



An
Bord
Pleanála

Inspector's Report

ABP-317384-23

Development	Development of 20 residential units comprising 2 number 4-bed detached dwellings, 4 number 3-bed semi-detached dwellings, 12 number 2-bed semi-detached dwellings and 2 number 1-bed semi-detached dwellings
Location	Gort Road/Hazel Lane, Ennis, Co. Clare
Local Authority	Clare County Council
Type of Application	Application for approval made under Section 177AE of the Planning and Development Act 2000, as amended
Prescribed Bodies	1 Department of Housing, Local Government and Heritage (Development Applications Unit - Archaeology) 2 Inland Fisheries Ireland 3 Transport Infrastructure Ireland

Observers

1 Eoin McMahon

2 Brothers of Charity

3 Colm & Martina McEnery

4 Fiona McLernon

5 Marian McMahon & Others

6 Martin McLernon

7 Michael Duffy

8 Residents of Glenina/Hazel Lane

9 Ronan McLernon

Date of Site Inspection

30th August 2023

Inspector

Tomás Bradley

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1.0 Introduction

Under the provisions of Section 177AE of the Planning and Development Act 2000, as amended (PDA), Clare County Council (CCC) has made an application to An Bord Pleanála (the Board) for the development of 20 residential units on Gort Road, Ennis, Co. Clare. The proposed development is a local authority development.

CCC in considering the proposed development has determined that it would be likely to have significant effects on European sites and, accordingly, an Appropriate Assessment (AA) is required. A proposed development in respect of which an AA is required shall not be carried out unless the Board has approved it with or without modifications.

2.0 Site Location and Description

The site is located on Gort Road in the townland of Lifford, Ennis Co. Clare. It is approximately 1.2 km north of O'Connell Street in Ennis Town Centre. The site is on the Regional Road R458 which is main arterial route into the town centre from the north.

The site, approximately 1.39 hectares (ha.) is generally rectangular in form and surrounded by established residential uses including Fernhill to the south, Ivy Hill to the east, Hazel Lane and Glenina to the north and Gort na Rí to the west. There is a neighbourhood shop at the junction of the Gort Road and Hazel Lane and an educational centre to the north-east.

The site is currently undeveloped. The site is largely improved grassland interspersed with scrub and immature trees. The land becomes wetter to the south where water ponds. On the day of the site visit the site was being grazed by horses. An electricity line runs overhead through the south-east corner of the site.

The site has trees along its eastern and western boundary, less so on northern and southern boundaries. Much of the site boundary facing the Gort Road enjoys a well-detailed stone wall as well as some ornamental planted flower beds. On the northern boundary, there is a similar stone wall, but it is damaged in parts by overgrowth and there is evidence of domestic grass cuttings dumped on and over the wall. A stone wall also runs along the eastern boundary.

The site has been considered under the Catchment Flood Risk Assessment and Management (CFRAM) Programme. The mapping indicates that a large portion of the site has a low probability (1 in 1000 chance) of being flooded by rivers in a very extreme flood event. There are no past flooding events. The southern part of the site is known to be wet.

There is a Recorded Monument on the south perimeter of the site which is a Hut Site (Record Number: CL033-130003-). In terms of natural heritage, the River Fergus is located in proximity of the site, 600 m to the west, and is a Special Area of Conservation (SAC) included in the Lower River Shannon SAC (Site Code:002165).

3.0 Proposed Development

3.1. Development Description

The proposed development includes:

- 20 no. residential units comprising of:
 - 2 No: 4-bed detached dwellings,
 - 4 No: 3-bed semi-detached dwellings,
 - 12 No: 2-bed semi-detached dwellings, and
 - 2 No: 1-bed semi-detached dwellings.
- Proposals further include car parking, hard & soft landscaping, site clearance works, roads, footways, amenity facilities, public lighting, signage, connections to existing services, and all ancillary site development works.

These details of the proposed development are set out in the public notice.

3.2. Documents supporting the Proposed Development

The following documents were submitted by CCC in support of the proposed development:

- Cover Letters (dated June and July 2023)
- Public Notices – Newspaper, Site and Prescribed Body (dated June 2023)
- Drawing Pack (June 2023)
- Design Statement (not dated)
- Civil & Structural Engineering Report (not dated)
- Environmental Impact Assessment (EIA) Screening Report (June 2023)

- Natura Impact Statement (NIS) (June 2023 and revised in October 2023 (see note in Section 3.3 of this report)
- Tree Survey and drawings (December 2022)
- Flood Risk Assessment (FRA) (June 2023)
- Road Safety Audit (RSA) (June 2023)
- Traffic and Transport Assessment (T&TA) (June 2023)
- Lighting Report and drawings (incl. Light Plan, ESB & Eir Services) (May 2023)

3.3. Further Submission

On The 6th of September 2023, the Board, in the interest of justice, requested CCC to respond to the third party observations as set out in Section 7.2 of this report. This response, received on the 3rd of October 2023, is summarised in Section 7.3 of this report. It responds to each observation individually.

