 'Clonraodmore WWTP' recorded on the UE Wastewater Capacity Register. There are two UE WWTP that serve Ennis, I am satisfied that the reference to Ennis WWTP and Clonraodmore WWTP in effect refer to the same WWTP.

UE website outlines that an 'amber' status *indicates potential spare capacity, additional analysis of applications may be required on an individual basis considering their specific load requirements. Potential availability of capacity in this case would be dependent on any additional load not resulting in a significant breach as set out in Regulation 43 of the Waste Water Discharge (Authorisation) Regulations 2007, which is a matter for the relevant Planning Authorities to determine*".

Green status indicates 'spare capacity available'

I am not satisfied that the applicant's response received on the 3rd June 2025 and the generic confirmation of feasibility letter from Uisce Eireann included with same has shed any light on this matter given the absence of reference to which WWTP the CoF letter refers to. No details have been provided that clarify if the revised connection is to the Clonraodmore WWTP by the applicant or UE, The PA have highlighted the connection via the mains on Turnpike Road is to Clonraodmore WWTP but again, based on the details submitted there is a degree of uncertainty. . On balance and having regard to the nature of the proposed development (residential community nursing unit) and associated demand on services that would arise from same, I am not satisfied that the applicant has clearly demonstrated that the proposed development can be accommodated by a UE WWTP in Ennis that has adequate capacity, as such it has not been clearly demonstrated that the proposed development which is considered on that would place a high demand on capacity can be accommodated without a significant impact on public health arising and on this basis and in the absence of concrete clarification I am of the view the permission should not be granted for the proposed community nursing unit (CNU) at this time.

I also refer the Commission to section which I have carried out my appropriate assessment and potential implications for same.

9.8 Biodiversity

A ground of appeal related to the absence of a Biodiversity Strategy for the site. I have reviewed the previous Development Plan (2017 plan) which was in effect at the time the application was prepared and lodged and the 2023-2029 Plan which is currently in effect and note there is no requirement for a Biodiversity Strategy to be lodged with an application.

The application documentation includes a suite of documents/report/plans which address the biodiversity of the site, its sensitivities and proposal to assimilate the development into the area while being forth a sustainable use for the site.

9.9 Trees & Bats

Concerns have been raised regarding the removal of trees on the site to accommodate the development. I note in correspondence submitted by the application that the Beech tree and adjoining cluster of trees will be protected during the construction phase and retained and incorporated into the overall landscaping as part of the development. I acknowledge the concerns raised. I am of the view that to enable the site to be developed a number of tree and vegetation would need to be removed, the lands are zoned 'community' and development of same is to be expected.

With regard to the removal of trees and potential bat roosts, this matter has been addressed by the planning authority in their assessment and proposed to address the matter by condition and mitigation measures set out in the NIS.

While I am satisfied subject to appropriate mitigation measures in place to protect identified trees and a robust tree replacement plan to augment the proposed landscaping that the development is appropriate means of addressing the matter where appropriate. I also note concerns raised by third parties in correspondence received on foot of the circulation of the applicant's section 132 notice response and on foot of the revised public notices in 2025. It has been brought to my attention that a number of trees have been removed from site to accommodate the construction of a temporary school. These works are on lands located outside the application site boundaries but has affected a number of identified trees and as such it is submitted that the environmental baseline has been altered.

I acknowledge the submissions received and the concerns raised regarding the removal of trees to facilitate the development a school. The trees while the subject of

a planning condition attached to the grant of permission which is the subject of this appeal, where not the subject of site specific objectives set out in the current Clare County Development Plan. Any interference with potential roosts would be the matter for the NPWS to pursue.

The change in the baseline of the receiving environment call into question the validity of surveys at this point. Given my substantive concerns outlined in section 9.7 above this matter could be included as a note should the Commission consider it appropriate, but I do not consider that a refusal of permission on this basis is warranted given the passage of time since the appeal was lodged.

I also draw the Commission's attention to the applicant's response received on 3rd June 2025 which include an Addendum to the NIS.

I address the issue of Bats, in particular the Lesser Horseshoe bat, in my appropriate assessment.

I also wish to highlight to the Commission that due to the undertaking of construction works immediately adjoining the site for school works and the removal of trees, has changed the baseline environment as set out in the Natura Impact Statement and therefore the appropriate assessment undertaken and submitted is fundamentally flawed.

9.10 Architectural Heritage

A section of the wall along Turnpike Road is proposed to be removed and set back to accommodate access proposals. I note that this has been accepted by Clare County Council and indeed reinforced through condition no. 2(b) which requires a 5m setback/clearance along a section of Turnpike Road (this is addressed in more detail in section 8.12 of this report).

The grounds of appeal have raised concerns relating to works to the stone wall which forms the roadside boundary along Turnpike Road, which is the proposed to be removed and setback. It is submitted that this involves works to a protected structure as this wall forms part of the original boundary associated with St. Flannan's and is within its curtilage and therefore should have been referenced in the public notices.

I note that there have been numerous interventions carried out to date on the overall wall, this include section removed to facilitate 'entrances' to the playing pitches, sections appear to have been repaired/replaced at various stages and the full extent of the protected structure's 'boundary wall' is no longer in situ.

The semantics of curtilage versus attendant grounds have been argued by both applicants and appellants alike. The removal of sections of stone wall along the road frontage onto Turnpike Road is essential to provide vehicular access to the site and proposed development. At present a section of the wall along Turnpike Road has already been removed to facilitate an opening in the wider field where the playing pitches are located and double gates (of dubious quality) erected. The applicants submitted an Architect Design & Planning Statement. There is no report on file from the Council's Conservation Officer or the DAU. I note the planning authority raised no concerns regarding the removal of the wall, reference is made to the reuse of the stone for the new wall to be constructed setback from the road. I agree if permission is forthcoming, the new boundary should be constructed using the stone from the wall to be demolished, this matter could be required by condition of the Commission is minded to grant permission.

The applicant in their response to the appeal refer to the status of the wall as not protected as being within the attendance grounds and not the curtilage of the protected structure. I am inclined to disagree with this simplistic interpretation of attendant grounds versus curtilage, indeed the topic has been the subject of significant debate over the years.

The Architectural Heritage Guidelines for Planning Authorities (published October 2011 and last updated October 2022)

Section 13.1.1 states "By definition, a protected structure includes the land lying within the curtilage of the protected structure and other structures within that curtilage and their interiors. The notion of curtilage is not defined by legislation, but for the purposes of these guidelines it can be taken to be the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of the structure. It should be noted that the meaning of 'curtilage' is influenced by other legal considerations besides protection of the architectural heritage and may be revised in accordance with emerging case law."

Section 13.2.1 states “*The attendant grounds of a structure are lands outside the curtilage of the structure but which are associated with the structure and are intrinsic to its function, setting and/or appreciation. In many cases, the attendant grounds will incorporate a designed landscape deliberately laid out to complement the design of the building or to assist in its function. For example, the attendant grounds to a mill building will include, where these survive, the mill-race, mill-pond, the tail-race, flumes, sluice-gates, and any related weirs and dams. Flax-mills may have had drying greens. The attendant grounds of a country house could include the entire demesne, or pleasure grounds, and any structures or features within it such as follies, plantations, earthworks, lakes and the like.*”

Section 13.2.3 states “A planning authority has the power to protect all features of importance which lie within the attendant grounds of a protected structure. However, such features must be specified in the RPS and the owners and occupiers notified in order for the features to be protected.”

Volume 4 of the Clare County Development Plan 2023-2029 contains the Record of Protected Structures. RPS No. 843 St. Flannan’s College is described as a multi-bay three storey institutional neo-gothic u-plan college building c.1880, with central storey having gabled dormer rose windows and tower, three bay gabled breakfronts at each end of façade. Ancillary building, boundary walls, piers and gates.