In the interest of clarity, it is noted the submission continually refers to the a development plan between the period 2017—2023 (which is not in effect) rather than the relevant and prevailing development plan for the period 2023-2029. Regardless, the objectives the applicant is relying on has not materially changed between plans. The assessment below has been careful to correlate any objectives.

It should also be noted that a revised NIS was included as part of the submission received in October 2023. While the reason for doing so is not explicitly explained by the applicant, it is understood to have sought to include additional minor information in respect of sewer and surface water for completeness. It did not change the effects, mitigations or conclusion of the NIS.

3.4. Unsubmitted Document

The submission of 3rd of October 2023 makes extensive reference to a drawing titled Open Space Layout 220304-105. However, this did not make up a part of the file either in the original particulars submitted in June 2023 or as an attachment to the submission in October 2023. Both the drawing register and pack were checked.

4.0 Planning History

A review of the CCC Planning Portal and the Board's case files was carried out the on the 4th of September 2023 to collate any planning history for the site.

ABP-306411-20 Vacant Site

In accordance with Section 9 (5) of the Urban Regeneration and Housing Act 2015 as amended, the Board confirmed the entry of the site on the Vacant Sites Register.

CCC Reference 00/21144 Car Storage

CCC refused planning permission on the site on the 5th of March 2008 for:

the provision of a temporary open car storage area including ancillary site works.

CCC Reference 00/21144 Hotel and Commercial Development

CCC granted planning permission on the site on the 7th of February 2001 for:

to construct a 70 bedroom hotel with restaurant, bars physical fitness centre, 8 lane bowling alley, managers apartment, 680m commercial space to include post office, chemist, bank, dry cleaners, medical centre, hair salon, parking facilities etc.

This development was never commenced and the permission has withered.

Adjoining Residential Planning Applications

There are numerous planning applications around the site in respect of residential development which is to be expected in a such a suburban location. These are all noted and considered in the assessment below.

5.0 Policy Context

The Clare County Development Plan 2023-2029 (CCDP) came into effect on 20th April 2023 and is the relevant plan for the subject site.

5.1. Zoning Objective

The site has two distinct zoned areas, namely 'Residential' to the north and 'Open Space' to the south. The general objective for 'Residential' is "*to primarily include the use of land for domestic dwellings*" and for Open Space is to '*be retained as undeveloped open space, mainly for passive open space related activities*'. These are marked on the Land Use Zoning Map in Volume 3A Ennis Municipal District Settlement Plans of the plan.

5.2. Specific Policies in respect of the Site

The northern area of the site is marked 'R11 Gort Road/Hazel Lane' in Volume 3A of the plan. This sets out technical guidance for certain zoned residential lands. At a high level this includes the requirement for new residential developments to be:

- be in accordance with Section 28 Guidance Documents
- be accompanied by a Design Statement
- considered in conjunction with the Strategic FRA in Volume 10c of this Plan.
- incorporate street trees into their design to enhance character and sense of place on principal routes.

At a more detailed level, it is stated:

"This site is considered to be suitable for high-quality residential development which will complement and enhance the character of the adjoining Hazel Lane. An innovative layout will be required to ensure that dwellings address both Hazel Lane and the open space/wetland area to the south.

Vehicular access to the site shall be from Hazel Lane. It is important that development taking place on this site does not impact on the drainage of the site or the operation of the drainage system in the area. In this regard a hydrology assessment must be undertaken as part of the preparation of development proposals. Surface water run-off from development on these lands must be managed to minimise the speed and quantity of run-off to the open space area to the south of the subject site.

This site is mostly located in Flood Zone C within some encroachment onto Flood Zone B. Therefore, a site-specific Flood Risk Assessment must be carried out in relation to future development proposals having regard to the information set out in Section 7.2 of the Strategic Flood Risk Assessment in Volume 10c of this Plan.

The development of this site presents opportunities to provide innovative building design which demonstrates a high level of energy efficiency, energy conservation and use of renewable energy sources.

The design of any future developments on this site must retain the existing stone boundary wall and perimeter boundary of trees, except where their removal is necessary to provide safe vehicular access to the site."

5.3. General Policies in respect of the Urban Spatial Strategy

Ennis is a 'key town', in terms of settlement, in the CCDP and there are several policies promoting it as such and managing its growth in Chapter 4 of the Plan. In particular it is Objective CDP 4.13 to:

To ensure compact growth through the regeneration of brownfield sites and that the sequential approach is applied to the assessment of proposals, for development in towns and villages, and to ensure that new developments are of a scale and character that is appropriate to the area in which they are planned.

The objective is also concerned with the capacity to absorb development in terms of physical infrastructure.

5.4. General Policies in respect of Housing

Chapter 5 addresses Housing sets out requirements in terms of living in our towns and villages, social and affordable housing, housing design, mix and tenure ancillary living accommodation housing and accommodation for an ageing population, housing for people with disabilities, naming of developments and green infrastructures within residential developments.

5.5. General Policies in respect of the Natural & Built Heritage

There are numerous policies in Chapter 15 of the CCDP which seeks to protect and enhance natural heritage, particularly at protected sites - these are noted.

Considering the site specifically there are also objectives such as CDP15.8 of the plan which sets out provisions which seek to ensure the protection and conservation of non-designated sites. The chapter goes on to provide objectives to promote the preservation and conservation of woodland, trees and hedgerows (CDP15.19). In respect of architectural heritage (CDP 16.1) there are general provisions set out in Chapter 16 also to ensure its protection and enhancement of structures and elements that contribute positively to the vernacular heritage of the county.

5.6. Development Management Guidelines

Appendix 1 of the CCDP sets out development management guidelines for urban residential development. While not always prescriptive, they include guidance on:

- Multiple Residential Unit
- Plot Size
- Space Around Buildings
- Rear Garden Length
- Boundary Treatment
- Open Space
- Street Lighting
- Sustainable Mobility
- Lifetime Adaptability
- Brownfield and Infill Site Development
- Place Names

- Design Statements
- Sustainable Urban Drainage
- Transport and Movement
- Cycle Routes, Footpaths
- Roads, Access and Mobility
- Sight Distances
- Bicycle and Vehicle Parking
- T&TA, RSAs

5.7. Relevant Section 28 Ministerial Guidance

The following Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009, the accompanying Urban Design Manual: A Best Practice Guide, 2009 (Sustainable Residential Development Guidelines);
- Design Manual for Urban Roads and Streets, 2013 updated 2019 (DMURS); The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (Flood Risk Guidelines); and

6.0 Legal Context

Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('the Habitats Directive') is European Community legislation aimed at nature conservation. The Habitats Directive requires that where a plan or project is likely to have a significant effect on a European site(s), (and where the plan or project is not directly connected with or necessary to the nature conservation management of the European site), the plan or project will be subject to AA to identify any implications for the European site(s) in view of the site's Conservation Objectives. The Habitats Directive is transposed into Irish law by Part XAB of the PDA, and the Planning and Development Regulation 2001, as amended (PDR).

Section 177AE sets out the requirements for the AA of developments carried out by or on behalf of local authorities. Where AA is required, the local authority shall apply to the Board for approval. A proposed development in respect of which an AA is required shall not be carried out unless the Board has approved it with or without modifications.

The Board, as competent authority is required to determine that the proposed development shall not adversely affect the integrity of a European site and in doing so shall consider the NIS, any submissions or observations received and any other

information relating to the likely effects on the environment; the likely consequences for the proper planning and sustainable development of the area; the likely significant effects on a European site.

7.0 Submissions

A total of twelve parties made submissions under the provisions of Section 177AE. This includes nine submissions from third parties and three submissions from prescribed bodies. The submissions are summarised below. It is noted that the CCC issued prescribed notices to twelve prescribed bodies in total.

7.1. Prescribed Bodies

7.1.1. Department of Housing, Local Government and Heritage (DHLGH) (Development Applications Unit - Archaeology)

- Reference made to Recorded Monuments CL033-130001 - (Ringfort - unclassified), CL033-130002- (Souterrain) and CL033-130003- (Hut site) at the south of the site which could be disturbed during groundworks.
- The DHLGH recommends that an Archaeological Impact Assessment, including archaeological test excavation, be required as a condition of any approval of planning that may issue. It requests any condition aligns with Sample Conditions C.2 and C.5 as set out in OPR Practice Note PNO3: Planning Conditions (October 2022).

7.1.2. Inland Fisheries Ireland (IFI)

- IFI has no objection in principle to the proposed development. It would like to see more nature based solutions to rain water management and attaches guidance document on same named, Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas – Best Practice Interim Guidance Document.
- It also noted that the underground tank lacks influent silt trap and the underground tanks lack water quality treatment provision which makes their performance difficult to monitor. No details on a maintenance plan for the attenuation tank or of an upstream water quality management plan is provided.

7.1.3. Transport Infrastructure Ireland

- Given nature and location, TII has no specific observations.