Extensively restored and chimneys reinstated 2008. Categories of special interest: Architectural, Historical, Interior. Has a rating of Regional Importance in the NIAH.

I note the RPS does not include a map. There are a number of wall associated with PS and other features throughout the county that are specifically referenced in the RPS, there is no reference to the stone wall along Turnpike Road. Historical maps show the original College and its immediate grounds which were then surrounded by open fields, a treeline also appears to have separated the building (St. Flannan’s College and its immediate surrounds for the wider lands (fields). On balance and having regard to the information on file and available I am of the view that the stone wall located along Turnpike Road, which associated with St. Flannan’s College, the works proposed would not involve the demolition of a protected structure.

Appellants have also submitted that the proposed development by virtue of thit height, scale and bulk would be visible from and detract from the setting of St.

Patrick's Terrace along the limerick Road and its ACA. I do not agree, I am of the view that the proposed development is not excessive in height and, while it will be partially visible, its impact would not be to such an extent as to detract from the character of the Terrace to warrant a reason for refusal on these grounds.

9.11 Appropriate Assessment

The application was accompanied by a NIS, Clare County Council carried out an appropriate assessment at application stage.

An addendum report to the NIS (Kingfisher Environmental Consultants dated 27th May 2025) was submitted on foot of the applicant's response to the Section 132 Notices issued by ABP (now ACP) on the 3rd June 2025. This noted that Revised connection details and drainge layout have been reviewed for the purposes of AA. It was concluded that the changes, including the revised connection point to the mains sewer creates no significant changes to the proposed development site, or its surrounding ecology, as set out in the NIS dated 15th February 2023 or the findings or conclusion of the NIS. It was concluded that there will be no cumulative impact on any Natura 2000 sites in combination with other plans and projects.

The planning authority in their response dated 11th July 2020 noted the addendum to the NIS. And highlighted in terms of in-combination effects with other projects, *'the Commission are advised that an extension on the school grounds to the immediate south of this site is currently under construction and as such may need to be considered as part of the assessment of any cumulative impacts.'*

The issue of a revised foul drainage strategy and revised connection point to the mains sewer, the requirement for private side pump station and requirement for a gravity foul sewer extension from MH 3.02 to MH109 along Turnpike Road/Collins Park were not addressed. I refer the Commission to section 10 and Appendix 2 of this report where I have carried out my Appropriate Assessment Screening and Appropriate Assessment.

I wish to again highlight to the Commission that the revised wastewater drainage strategy may connect to the Clonroadmore WWTP as intimated by the planning authority but nowhere is this stated in the applicant's response or UE in the CoF received by ACP on 3rd June 2025.

I also wish to highlight to the Commission that the baseline environment has changed arising from construction work on a site immediately adjoining the appeal site and removal of trees and potential implication for proposed mitigations measures arising from same. This matter is addressed in further detail in my appropriate assessment.

9.12 Other Matters

Third parties in various appeals have raised a number of other matters which I address hereunder.

9.12.1 Public participation

Concerns have been raised that the applicant did not carry out/consult with the School BOM, staff, students etc prior to lodging the application and gaining their views on the proposed development. There is no requirement under the Planning and Development Act 2000 (as amended) that a prospective application is required to engage with the local community or carry out public consultations prior to lodging an application. Once an application is lodge there is provision under the Planning and Development Regulations 2001 as amended for the public to make submissions within the specified time period as set out in the legislation. This was availed of in this case as can be observed by the numerous submissions on file and the multiple third party appeals that followed.

I further note that a copy of invitation from the HSE Chief Officer for Mis West Community Healthcare is include with the application documentation which refers to a Public Consultation Meeting on Wednesday 22nd June in the Temple hill Gate prior to the application being lodged.

I am satisfied that public participation has not been thwarted in this instance.

9.12.2 Devaluation of property

I note the concerns raised in the grounds of appeal and subsequent responses in respect of devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity. Furthermore, no evidence to support the claim is submitted by the appellants.

9.12.3 School expansion

I have reviewed the current Clare County Development Plan and in particular maps and sections pertaining to Ennis and the site specifically. I note that there is no specific objective attached to the site restricting its use for educational purposes. Indeed, the site is zoned Community. Under which the proposed development is a use that is permitted in principle.

The appellants in correspondence received in November 2024 has reference the Dun Laoghaire Rathdown County Development Plan and policies/objectives pertaining to 'institutional' lands contained therein and a recent High Court judgement relating to Clonkeen. One of the appellants, Mr. Patrick Walzer, is of the view that the same principle applies in this case notwithstanding that the lands are not zoned institutional. I disagree, the subject lands are zoned 'community' in the Clare County Development Plan 2023-2029 and there no objective restricting the use of the lands or linking the use of the lands to the adjoining St. Flannan's College and its educational use.

I notice that since this application was lodged and since my initial inspection on the 10th April 2024, works have commenced on a temporary school adjoining the site to the south west. This has potential implications for the assessment of this appeal before the Commission and the baseline environment which have addressed in the relevant sections of this report and associated appendices.

9.12.4 Impact on student life

It is also submitted by a number of the appellants that the proposed development would have a negative impact on the student population of the adjoining school through the loss of playing pitches, loss of biodiversity and area suitable for science projects along with limiting potential future expansion of the school considering recent announcement to expand the school to cater for the growing needs of the town and surrounds.

As set out above I have reviewed the current Clare County Development Plan and in particular maps and sections pertaining to Ennis and the site specifically. I note that there is no specific objective attached to the site restricting its use for educational purposes only. Indeed, the site is zoned 'community', under which the proposed

development is a use that is considered acceptable in principle along with an array of other uses which includes educational.

9.12.5 More appropriate locations available for a Palliative Care Unit/CNU

A site selection rationale was submitted as part of the FI to the planning authority, this was assessed and considered robust. Since then, the 2023 County Plan has come into effect and therefore further rationale was submitted as part of the applicant's response to the multiple third party appeals I have considered the rationale presented and note the location and context of site, proximity to public roads and adjoining residential properties and I consider that subject to compliance with the relevant development management standards the proposed development is appropriate for this site.

9.12.6 Climate

I am satisfied that the proposed development has been assessed in a manner consistent with the Climate Act and Climate Action Plan 2024.

Chapter 2 of the current Development Plan addresses Climate Action and set out the Council's Climate Adaption Strategy and its Climate Action Strategy. I refer to the current Clare County Development Plan and its policies and objectives pertaining to this matter and am satisfied that the proposal broadly addresses same.

9.12.7 Air Quality

I have no evidence before me that the proposed development would have a detrimental impact on the air quality in the immediate vicinity.

9.12.8 Loss of public amenity.

The lands are in private ownership and currently in use by St. Flannan's College and a number of sporting clubs with the consent of the school. It is not a public park/area of open space and its use by locals to walk etc appears to be on an ad hoc basis and informally used. This does not equate to a public amenity as access is subject to the good will and consent of the owners.

9.13 Groundwater and Flood Risk

Concerns relating to flood risk were raised at initial application stage, in the grounds of third party appeals.

The site is located in flood zone C, a SSFRA was submitted with the application. Appellants have raised concerns that it is proposed to connect via a pipe to the culvert on the Edenvale River. This culvert was designed in response to severe flooding of the grounds of St. Flannan's College and surrounding housing estates. The South Ennis Flood Relief Scheme has a condition restricting any surface water discharges to the system. It is submitted that it has no capacity and will lead to the destruction of area of conservation both up and down stream as well as flooding. This matter has not been addressed. I note no concerns were raised by the PA in this regard.

Given the substantive concerns I have set out in section 9.7 above I consider this matter should be addressed if a subsequent application is lodged. I do not b=however consider it refusal is warranted on this basis.

9.14 Conditions 2 and 3.

As referred to in section 9.6 a first party appeal was lodged against conditions 2, 3(i), and 3(ii). In the interest of clarify I reiterate some of the issue again here.

It is requested that condition 3(i) relating to the provision of pedestrian and cycle access to the sit, the adjoining school grounds and the R458 be omitted. The appellants raised concerns are raised regarding the legality of this condition in respect of planning legislation and the appropriateness in the context of the proposed CNU use. Furthermore, it relates to development that is outside the applicant's control (as was clarified at FI stage to Clare County Council) and the landowner has not consented to these particular works being carried out.

The creation of a through fare would detract from the amenities of resident of the CNU and staff/students of St. Flannan's College through potential anti-social behaviour during night time hours.

The provision of pedestrian link from site to the Clare/Limerick Road would traverse third party lands outside the applicant control and I have not found any correspondence which consents to this. I am satisfied that condition 3(i) should be omitted if the Commission is of a mind to grant permission

The first party appeal is also seeking that conditions 2 and 3(ii) as amended

Condition 2 relates to a) development to be constructed in one phase and sign off by the planning authority prior to its occupation and b) the provision of a 5m setback from the edge of the public road, for the entire length of the site, along the Turnpike Road and shall be dedicated to Clare County Council.

It is submitted that the condition 2(a) should be amended to remove the requirement for the written satisfaction of the planning authority, this is unprecedented in terms of planning compliance. The physical construction is governed also by requirement to comply with Building and Fire Regulations which are separated to the planning code. I have no objection to this amendment if the Commission is of a mind to grant permission.

Regarding condition 2(b), the applicant (Appellant) has no objection to the setback but the 5m clearance/set back cannot be achieved for the section of the site adjoining Turnpike Road, south of the junction of the access road into the proposed CNU given the configuration of the redline application boundary. I am of the view that this matter could be addressed through an appropriate condition relating to a reasonable clearance/setback to be agreed with the planning authority should the Board grant permission.

Condition 3(ii) relates to the crossing across the entrance to the site from the Turnpike Road. It is submitted that a footpath cannot be provided as part of the works required to comply with the condition given the configuration of the redline boundary of the site. I note the argument put forward by the appellant and the views expressed by the planning authority and Clare CC technical departments and I am of the view the provision of an appropriate crossing should be progressed subject to appropriate consents if the Commission is of a mind to grant permission.

10.0 Appropriate Assessment

10.1 Introduction

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

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

- Screening the need for appropriate assessment.
- The Natura Impact Statement.
- Stage 2 Appropriate Assessment of implications of the proposed development.

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

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.

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

10.3 Screening the need for Appropriate Assessment

An AA Screening exercise has been completed (see Appendix 2 of this report for further details). In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone [or in combination with other plans and projects] will give rise to significant effects on Newhall & Edenvale Complex SAC (site code 002091), Lower Shannon SAC (site code 002165) and River Shannon and River Fergus Estuaries SPA (site code 004077) European Site(s) in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The nature and scale of the proposed works

- The potential connectivity between the application site and the European Sites via surface water emissions
- The potential connectivity between the application site and the European Sites via wastewater discharge
- The potential for ex situ disturbance / displacement effects on the SAC QI species
- The nature and extent of the proposed mitigation measures, which may not be implemented in the absence of connectivity to a European Site.

The possibility of significant effects on any other European sites has been excluded on the basis of objective information.

No measures intended to avoid or reduce harmful effects on European sites (including those included in the applicant's NIS) were taken into account in reaching this conclusion.

10.4 The Natura Impact Statement (NIS)

As outlined in Appendix 2 of this report, a Natura Impact Statement (NIS) dated 15th February 2023 and subsequent Addendum dated 27th May 2025 has been submitted with the application and subsequent appeal. It describes the proposed development, the project site and the surrounding area. The NIS outlines the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicts the potential impacts for these sites and their conservation objectives, suggests mitigation measures, assesses in-combination effects with other plans and projects, and it identifies any residual effects on the European sites and their conservation objectives.

The NIS considers the potential effects of the project on Newhall & Edenvale Complex SAC (site code 002091), Lower Shannon SAC (site code 002165) and River Shannon and River Fergus Estuaries SPA (site code 004077). It concludes that following the implementation of the mitigation measures outlined, no significant effects are likely from the proposed development, either alone or in combination with

any other plans or projects on Natura 2000 sites, their features of interest or conservation objectives. It states that the proposed project will not will adversely affect the integrity of European sites.

Having reviewed the NIS, the Addendum to the NIS and the supporting documentation, I am not satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are provided and summarised in the NIS. I am not satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

10.5 Stage 2 Appropriate Assessment of implications of the proposed development

In screening the need for Appropriate Assessment, it was determined that the proposal for 100 bed residential community nursing unit and ancillary site works which include a revised foul drainage strategy had the potential to result in significant effects on Lower Shannon SAC (site code 002165 and River Shannon and River Fergus Estuaries SPA (site code 004077) and potential to impact on the QI for Newhall & Edenvale Complex SAC (site code 002091) arising from removal of trees and that Appropriate Assessment was required in view of the conservation objectives of the site.

Following a detailed examination and evaluation of the NIS, all associated material submitted with the planning appeal as relevant to the Appropriate Assessment process, and taking into account submissions of third parties (see Appendix 2). I am not satisfied that that the applicant has demonstrated beyond a reasonable doubt that there are adequate mitigation measures in place to address the potential for wastewater to enter the watercourse and to adversely affect the integrity of Lower Shannon SAC (site code 002165 and River Shannon and River Fergus Estuaries SPA (site code 004077) or any other European site in view of the site's Conservation Objectives.

I am not satisfied given the changes to the ecological baseline and habitats arising from construction adjoining the site and removal of trees that the applicant has demonstrated beyond a reasonable doubt that there are adequate mitigation

measures in place to address the potential to adversely affect the QI for Newhall & Edenvale Complex SAC (site code 002091).

I am not satisfied arising from the changes to the baseline environment in additional to the revised wastewater drainage strategy that the applicant has demonstrated beyond a reasonable doubt that there are adequate mitigation measures in place to address the potential to adversely affect the QI for Newhall & Edenvale Complex SAC (site code 002091), Lower Shannon SAC (site code 002165 and River Shannon and River Fergus Estuaries SPA (site code 004077) or any other European site in view of the site's Conservation Objectives

This conclusion is based on

- A full assessment of the wastewater infrastructure proposed and the characteristics of the site.
- Detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European Sites within a zone of influence of the development site.
- Consideration of the conservation objectives and conservation status of qualifying interest species and habitats.
- A full assessment of risks to special conservation interest bird species and qualifying interest habitats and species.

11.0 Application of mitigation measures designed to avoid adverse effects on site integrity and Water Framework Directive Screening

The proposed development includes a 100 bed residential Community Nursing Unit. The Commission will note that third party concerns were raised that Clareabbey WWTP does not have space capacity and any development premature pending its upgrade sewerage and ACP might consider what responsibility it might bear for approving development in areas where sewerage systems cannot achieve Water Framework standards.

Clareabbey WWTP has an amber status on UE WWT Capacity Register (August 2025 update. An alternative proposal to connect to an alternative main along Turnpike Road/Collins Park is proposed. This alternative does not mention what WWTP this

connects to, the PA in their submission highlighted this connects to Clonroadmore WWTP which has a green status (ie spare capacity)

The River Fergus waterbody within the Shannon River Basin located c. 550m southeast of the site. The site is well drained. The development has no direct hydrological connection with the River Fergus surface waterbody. There would be an indirect hydrological connection via surface water drainage to the River Fergus and through foul water via the public sewer and either Clonroadmore or Clareabbey WWTP.