7.2. Observers

7.2.1. Eoin McLernon

- The entrance for the proposed development would decimate the character of the laneway by demolishing the wall and removing trees. There are better alternatives for the entrance.
- Father of Mr McLernon resides at 2 Glenina and has mobility issue. Father of Mr McLernon spends most time in the front room of house. The proposed development would disrupt his activities due to noise and light pollution as a result of the location of the access point to the proposed development.
- Attention is drawn to the existing entrance way on Gort Road to a dwelling which previously existed on the site but is now demolished. An entrance was also proposed as part of undeveloped hotel on the Fern Hill side.
- Submission raises current character of the laneway and how its width and enclosed nature lends itself to traffic and road safety.
- The removal of the hedgerow will negatively impact the biodiversity and heritage of the lane. The hedgerow currently acts as a noise barrier.

7.2.2. Brothers of Charity (BoC)

- The submissions has been made without having viewed the planning application particulars.
- The BoC facility, which has been significantly invested in on Hazel Lane provides support to six wheelchair users who require 24 hour support. They use two large wheelchair vehicles. The site was chosen due to its secure, private and peaceful location.
- While no issue in principle, concern raised about access of the proposed development on to Hazel lane with resultant impact of construction phase disruption, increased traffic and parking, noise and potential unsociable behaviour. It also raises concern about safety and general access for medical and care needs in the event of emergencies.
- Access would be more suitable on the Gort Road or Fernhill to avoid these impacts and preserve current setting surrounded by hedgerows and tress on what they consider a quiet cul-de-sac.

7.2.3. Colm & Martina McEnery

- This observer owns the property immediately east of the site. They have access onto Hazel Lane and Ivy Hill/Fern Hill. The property is at a higher elevation than the site.
- The site is part of a floodplain, subject to pluvial and fluvial flooding and is unsuitable for development. There are more suitable sites in the town which should be developed in the first instance.
- Access to the site along Hazel Lane and without the provision of a right turning lane into the site is inappropriate and would give rise to congestion and a traffic hazard. Lack of footpaths, width of the lane, car parking for visitors, access to and operations at the BoC is also raised. Sightlines onto the Gort Road and queuing at the junction is raised particularly around school drop off/pick up times. An entrance to the south would be more appropriate. Overall it is considered there is limited consideration of alternative solutions.
- The layout of the proposed development is not sufficiently detailed (levels) and makes an assessment difficult. The surface water management could give rise to water penetration into the basement of the McEnery's property.
- The observer raises concern about the boundary treatment between their property and the site. It is considered a 2.5 m high wall is required to ensure amenity and privacy protected. There is concern about Units 3-6 and proximity to the boundary.
- The trees along the boundary of the property have ash dieback disease and this should be factored into the assessment. Any trees which are removed should be replaced with trees of a similar size and maturity. The stone wall should be preserved as required by the development plan. The provision of such a boundary may require the moving of houses no 5 and 6 to the west. A requirement for temporary boundary arrangements during construction should also be incorporated into the Construction Environmental Management Plan (CEMP).
- There is concern that amenity lands to the south will be used for 'anti-social purposes' due to the layout and design of the proposed development. Suggestion to fence the site to the north and provide fob-key access.

However, the principle of open space on this location is questioned due to flooding.

- The area of land to the south is not zoned. It is not considered that it can serve as open space to the proposed development. There are also discrepancies raised in relation to the actual site boundary.
- Attention is drawn to Article 23 1 (a)-(c) of the PDR which sets out requirements for drawings and the clarity required in the submission of planning application.
- Questions are also raised on the storage space for the proposed development, reference is made to 'Design Standards for New Apartments 2017'.

7.2.4. Fiona McLernon

- The proposed development seeks to remove the historic stone wall and planting that flank the boundary between the site Hazel Lane.
- The proposed development will have a negative effect on the residents of 1-5 Glenina, Hazel Lane.
- The observation has considered several documents including the CCDP (Objective 11.18), Design Manual for Urban Roads and Streets (DMURS), Sustainable Residential Development in Urban Areas and Clare Biodiversity Plan and claims that these have not been appropriately applied.
- Since the early 1990's the residents have lived on a cul-de-sac and are aware of the residential zoning. While not opposed in principle to the zoning, the use of the laneway will increase traffic. The removal of the hedgerow will impact on biodiversity.
- Access to the proposed development as designed will impact the pre-existing qualities of the laneway which DMURS promotes as well as the characteristics of the community on Hazel Lane which are long established.
- The BoC care home at the end of the lane will be impacted by the increased use of the Hazel Lane.
- The building height, setback of the building line and the narrow width of Hazel Lane along with the treeline creates a well-proportioned road and makes it an attractive place to live.