The WFD current WFD River Waterbody risk source of 'at risk' of not achieving good status' and for the River Fergus body the status is 'at risk. The main pressures identified are Urban Wastewater. The groundwater body WFD status is 'at risk' with the main pressure from urban wastewater (see Appendix 3).

The impact of the proposed development in terms of the WFD is set out in Appendix 3 of this report.

Regarding the third-party concerns raised, I refer the Commission to section... of this report where the deficiencies in the wastewater drainage strategy and information submitted are outlined and addressed.

The River Fergus is linked to Lower Shannon SAC. And River Shannon and River Fergus Estuaries SPA As outlined in section 10, I am unable to conclude beyond reasonable scientific doubt that proposed development would not have a likely significant effect on this or any European Sites, either alone or in combination with other plans or projects.

In Appendix 3 I have outlined a range of potential pathways with the relevant waterbodies and potential impacts at construction and operational stages. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project and associated mitigation measures, I am not satisfied that it can be eliminated from further assessment.

The reasons for this conclusion are as follows:

- The nature and scale of the proposed works;
- The distance between the proposed development and relevant bodies, and/or the limited hydrological connectivity;
- The mitigation measures included as part of the application to address surface water, wastewater, water supply, ecology, and construction activity.

I cannot conclude on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal), either qualitatively or quantitatively, or on a temporary or permanent basis, or otherwise jeopardise any water body in reaching its WFD objectives.

12.0 Recommendation

I recommend that permission be refused for the reasons and considerations set out below

13.0 Reasons and Considerations

1. Having regard to the information on file the Commission is not satisfied that the applicant has clearly demonstrated that the proposed arrangements provided for dealing with wastewater disposal from the proposed development, including the connection an Uisce Eireann wastewater treatment plant in Ennis, are adequate to cater satisfactory for the development. That the the proposed development would not contribute to water pollution at this location or that it would not be prejudicial to public health and would not cause pollution that would adversely affect the water quality in the River Fergus, and the integrity of the Lower Shannon SAC (site code 002165 and River Shannon and River Fergus Estuaries SPA (site code 004077) in view of the sites' Conservation Objectives.
2. The Commission note that, due to the undertaking of construction works immediately adjoining the site and removal of trees, has changed the baseline environment as set out in the Natura Impact Statement and therefore the

appropriate assessment undertaken and submitted is fundamentally flawed.
The proposed development would, therefore, be contrary to the proposer
planning and sustainable development of the area.

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

Dáire McDevitt,

6th November 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 317144-23		
Proposed Development Summary	<p>Construction of a part two storey, part single storey 100 bed residential community nursing unit (CNU) including main entrance foyer block; production kitchens; offices; plantroom; courtyard gardens with ancillary support accommodation and an enclosed gated delivery yard incorporating a maintenance building and generator. The development will also consist of the provision of vehicular, pedestrian and cycle entrance and access road off the Turnpike Road into the site, installation of new services and drainage, provision of roof mounted photovoltaic panels, the provision of a sustainable urban drainage system and new access roads, cycle lane and footpaths with associated hard and soft landscaping, boundary walls and fencing, site works, cycle bays and parking for 101 cars (inclusive of EV and disabled spaces) and set down for ambulance.</p> <p>Revised in response (3 June 2025) to section 132 Notices to include revised wastewater drainage strategy which includes connection to the mains at Turnpike Road/Collins Park and revised site boundaries.</p>		
Development Address	Lands at Clonroadmore, southeast of Turnpike Road and northwest of St. Flannan's College, Ennis, Co. Clare.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes	x		EIA Mandatory EIAR required
No			Proceed to Q.3

3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?

		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes		10. Infrastructure Projects (b)(iv) urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

Case Reference	317144-23
Proposed Development Summary	<p>Construction of a part two storey, part single storey 100 bed residential community nursing unit (CNU) including main entrance foyer block; production kitchens; offices; plantroom; courtyard gardens with ancillary support accommodation and an enclosed gated delivery yard incorporating a maintenance building and generator. The development will also consist of the provision of vehicular, pedestrian and cycle entrance and access road off the Turnpike Road into the site, installation of new services and drainage, provision of roof mounted photovoltaic panels, the provision of a sustainable urban drainage system and new access roads, cycle lane and footpaths with associated hard and soft landscaping, boundary walls and fencing, site works, cycle bays and parking for 101 cars (inclusive of EV and disabled spaces) and set down for ambulance.</p> <p>Revised in response (3 June 2025) to section 132 Notices to include revised wastewater drainage strategy and revised site boundaries.</p>
Development Address	Lands at Clonroadmore, southeast of Turnpike Road and northwest of St. Flannan's College, Ennis, Co. Clare.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development,	<p>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</p> <p>The development will provide a new 100 bed residential community nursing unit (CNU) including main entrance foyer block; production kitchens; offices; plantroom; courtyard gardens with ancillary support accommodation and an enclosed gated delivery yard incorporating a maintenance building and generator.</p> <p>The development will also consist of the provision of vehicular, pedestrian and cycle entrance and access road off the Turnpike Road into the site, installation of new services and drainage, provision of roof mounted photovoltaic panels, the provision of a sustainable urban drainage system and new access roads, cycle lane and footpaths with associated hard and soft landscaping, boundary walls and fencing, site works, cycle bays and parking for 101 cars (inclusive of EV and disabled spaces) and set down for ambulance.</p>

<p>nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Set back of boundaries along Turnpike Road are required under condition 5. This is the subject of the first party appeal).</p> <p>Revised foul drainage strategy and site boundaries on foot of a section 132 Notice (response received 3/06/25).</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural</p>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The site comprises green area and playing pitches associated with the adjoining St. Flannan's School. Since the appeal was lodged with ACP a temporary school is now located adjoining the site within the overall secondary school grounds within the town of Ennis. ACA located to the west.</p> <p>St. Flannan's College is a protected structures and features of identified archaeological / cultural interest in the vicinity of the site.</p>

resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).-	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary,	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects. Development works have potential to give rise to temporary noise and dust emissions. There is also potential for release of sediment from the site via surface water disposal during construction. Given the temporary nature of the works, and their nature, scale and separation from sensitive receptors significant effects on the environment are not considered likely significant effects.

intensity and complexity, duration, cumulative effects and opportunities for mitigation).-	
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	<p>EIA is not required.</p> <p>The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.</p>

Inspector: _____ **Date:** _____
DP/ADP: _____ **Date:** _____
 (only where Schedule 7A information or EIAR required)

Appendix 2

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>100 bed residential community nursing unit (CNU) including main entrance foyer block; production kitchens; offices; plantroom; courtyard gardens with ancillary support accommodation and an enclosed gated delivery yard incorporating a maintenance building and generator.</p> <p>The development will also consist of the provision of vehicular, pedestrian and cycle entrance and access road off the Turnpike Road into the site, installation of new services and drainage, provision of roof mounted photovoltaic panels, the provision of a sustainable urban drainage system and new access roads, cycle lane and footpaths with associated hard and soft landscaping, boundary walls and fencing, site works, cycle bays and parking for 101 cars (inclusive of EV and disabled spaces) and set down for ambulance.</p> <p>Revised foul drainage strategy and site boundaries on foot of a section 132 Notice (response received 3/06/25)</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The site, with a stated area of c.2.06 ha, is located in Clonroadmore, to the southeast of Turnpike Road and north west of St. Flannan's College in Ennis, Co. Clare. The site is used by the school as sports fields. Access is proposed off Turnpike Road where the boundary is a stone wall. The site is located</p>

	<p>within a predominantly residential area with a number of businesses (small scale) located off Clare Road and Limerick Road. The bulk of the northern boundary of the site runs along the rear of houses which front onto the Limerick Road, to the southwest is a cluster of trees and beyond this is the school's running rack.</p> <p>The site is grassed with the bulk of the site relatively flat with a rise towards the northwest boundary along Turnpike Road and to the northeast where it is bounded by the houses along Limerick Road. Boundaries have a mixture of screening at present given nature of adjoining developments (for example rear gardens of houses) and within the grounds of St. Flannan's College there are clusters of trees in places.</p> <p>Since the original application was lodged with Clare County Council and the subsequent appeal in 2023 works have been carried out to provide a temporary school within the St. Flannan's school grounds immediately bounding the site.</p> <p>At present there is no direct linkage to the Edenvale stream which in turn links with the River Fergus and River Shannon. As part of the proposed development a new overflow pipe is proposed which will connect to the Edenvale stream to deal with larger rainfall events which creates a potential indirect pathway.</p> <p>At this stage I also wish to highlight to the Commission that the undertaking of construction works immediately adjoining the site and removal of trees has changed the baseline environment as set out in the Appropriate Assessment Screening Natura Impact Statement and therefore the appropriate assessment undertaken and submitted is fundamentally flawed.</p>
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Screening report	Yes (dated 15 th February 2023)
Natura Impact Statement	<p>Yes (dated 15th February 2023).</p> <p>This was prepared on foot of FI request at application stage having regard to the proximity of the site (c.2.2km to Newhall and Edenvale Complex SAC and potential impact on bat roost (mature trees, stone walls, scrub etc on the site). Having regard to the QI – Lesser Horseshoe Bat.</p>
Relevant submissions	<p>UE submission to the PA noted no objection. Circumstances regarding Cloneabbey WTP change in the intervening time. (See UE CoF referred to below).</p> <p>UE wastewater Treatment Capacity Register (December 2024 update) assigned a red status to the Clareabbey WWTP, in the interest of natural justice section 132 Notices were issued requesting an updated Confirmation of Feasibility letter from UE.</p> <p>Following Section 132 Notices, the applicant submitted a revised foul drainage strategy to An Coimisiún Pleanála on the 3rd June 2025. This included an Addendum to Habitats Directive Appropriate Assessment Screening and Natura Impact Statement (Stage 2) dated 15th February 2023</p> <p>Copy of Uisce Eireann Confirmation of Feasibility letter dated 24 March 2025 (UE Ref. CDS25000393) submitted by the applicant on 3rd June 2025 states:</p> <ul style="list-style-type: none"> • <i>“The proposed water connection is feasible without infrastructure upgrades and identifies the location of the existing UE water main on Turnpike Road.</i> • <i>The proposed wastewater connection is ‘Feasible subject to upgrade’</i>

Given the uncertainty surrounding the upgrade of the Clareabbey WWTP, the CFO identifies the wastewater network located to the west, along Turnpike Road/Collins Park, as the preferred connection point for the proposed development.”

In order to facilitate a connection to the Turnpike Road/Collins Park, a redesign of the foul drainage strategy submitted under planning application Reg. Ref. 22/709 (drawing No. G2029DR0002) was required.

An updated foul water drainage layout (Drawing No. H2029DR002) was submitted by the applicant (3 June 2025) which shows the preferred wastewater connection point to serve the proposed development to the south-west of the site. (addressed in section 9.7 of Inspectors Report).

The foul wastewater network surrounding the new building would remain a gravity system, discharging to private-side pump station. From the pump station, a rising main will discharge to a new manhole at Turnpike Road. Then a gravity foul sewer extension will be required from manhole 3.02 (the discharge manhole for the rising main) to MH109 (the existing public sewer) along Turnpike Road/Collins Park. This will undergo further design development following planning and subject to UEs connection application process.

Revised connection details and drainage layout have been reviewed for the purposes of AA. The Addendum to the NIS (27th May .2025) was concluded that the changes, including the revised connection point to the mains sewer creates no significant changes to the proposed development site, or its surrounding ecology, as set out in the NIS dated 15th February 2023 or the findings or conclusion of the NIS.

UE Wastewater Treatment Capacity Register (August 2025 update) assigns an amber status to the Clareabbey WWTP and a green status to the Ennis WWTP (also known as Clonroadmore WWTP).

Third parties have raised the presence of bats on the site in their submission.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further screening ³ in Y/N
Newhall and Edenvale Complex SAC (site code 002091)	ConservationObjectives.rdl Lesser horseshoe bat supporting document Jan 2018 V1.pdf	c.2.2km	Indirect via air (bats – commuting/foraging/roosts)	Y
Ballyallia Lake SAC (site code 000014)	ConservationObjectives.rdl	2.9km	None	N
Pouladatig Cave SAC (site code 000037)	ConservationObjectives.rdl	3.2km	None	N
Lower River Shannon SAC (site code 002165)	Site specific cons obj	1.2km	Indirect via WW and SW	Y
River Shannon and River Fergus Estuaries SPA (site code 004077)	Site specific cons obj	2.6km	Indirect via WW and SW	Y
Ballyallia Lough SPA	CO004041.pdf	3.8km	None	N

(site code 004041)				
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites Wastewater: (a) potential indirect impacts (wastewater disposal via WWTP). (b) Potential indirect impacts via surface water drainage from silt or pollutants in site surface water drainage during construction and post construction phase. (c) Potential indirect impacts associated with commuting, foraging or roosting (Lesser Horseshoe bats). AA Screening matrix				
Site name		Possibility of significant effects (alone) in view of the conservation objectives of the site*		
Qualifying interests				
		Impacts	Effects	
Site 1: Newhall and Edenvale Complex (site code 002091) QI: Lesser Horseshoe Bat [1303] (Rhinolophus hipposideros) Caves not open to the public [8310] Conservation Objective:		Potential impact on foraging/commuting and roost (presence of mature trees and stone walls) The applicant's AA Screening outlined that, based on potential disturbance to roost on site due to the presence of mature trees, stone walls, and applying the precautionary principle, there is potential for impacts on QI species of the SAC (Lesser Horseshoe Bat)	Possibility of significant effects on Lesser Horse Shoe commuting, foraging or roosts cannot be ruled out without further analysis and assessment.	

To maintain the favorable conservation condition of the Lesser Horseshoe Bat		
	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 2: Lower Shannon SAC (site code 002165) QI: Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170]	Direct; None Indirect Construction: Site clearance and construction. Localised dust, noise and vibration emissions from construction, Potential sw run-off with silt or contaminants. Operation: Activity and presence of new structures. potential sw run-off with silt or contaminants. Via wastewater discharge to Clareabbey WWTP or Clonroadmore WWTP (lack of clarity in documentation submitted).	The nature, scale and temporary nature of construction effects, combined with distance from receiving features make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QI listed arising from surface water during construction or operational phases, Conservation objectives would not be undermined. The applicant's NIS and Addendum to NIS are based on there being adequate wastewater treatment capacity to ensure that there will be no significant effects on the water quality of the SAC. Issues regarding UE WWTP and capacity has been raised and addressed in the planning assessment. In the

<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 (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>		<p>absence of certainty the possibility of significant effects cannot be ruled out without further analysis and assessment</p>
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Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] Lutra lutra (Otter) [1355]		
	Likelihood of significant effects from proposed development (alone): Y If No, is there likelihood of significant effects occurring in combination with other plans or projects? Other plans and projects are examined in the Screening Report. No other effects of magnitude that could add to other plans and projects.	
Site 3: River Shannon and River Fergus Estuaries SPA (site code 004077)	Direct; None Indirect Construction:	Site is part of an existing school campus Given separation, no ex-situ effects on wintering water birds from disturbance during construction or operation of the

<p>QI: Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p>	<p>Site clearance and construction. Localised dust, noise and vibration emissions from construction, Potential sw run-off with silt or contaminants.</p> <p>Operation: Activity and presence of new structures. potential sw run-off with silt or contaminants. Via wastewater discharge to Clareabbey WWTP or Clonroadmore WWTP (lack of clarity in documentation submitted).</p>	<p>proposed development are likely. There will be no loss or material reduction in suitable ex-situ roosting or foraging areas.</p> <p>The development will not constitute a barrier to movement.</p> <p>The applicant's NIS and Addendum to NIS are based on there being adequate wastewater treatment capacity to ensure that there will be no significant effects on the water quality of the SAC. Issues regarding UE WWTP and capacity has been raised and addressed in the planning assessment. In the absence of certainty the possibility of significant effects cannot be ruled out without further analysis and assessment</p>
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Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Greenshank (Tringa nebularia) [A164] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wigeon (Mareca penelope) [A855] Shoveler (Spatula clypeata) [A857] Wetland and Waterbirds [A999]		
	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
* Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.		