- The widening of the lane will increase speeds on Hazel Lane and generate a traffic hazard and increase traffic. DMURs encourages narrower streets to create lower speeds.
- The proposed development will remove current situation where visitors to the existing houses on the lane park on the lane. There is no dedicated parking proposed along the lane as part the development. The current situation of street parking also serves to reduce speed. There is also concern about parking on the footpath.
- The proposed development impacts on the zoning objective for 1-5 Glenina which is 'Existing Residential'. The quality, character and amenities of the area will not be conserved, protected or enhanced.
- The removal of the hedgerow will negatively impact the:
 - sense of enclosure (enclosure ratio),
 - biodiversity (species under the Wildlife Act, general protections under the CCDP - Section 15.2.17, Objective 15.19 (c), (d) and (i)),
 - heritage (boundary evident on 6" OS Map and rare dry stone wall dates form at least 1840) and
 - air quality (Ennis has poor air quality and trees improve it, general protections under the CCDP – Objective 5.16).
- Section of the CCDP which sets out the plan for this site, referred to as R11, explicitly states that the stone wall and trees must be retained except to provide vehicular access.
- No bat survey has been completed and the removal of trees would have a negative impact on their habitat.
- It is considered that access via the Gort Road would provide safe access that would avoid impacts as described in previous points. Hazel Lane is a 'local road and is not in a position to serve more units than at present in the context of DMURS Section 3.2.1. It would have minor impact on traffic volumes on Gort Road
- Concern raise about impact from light, specifically car headlamps shining directly into ground floor or certain properties.

- Widening of street at junction with Gort Road negatively effects pedestrians and increases crossing distances and will also impact movements at Hogans Shop.
- Submission claims additional junction on Gort Road would have effect of reducing speeds and would not have resultant impact on RSA.
- Reference is given to a precedent of allowing new residential estates access directly onto main regional road (Ref: 18/1007 Hogan's Field, south of town).
- Attention drawn to the existing entrance way on Gort Road to a dwelling which previously existed on the site but is now demolished, an entrance proposed as part of undeveloped hotel proposal for the site in 1998.
- The submission raises issue with the amount of open space being provided and considers that what is being provided is not useful open space. Also of concern is the layout and dendritic network

7.2.5. Marian McMahon & Others

- The area on the southern half of the field is identified a 'Future Amenity Area/Open Space Area', however due to flooding at this location access should be prevented for health and safety grounds.
- Reference is made to the request for 2 m high wall [no location specified], but it does not appear on any drawing. The submission requests improved security measures to ensure safety of local residents. Any new wall could be added to existing features or stepped back and installed a suitable distance behind.

7.2.6. Martin McLernon

- The removal of wall and tress would generate noise and light impacts and take several years to regenerate.
- The proposed development and in particular the access will impact downstairs of home which Mr McLernon uses to sleep.
- The lane currently slows traffic and makes it safe for users.
- The council has made several decisions over the years which have impact the laneway including the removal of access to a communal green area at the BoC and Gael Scoil site, service supposed to be underground were place overhead, changes to the street name as Hazel Lane.

7.2.7. Michael Duffy

- The planning application details are not available online.
- The red line boundary does not include the proposed stormwater and foul sewer connections. It is submitted that this cannot be considered exempted development as there are likely significant effects on Natura 2000 Sites.
- The NIS is deficient as there is:
 - no consideration on the impacts of wastewater and additional loads on the Waste Water Treatment Plant (WWTP) on the Lower River Shannon SAC which currently has poor water quality. There is also hydraulic connective to the Fergus Estuary proposed Natural Heritage Area (pNHA) and River Shannon and River Regus Estuaries Special Protection Area (SPA).
 - no consideration of impacts, including cumulative, of the dysfunctional sewer network on pollution of ground water and surface waters including potable sources.
 - no consideration of impacts form stormwater overflows.
- No detail provided for the design of the attenuation system. No evidence of oil interception.
- The Board should seek the opinion on the status of the River Fergus about the WWTP and the untreated stormwater overflows. Similar requests should be made of the EPA.
- The Irish Water (now Uisce Éireann (UÉ)) Confirmation of Feasibility notes that there is no guarantee of capacity at the WWTP.
- No assessment of cumulative effects of overloaded Clareabbey WWTP, and agglomeration of housing on zoned lands.

7.2.8. Residents of Glenina-Hazel Lane

- No issue in principle to the development of the site but concern is raised about the access arrangements as it will destroy the character, usability, biodiversity of the lane and in particular.
- The amenity of 1-6 Glenina will be impacted including its sense of community, privacy, environmental and cultural assets such as the trees and stones wall. The health issues raised in 7.21 and 7.2.6 are repeated again. There is limited landscaping provided to mitigate impacts.