The table above includes QIs which could potentially be considered at risk from the project and is not all the QIs for which a relevant site may have been designated.

Wastewater:

The NIS dated 15th February 2023, submitted as part of the FI response to Clare County Council, was based on the assumption that effluent would be treated at Clareabbey WWTP. An UE CoF (2022) was submitted with the application. The UE Wastewater Treatment Capacity Register accessed on 20th December 2024 (December 2024 updates) and on foot of the 'red' status assigned to Clareabbey WWTP in the interest of natural justice the applicant under section 132 Notice was given an opportunity to submit a revised CoF from UE. In response on the 3 June 2025 the applicant submitted a revised foul drainage strategy and a Confirmation of Feasibility letter from UE dated March 2025, this noted connection would require upgrade, did not specify WWTP and referred to a preferred connection point at Turnpike Road/Collins Park.

The revised wastewater drainage strategy includes revised connection point to the mains sewer on Turnpike Road/Collins Park. The applicant also highlights in their response that the foul wastewater network surrounding the new building would remain a gravity system, discharging to private-side pump station. From the pump station, a rising main would discharge to a new manhole at Turnpike Road. Then a gravity foul sewer extension would be required from manhole 3.02 (the discharge manhole for the rising main) to MH109 (the existing public sewer) along Turnpike Road/Collins Park. This would undergo further design development following planning and subject to UEs connection application process. Again, I wish to highlight to the Commission while there is reference to a private -side pump arrangement

proposed to facilitate connection to the wastewater network along Turnpike Road/Collins Park, no details are same are however submitted.

The PA in their correspondence dated 11 July 2025 noted that given the required upgrades to the Clareabbey WWTP it is now proposed to connect to the Turnpike Road/Collins Park connection point. This connection point in turn goes to the Clonroadmore WWTP.

Uisce Eireann Wastewater Treatment Capacity Register (August 2025 update) indicated that Clonroadmore had a green status and Clareabbey an amber one.

Given the lack of clarity regarding the proposed wastewater drainage strategy for the site and which WWTP it ultimately connects to, the lack of assessment in the Addendum submitted 3rd June 2025. I do not consider that the matter has been clearly addressed and therefore the potential impacts not fully considered.

Outstanding issues relating to the drainage strategy for the proposed development are addressed in section 9.7 of this report. In the absence of this information the potential for significant effect on Newhall & Edenvale Complex SAC (site code 002091), Lower Shannon SAC (site code 002165 and River Shannon and River Fergus Estuaries SPA (site code 004077) cannot be ruled out without appropriate mitigation measures in place.

I conclude that the proposed development would have a likely significant effect 'alone' on – the QI for which of the sites are designated, from effects associated with wastewater discharges and potential deterioration in the water quality of the River Fergus which flow into the

Lower Shannon SAC and River Shannon and River Fergus Estuaries SPA. An appropriate assessment is required on the basis of the effects of the project 'alone'.

Further assessment in-combination with other plans and projects is not required at this time.

Lesser Horseshoe bats:

The applicant's AA Screening concluded and applying the precautionary principle that the potential for significant effect on the Lesser Horseshoe Bats cannot be ruled out without further assessment.

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

It is not possible to exclude the possibility that the proposed development alone would result in significant effects on Lower Shannon SAC (site code 002165) and River Shannon and River Fergus Estuaries SPA (site code 004077). from effects associated with potential pollution of surface water and Newhall & Edenvale Complex SAC (site code 002091) species from potential disturbance / displacement at the construction stage and operational stages.

The habitats within the site are of moderate value for qualifying species of the Natura 2000 sites.

There is no evidence of invasive alien species on the site of the proposed development. It is considered, therefore, that effects on the European sites are not likely to arise as there is no evidence of existing invasive species and no direct pathway linking such plants to the European sites.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'.

Having regard to the lacunae in information regarding appropriate drainage and wastewater treatment requirements being implemented for developments/projects within the immediate vicinity. Further assessment of in-combination with other plans and projects is required at screening stage.

Proceed to AA.

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone [or in combination with other plans and projects] will give rise to significant effects on Newhall & Edenvale Complex SAC (site code 002091), Lower Shannon SAC (site code 002165 and River Shannon and River Fergus Estuaries SPA (site code 004077) European Site(s) in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The nature and scale of the proposed works
- The potential connectivity between the application site and the European Sites via surface water emissions
- The potential connectivity between the application site and the European Sites via wastewater discharge
- The potential for ex situ disturbance / displacement effects on the SAC QI species
- The nature and extent of the proposed mitigation measures, which may not be implemented in the absence of connectivity to a European Site.

The possibility of significant effects on any other European sites has been excluded on the basis of objective information.

No measures intended to avoid or reduce harmful effects on European sites (including those included in the applicant's NIS) were taken into account in reaching this conclusion.

Appropriate Assessment

Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of a 100 bed residential community nursing unit in view of the relevant conservation objectives of Newhall & Edenvale Complex (site code 002091), Lower Shannon SAC (site code 002165 and River Shannon and River Fergus Estuaries SPA (site code 004077) based on scientific information provided by the applicant and all other submissions and observations received.

It is based on an examination of all relevant documentation and submissions, analysis and evaluation of potential impacts, findings conclusion
A final determination will be made by the Commission.

The information relied upon includes the following:

- The Natura Impact Statement, and Construction and Environmental Management Plan prepared on behalf of the applicant.
- The other plans and particulars submitted with the application and the response to the Commission's Further Information request which included a revised foul drainage strategy, updated Confirmation of Feasibility letter from Uisce Eireann and Addendum to the Natura Impact Statement.

- The submissions and observations received.
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

I am not satisfied that the information provided is adequate to allow for Appropriate Assessment.

I am not satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

The submissions and observations received during the application process, the appeal and on foot of the section 132 notices and subsequent responses following circulation and advertisement are summarised in section ... of this report.

Third party appellants have raised the issue of the natura 2000 sites or appropriate assessment at all stage in the process.

Third parties in correspondence received July 2025 have also raised the changes to the environmental baseline following the construction of an adjoining school and the felling of mature trees.

The planning authority in their correspondence dated 11th July 2025 (following the applicant's response to the section 132 notices) noted that required upgrades to the Clareabbey WWTP it is now proposed to connect to the Turnpike Road/Collins Park connection point. This connection point in turn goes to the Clonroadmore WWTP. The addendum to the NIS was noted. In terms of in-combination effects with other projects, the Commission are advised that an extension on the school grounds to the immediate south of this site was under construction and as such may need to be considered as part of the assessment of any cumulative impacts.