- Traffic, including construction phase traffic, will also increase causing issues at the junction. Concern about impact to safety of users of lane including children elderly and BoC raised.
- There are requests for the retention of the trees. It is considered there are more appropriate alternatives.
- Concerns raised during consultations with CCC were not factored into the planning application submitted to the Board. In addition, it is considered that UÉ the information provided isn't precise or clear. There is limited information on construction phase activities.
- Concern raised in respect of the economic value of the properties. Several of the individual submissions raise personal family and health circumstances and reasons for living on the lane.
- Request to consider alternative of access directly onto the Gort Road or to put a roundabout at the entrance of Fern Hill/Ivy Hill. The submission also suggests that the field should be turned into a car park with park and ride facility.
- Concern about the displacement of surface and ground water and the potential risk of flooding

7.2.9. Ronan McLernon

- Mr McLernon's home is at No. 2 Glenina and will be impacted directly by the proposed development and its design.
- The health issues and impacts raised in 7.21, 7.2.6 and 7.2.8 are repeated again. Mother of Mr McLernon also has health issues and will also experience similar impacts.
- The removal of the wall dates 200 years and hosts nature and wildlife and provide benefits to the environment generally. Increased traffic would impact children and elderly people living on the lane.
- Other entrance should be considered on Gort Road or along Fern Hill to the south.

7.3. Applicant's Response to Observations

The response can be summarised as follows:

- The proposed development aligns with best practices in urban design, planning and architectural design, focusing on the CCDP for the site.
- A summary of the community engagement undertaken is provided, including details of a consultation event and the number of submissions received.
- Vehicular Access and use of Hazel Lane
 - A Construction and Environmental Management Plan will address the majority of construction phase impacts and can utilise existing entrances onto the Gort Road during this phase.
 - The design of road on Hazel Lane will make it safer by widening it and providing footpaths and public lighting. Access for medical emergencies will not be impacted. The street will be enclosed and an edge provide by the proposed buildings and footpaths and provide natural overlooking and surveillance. The zoning objective is clear that access needs to be from Hazel Lane. Access to Fern/Ivy Hill was considered but roads/parking needs to be confined to the zoned area.
 - The proposed design with access from Hazel Lane responds to the RSA findings and recommendations, and appropriately responds to the CCDP policy objective for Site R15 [R11] Gort Road/Hazel Lane.
 - While the existing boundary wall on Hazel Lane will be demolished, stone salvaged from demolition may be used for the proposed stone wall to Hazel Lane.
 - Existing trees removed from the Hazel Lane boundary & eastern boundary will be replaced with suitable trees to the south of the site and at appropriate locations throughout the site to minimise effects at the local scale.
 - High quality civic realm and building material finishes will complement the local aesthetic, whilst creating a modern finish.
- Impacts to air quality is not expected, additional trees will be planted elsewhere and there will be no fireplaces/chimney in the proposed development.
- The submission refers to an Open space layout, 220304-105 - Site Open Green Space Layout. [however, this was not provided as part of the submitted planning particulars].

- The applicant notes the submission of DHLGH and states the design responds to the presence of recorded monuments and suggests an Archaeological Impact Assessment can be conditioned if required.
- The submitted layout is consistent with the character of the existing low-density neighbourhood and meets the practical needs of the site. It's important to note that this is an infill scheme within an existing suburb, and the layout design cannot physically connect to other adjoining estates to provide street continuity.
- In response to IFI, several measures will be incorporated into the stormwater management plan including nature based solutions, silt traps and maintenance plans.
- The full extent of the stormwater and foul sewer pipe works are clearly indicated on the submitted drawings and referenced in the public notices with the application. Any works to connect to the public sewer will require permission from UÉ through their formal connection process.
- The proposed development will be connecting to the Ennis North WWTP and not the Clareabbey WWTP. The Water Framework Directive (WFD) Ecological Monitoring results within the 2021 report (2013-2018 recordings) observed a poor ecological status, however as seen in the 2022 Annual Environmental Report (2020-2021 recordings) for North Ennis WWTP the status of the River Fergus has been improved to a moderate ecological status, which shows an improvement in water quality of the River Fergus in the vicinity of the WWTP discharge.

8.0 Assessment

Section 177AE (6) of the PDA requires that the Board, before making a decision, shall (inter alia) consider:

- the likely effects on the environment,
- the likely consequences for the proper planning and sustainable development in the area, and
- the likely significant effects of the proposed development upon a European Site.

The structure of the assessment below follows these headings. Proper planning and sustainable development is considered first given it addresses the principal issues about the suitability of and environmental issues related to the site.

The Board will acknowledge that there is substantial overlap with the principal issues considered and the likely effects on the environment and European Site and, rather than repeat topics, all sections should be read in conjunction with one and other and contribute toward each the discrete assessments required by Section 177AE.

8.1. Likely Consequences for the Proper Planning and Sustainable Development

8.1.1. Principle of Development

The site is zoned 'Residential' and 'Open Space'. It is largely surrounded by 'Existing Residential' zoned lands. The proposed development and its general layout is consistent with the zoning objectives in that the northern area will accommodate 'Multiple Residential Units' and the southern area will be 'Open Space'. Both uses are considered acceptable in principle in the relevant zone subject to compliance with policies and objective as set out in the CCDP.

The zoning objectives are bolstered by a significant volume of general policy objectives at national, regional and local level which supports the development of zoned lands in established settlements where there are existing services. At the local level, Volume 3A of the CCDP clearly identifies the site for residential development and sets out specific objectives under for the site called 'R11 Gort Road/Hazel Lane'. The principle of development at this site has, therefore, been well considered by CCC in advance of this subject application and is consistent with the Core Strategy of the CCDP.

There are several submissions in relation to this file from third parties, many of which are living in adjoining properties. The majority state that they do not oppose the development in principle. The submissions raise more specific issues in relation to the design of the proposed development and compliance with policies and objective as set out in the CCDP. One submission does question the suitability of the site and that there are other and better alternative sites available. No evidence is provided of these sites by the observer and, on the basis of the zoned status of the site, it is considered a moot point - the site has been fully considered, sequentially, in the context of all lands in Ennis by CCC as part of the CCDP.

Having regard to the zoning objective for the site and the specific policy objectives for the site as set out in the CCDP, it is considered the principle of the development is acceptable.

8.1.2. Flood Risk

This site is at risk of fluvial flooding, the extent of which has been outlined in the FRA prepared by Tobin Consulting Engineers on behalf of the applicant. Parts of the residential area is considered to be in Flood Zone B. The proposed development is considered a highly vulnerable development in terms of its sensitivity to flooding and as such a justification test is required under the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).

The site has been zoned in the CCDP. This plan itself is subject to an FRA which would have justified the zoning objectives and resulted in the southern part of the site being considered unsuitable for development due to the flooding and being zoned 'Open Space'. The proposed design is consistent with the zoning objectives and any significant flood risk has been mitigated by avoidance.

As part of the design, the residential dwellings are to the north, away from the flood zone, which is a type of development most sensitive to flooding. The design of the proposed development includes for an increase in site levels to ensure that it is above a 1000-year flood level – the FRA recommends a minimum finished floor level of 6.45mOD, which provides for 350mm freeboard above the predicted 1000-years Medium Range Flood Scenario (MRFS) flood level of 6.10mOD. The FRA submitted by the applicant considers that this design would result in a negligible flood risk – this is considered a reasonable approach. Additionally, given this is a flood plain and its ability to flood will be limited by the residential development, compensation storage is also proposed to approximately 1494m³ – this will be provided via a graded area to the south of the site. There is an onsite storm water management system also proposed in accordance with Sustainable Urban Drainage System (SuDS) principles. Again, this is considered reasonable. The measures identified by IFI in Section 7.1.2 should be conditioned to any approval.

While no additional measures are provided to minimise flood risk to adjacent land and use receptors, the applicant considers the risks to be low. Any residual risk has

been factored into the design. The issues in relation to the basement to the east of the site are addressed in Section 8.1.4.1.

It is considered unlikely, subject to mitigation measures, that significant impacts would arise from flood risk.

8.1.3. Development Standards

8.1.3.1. *Density*

The application site has a total site area of 1.39 ha. The proposed development is for 20 residential units on a net developable area of 0.65 ha. (excludes lands considered open space area) which provides for a net density of between approximately 26 (gross) to 31 units (net) per ha. The site is zoned 'Residential' and on review of the CCDP there is no specific density to be achieved for such lands.

The CCDP defers to the *Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (May 2009)* on density where appropriate locations for increased densities are identified. The site can be considered under 'City and Larger Towns' as Ennis has a population of over 5,000 people. Given the location of the site at an inner suburban area of Ennis within an established residential area, it should be considered an 'Infill Residential Development'. The guidelines in this instance is clear that a balance needs to be struck with any established density. A DHLGH issue Circular (NRUP 02/2021) issued in 2021 to supplement the guidelines does not provide any further guidance on such infill sites.

The proposed development does not provide for an equal or lower density than what is established on adjoining 'Existing Residential' zoned lands. However, the density is not considered inconsistent with what is established density in the area. Due the limitations of the site in terms of flood risk and the balance required between the reasonable protection of the established character of the area – the density is considered appropriate.

Having regard to the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009) for 'Infill Residential Development', the density is considered acceptable.

8.1.3.2. *General Design*

Design and Layout

In terms of good architectural and urban design, both the Sustainable Residential Development Guidelines and accompanying manual, require that developments achieve efficient use of finite resources, whilst ensuring the creation of distinctive urban developments.