Newhall and Edenvale Complex SAC (002091)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) SAC species (Lesser Horseshoe Bat) indirect disturbance/displacement**

See section 3.2.1 NIS

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
Lesser Horseshoe Bat	Maintain favourable conservation condition	Without mitigation measures there is potential impact from: <ul style="list-style-type: none"> • artificial lighting associated with the development. • from the proposed development on commuting/foraging of Lesser Horseshoe Bat. 	<p>NIS SECTION 3.3.1</p> <p>Bat friendly lighting.</p> <p>Retention of trees (large Beech Tree bounding the site will not be removed).</p>

		<ul style="list-style-type: none"> potential for loss of roosting for Lesser Horseshoe Bats primary due to tree removal proposals. 	<p>Biodiversity enhancement measures – bat boxes on large Beech tree to the southeast.</p> <p>No tree removal during bird nesting season.</p> <p>Post construction monitoring – bat mitigation measures. Full summery survey recommended post works.</p>	
<p>Lower River Shannon SAC (002165)</p> <p>Summary of Key issues that could give rise to adverse effects (from screening stage):</p> <p>(i)Water quality degradation (construction and operation)</p> <p>(ii) Water quality degradation (wastewater disposal)</p> <p>See section 3.2.3 NIS (surface water)</p>				
Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)	
			NIS SECTION 3.3.1 (surface water)	

<p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p>	<p>To restore the favourable conservation condition of the FPM in the Lower River Shannon SAC.</p> <p>To restore the favourable conservation condition of the sea lamprey.</p> <p>To maintain the favourable conservation condition of the brook lamprey.</p> <p>To maintain the favourable conservation condition of the river lamprey.</p> <p>To restore the favourable conservation condition of the Atlantic Salmon (only in fresh water)</p> <p>To restore the favourable conservation condition of the otter.</p>	<p>Without mitigation measures there is potential impact on water quality though potential silts or pollutants entering the SAC through uncontrolled surface water drainage.</p> <p>Impact on water quality though contamination and pollutants entering the SAC through uncontrolled waste water drainage.</p>	<p>Best practice pollution control measures Application of industry standard controls, CEMP, Hydrology, Hydrogeology & Flood Risk in sub-reports) Supervision by ECOW.]</p> <p>Not included in Mitigation Measures</p>	
<p>River Shannon and River Fergus Estuaries SPA (004077)</p>				

Summary of Key issues that could give rise to adverse effects (from screening stage):
[examples]

- (i) Water quality degradation (construction and operation)
- (ii) Water quality degradation (wastewater disposal)

See section 3.2.3 NIS (surface water)

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
			NIS SECTION (surface water)
waterbirds	All QI have CO to maintain the favourable conservation condition.	Without mitigation measures there is potential impact on water quality though potential silts or pollutants entering the SPA through uncontrolled surface water drainage. Impact on water quality though contamination and pollutants entering the SPA through	No tree removal during bird nesting season. Best practice pollution control measures Application of industry standard controls, CEMP, Hydrology, Hydrogeology & Flood Risk in sub-reports) Supervision by ECOW.] Not included in Mitigation Measures

		uncontrolled waste water drainage	
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.			
Assessment of issues that could give rise to adverse effects view of conservation objectives			
<p>No Lesser Horseshoe bat were recorded on site, The site has a rating of 51 in the ‘habitat suitability rating’ (moderate level). The NIS noted that there are no records of Lesser Horseshoe Bats from the site and the immediate area and that the location of the proposed development is already significantly fragmented from the more optimum habitats to the southwest towards the Cahircalla pNHA and the Newhall and Edenvale Complex SAC. Mitigation measure include requirement to carry out pre-development Bat Survey of potential roosts. The development will result in the loss of 16 trees (mainly sycamore) and some stonewall. The site is outside the 2.5km distance for foraging from roots (many of which are in the Newhall and Edenvale Complex SAC).</p>			
<p>The applicant’s AA screening noted it is proposed to connect to the mains sewer and there will be no proposal to discharge any treated wastewater effluent on site. There is no potential linkage to any Natura 2000 sites via discharge of treated wastewater to ground and groundwater.</p>			
<p>The AA Screening and NIS submitted with the application assessed the potential impact of the proposed development based on effluent ultimately being treated in the Clareabbey WWTP before discharge. On the 3rd June 2025 the applicant submitted a revised foul drainage strategy in an attempt to overcome the change in circumstances regarding the capacity in the Clareabbey WWTP and the requirement</p>			

for upgrade to facilitate connection to same. The revised proposal included revised connection point to sewer along Turnpike Road /Collins Park gravity foul sewer extension, At no point in the correspondence was the relevant WWTP identified the planning authority noted (11th July 2025) that due to required upgrades to the Clareabbey WWTP it is now proposed to connect to the Turnpike Road/Collins Park connection point. This connection point in turn goes to the Clonroadmore WWTP.

I consider the absence of consideration of this matter a lacunae in the assessment before the Commission.

I also note that the revised wastewater strategy includes revised connection points, private side pump and outstanding matters to be agree with Uisce Eirann at 'connection' I acknowledge that the Addendum to the NIS submitted by the applicant on the 3rd June 2025 states

Revised connection details and range layout have been reviewed for the purposes of AA. It was concluded that the changes, including the revised connection point to the mains sewer creates no significant changes to the proposed development site, or its surrounding ecology, as set out in the NIS dated 15th February 2023 or the findings or conclusion of the NIS

I do not consider this sufficient.

The planning authority in their correspondence dated 11th July 2025 (following the applicant's response to the section 132 notices) The addendum to the NIS was noted. In terms of in-combination effects with other projects, the Commission are advised that an extension on the school grounds to the immediate south of this site is currently under construction and as such may need to be considered as part of the assessment of any cumulative impacts.

The addendum does not address the construction of the temporary school adjoining the site nor the removal of mature trees.

Based on the information on file and available I do not consider that it has been clearly demonstrated that the proposed development could not result in significant effects and assessed for adverse effects in view of conservation objectives. The baseline environment has changed since the original application was lodged with Clare County Council (which was assessed in the NIS dated 15th February 2023). The undertaking of construction works immediately adjoining the site and removal of trees has changed the baseline environment as set out in the Natura Impact Statement and therefore the appropriate assessment undertaken and submitted is fundamentally flawed

In-combination effects

Plans and projects that could act in combination with the proposed development are not detailed and assessed, in this regard I refer to the recently constructed school adjoining the site within the grounds of St. Flannan's College and the capacity available in the WWTP in Ennis and associated upgrade works

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am not satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment.

The undertaking of construction works immediately adjoining the site and removal of trees has changed the baseline environment as set out in the Natura Impact Statement and therefore the appropriate assessment undertaken and submitted is fundamentally flawed

Reasonable scientific doubt

I am not satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

I am not satisfied that it has been clearly demonstrated that the proposed development will not affect the attainment of the Conservation objectives of the Newhall & Edenvale Complex SAC (site code 002091), Lower Shannon SAC (site code 002165) and River Shannon and River Fergus Estuaries SPA (site code 004077). Adverse effects on site integrity cannot be excluded and reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

The applicant determined that following the implementation of mitigation measures the construction and operation of this proposed development alone or in combination with other plans and projects will not adversely affect the integrity of this European site.

There are a number of discrepancies in the information presented in the NIS in relation to wastewater management, assumptions relating to the connection to the Clareabbey WWTP/Clonmoreroad WWTP and details contained in the revised wastewater drainage strategy that have been reference in the response but not submitted and as such no assessment of same has been carried out. I have reviewed the proposals and I am not satisfied that, based on the assessment carried out that potential impacts has been properly assessed.

I have reviewed the mitigation measures contained in the documentation on file, including the proposed revised wastewater drainage strategy presented at a scale of 1:500 on A4 paper. I am not satisfied that impacts from the development have been adequately assessed and that it has not been clearly demonstrated that the potential impact from a deterioration in the water quality would be unlikely following the implementation of the mitigation measures proposed.

I have reviewed the bat survey submitted to Clare County Council and conditions attached to the grant of permission. Submissions received on foot of the 132 Notice in July 2025. Taking in to account the construction of the adjoining school works and removal of trees the baseline has changed and an updated survey would be required to fully determine the potential impact arising from these works have on the potential roosting, foraging , commuting of the Lesser Horseshoe Bat. The Addendum submitted on the 3 June 2025 does not address the construction works, removal of trees and the potential cumulative impact.

The undertaking of construction works immediately adjoining the site and removal of trees has changed the baseline environment as set out in the Natura Impact Statement and therefore the appropriate assessment undertaken and submitted is fundamentally flawed

Based on the information provided in the application, I am not satisfied beyond reasonable scientific doubt that adverse effects from deterioration of the water quality in the River Fergus and River Shannon can be excluded for potential impact on the QI of Newhall & Edenvale Complex SAC (site code 002091), Lower Shannon SAC (site code 002165) and River Shannon and River Fergus Estuaries SPA (site code 004077). As this uncertainty remains, I cannot conclude that the integrity of these sites and their QI will not be adversely affected in view of the Conservation objectives for the site.

In screening the need for Appropriate Assessment, it was determined that the proposal for 100 bed residential community nursing unit and ancillary site works which include a revised foul drainage strategy had the potential to result in significant effects on Lower Shannon SAC (site code 002165 and River Shannon and River Fergus Estuaries SPA (site code 004077) and potential to impact on the QI for Newhall & Edenvale Complex SAC (site code 002091) arising from removal of trees and that Appropriate Assessment was required in view of the conservation objectives of the site.

Following a detailed examination and evaluation of the NIS, all associated material submitted with the planning appeal as relevant to the Appropriate Assessment process, and taking into account submissions of third parties (see Appendix 2). I am not satisfied that that the applicant has demonstrated beyond a reasonable doubt that there are adequate mitigation measures in place to address the potential for wastewater to enter the watercourse and to adversely affect the integrity of Lower Shannon SAC (site code 002165 and River Shannon and River Fergus Estuaries SPA (site code 004077) or any other European site in view of the site's Conservation Objectives.

I am not satisfied given the changes to the ecological baseline and habitats arising from construction adjoining the site and removal of trees that the applicant has demonstrated beyond a reasonable doubt that there are adequate mitigation measures in place to address the potential to adversely affect the QI for Newhall & Edenvale Complex SAC (site code 002091).

I am not satisfied arising from the changes to the baseline environment in additional to the revised wastewater drainage strategy that the applicant has demonstrated beyond a reasonable doubt that there are adequate mitigation measures in place to address the potential to adversely affect the QI for Newhall & Edenvale Complex SAC (site code 002091), Lower Shannon SAC (site code 002165 and River Shannon and River Fergus Estuaries SPA (site code 004077) or any other European site in view of the site's Conservation Objectives

This conclusion is based on

- A full assessment of the wastewater infrastructure proposed and the characteristics of the site.
- Detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European Sites within a zone of influence of the development site.
- Consideration of the conservation objectives and conservation status of qualifying interest species and habitats.
- A full assessment of risks to special conservation interest bird species and qualifying interest habitats and species.
- Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.
- Consideration and assessment of in-combination effects with other plans and projects

Appendix 3. Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	317144-23	Townland, address	Lands at Clonroadmore. South-east of Turnpike Road and North-West of St. Flannan's College, Ennis, Co. Clare
Description of project		100 bed residential community nursing unit with connections to Uisce Eireann Wastewater and Drinking water infrastructure.	
Brief site description, relevant to WFD Screening,		<p>Site is relatively flat site with well drained soils located in the grounds of St. Flannans College in Ennis. Co. Clare. T</p> <p>There is no direct hydrological link to the Edenvale stream. Proposed surface water drainage will discharge to the Edenvale stream which in turn has a hydrological link to the River Fergus.</p>	
Proposed surface water details		SUDs system proposed.	
Proposed water supply source & available capacity		Uisce Eireann mains water connection	

Proposed wastewater treatment system & available capacity, other issues	<p>Uisce Eireann Wastewater connection – has capacity.</p> <p>Clare abbey WWTP has limited capacity (amber status)</p> <p>Clonroadmore WWTP has capacity (green status)</p> <p>Clare abbey WWTP has limited capacity (amber status) and requires upgrade. On foot of this the applicant submitted a revised wastewater drainage strategy in June 2025. This was accompanied by a CoF from UE. It does not reference the WWTP the development would discharge to. Refers to connection point on Turnpike Road/Collins Park.</p> <p>Clonroadmore (Ennis) WWTP has adequate spare capacity .</p> <p>The surface waters receiving the treated wastewaters are at risk</p>
Others?	<p>No WFD Screening included.</p> <p>AA Screening and NIS submitted – connection via Clareabbey and associated wastewater drainage strategy for the site assessed. Addendum to NIS (submitted June 2025 to ACP) noted the revised wastewater drainage strategy would not alter the potential impact in terms of appropriate assessment.</p>
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection	

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	c.550m	Fergus _070	At Risk Fergus_SC_050 Sub catchment 27_10	At Risk Fergus_SC_050 Sub catchment 27_10	Urban wastewater pressures	Potential sw run-off during construction and operation. Ground water discharge of sw and ww may constitute a pathway to the watercourse
Groundwater Waterbody	Underlying site	Ennis	At risk	At risk	Urban wastewater pressures	Potential sw run-off during construction and operation. Ground water discharge of sw and ww may constitute a pathway to the watercourse
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						

CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Fergus _070	Existing drainage ditches, surface water drainage system. Urban WW system	Siltation, pH (Concrete), hydrocarbon spillages WWTP capacity and pressures	Standard construction practice CEMP	No	Screened in
2.	Ground	Ennis	Pathway exists with good drainage characteristics	Spillages WWTP capacity and pressures	As above	Yes (at risk status)	Screened in
OPERATIONAL PHASE							

3.	Surface	Fergus _070	Existing drainage ditches, watercourse. Urban WW system	Hydrocarbon spillage WWTP capacity and pressures	SUDs features	Yes	Screened in
4.	Ground	Ennis	Pathway exists with good drainage characteristics	Spillages WWTP capacity and pressures	SUDs features	Yes (at risk status)	Screened in
DECOMMISSIONING PHASE							
5.	NA						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives – Template							
Surface Water							
Development/Activity e.g. culvert, bridge, other	<u>Objective 1:Surface Water</u> Prevent deterioration of the	<u>Objective 2:Surface Water</u> Protect, enhance and restore all	<u>Objective 3:Surface Water</u> Protect and enhance all artificial	<u>Objective 4: Surface Water</u> Progressively reduce pollution	Does this component comply with WFD Objectives		

crossing, diversion, outfall, etc	status of all bodies of surface water	bodies of surface water with aim of achieving good status	and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	from priority substances and cease or phase out emission, discharges and losses of priority substances	1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Construction works	Site specific construction mitigation methods described in the CEMP	Site specific construction mitigation methods described in the CEMP	NA	NA	YES
Stormwater drainage	Adequately designed SUDs features, permeable paving etc	Adequately designed SUDs features,	NA	NA	YES

		permeable paving etc			
Urban wastewater system	Adequate capacity in urban WWTPs	Adequate capacity in urban WWTPs	Adequate capacity in urban WWTPs	Adequate capacity in urban WWTPs	NO
Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 : Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3: Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)	

	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Construction works	Site specific construction mitigation methods described in the CEMP	Site specific construction mitigation methods described in the CEMP	N/A	N/A
Stormwater drainage	Adequately designed SUDs features, permeable paving etc	Adequately designed SUDs features, permeable paving etc	N/A	N/A
Wastewater drainage	Adequate capacity in urban WWTPs	Adequate capacity in urban WWTPs	N/A	N/A