While the proposed development is not considered overly inspiring relative to other schemes which have come before the Board, it does, at a basic level, meet the twelve criteria referred to in the manual. The design and layout incorporate the site's key features, respond to the receiving area and adjacent properties, and optimise use of the shared resources, thereby being an appropriate basis for the design rationale.

It may have been appropriate to retain and protect the wall and hedgerow along Hazel Lane as well as provide a less car dominated space. However, CCC has provided design and policy justification for what is a constrained infill site. The southern portion of the site has received no design consideration from CCC and has simply been annotated 'Future Amenity/Open Space Area' on drawings and additional tree planting proposed in the Site Landscape Layout. Efforts to address this are set out below under 'Open Space'.

The proposed development provides for sufficient variety in the design of structures with variation in the form and type of structures, heights and external material finishes. The design also provides for lifetime adaptability. A Design Statement is included with the application particulars.

The proposed development provides a variation of hard and soft landscaping as well as function. Levels of passive surveillance is of a good standard with open space areas overlooked by multiple units.

The overall design and layout is not atypical in terms of suburban development in terms of scale, orientation and relationship with adjoining structures and is not dissimilar to the established pattern of in the area. The proposed development will provide for a satisfactory level of daylight and sunlight to the proposed units.

The design and layout is considered acceptable.

Boundary Treatments

The submission by an observer that the Site Boundary Treatment Plan is difficult to read is agreed with. The drawing could read as if a 2 m high block wall is being proposed around the entire site, but it is presumably demarcating the landholding. While the drawing is generally of a poor standard and not very discernible at the parts of the boundary of concern – in the interest of expediency it is understood as follows.

It is proposed to retain the existing stone wall (Type 7) along the Gort Road - this is acceptable and required under the technical guidance under Volume 3A of the CCDP for 'R11 Gort Road/Hazel Lane'. It will not be retained along Hazel Lane although it will be tied-in for several metres by a 900 mm high stone wall to match that existing (Type 8). There will be no boundary as such to the north other than this short tie-in.

Around the 'Future Amenity / Open Space Area' to the south it is proposed to install a 1.8 m weld mesh fence (Type 10) around it in its entirety. There is no justification provided for this but presumably it is for safety reasons due to the flood risk. Open Space is discussed below in more detail but it is considered that this type of fencing would not be suitable for a 'Future Amenity / Open Space Area' and it should be more open and accessible than that proposed. The Development Management Standards in relation to SUDS are clear that they should provide the opportunity to combine water management with green space which can increase amenity and biodiversity – CCC has not met this standard.

It would seem remiss not to develop this as an amenity/open space along with the residential phase for the benefit and enjoyment of both future residents of the proposed development and existing residents of the area. A condition to this effect is recommended below should the Board be minded to give approval in this instance. Any condition should insist on the removal of Type 10 fencing from the proposed development.

At the north-east side of the site the treatment is unclear. There are several shadings of blue on the Site Boundary Treatment Plan which have not transferred well in print. It could either be a 2m high block wall (Type 2), 900 mm high stone wall to match that existing (Type 8) or 2.1 m high concrete post and plank wall (Type 9). Where possible the existing stone wall should be retained in situ or at least the stone

salvaged and wall reinstated to match existing. This is addressed in more detail in Section 8.1.4.1 and including a recommendation of a condition to this effect.

Open Space

The proposed development provides both private (rear gardens) and public open space. The CCDP is not prescriptive in terms of open space ratio requirements. Regardless, the proposed development has provided sufficient and reasonable private open space and has the capacity to provide sufficient public open space when factoring in the southern portion of the site - approximately 52% of the overall site largely owing to the zoning objective and flooding risk. Considering the northern portion of the site only, this would amount to 16% which is above the minimum rate set in the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009).

The southern portion of the site has received no design consideration from CCC and has simply been annotated 'Future Amenity/Open Space Area' on drawings and additional tree planting proposed in the Site Landscape Layout. The comments of an observer as to whether this is 'useful open space' is an appropriate question to pose.

If considering this field a single site, it would seem remiss not to develop this as an amenity/open space along with the residential phase for the benefit and enjoyment of both future residents of the proposed development and indeed existing residents of the area. The Development Standards recommend combining water management with green space so as to increase amenity and biodiversity. A condition to this effect is recommended below should the Board be minded to give approval in this instance.

Several submissions queried whether the southern portion can be considered in the calculations for open space as it is not residentially zoned. In this instance the site includes the open space lands and it is one landholding. It is reasonable that the proposed development would factor in these lands into the design.

The CCDP requires each green space in residential developments shall have at least one native oak tree, or other naturalised tree species of similar stature and lifespan integrated into the agreed planting/landscaping scheme. The landscape plan, for which a condition is recommended, can factor this requirement in.

There is equally confusion about whether the southern portion of the field is part of the site at all. It is accepted the site is often referred to as the northern part of the

landholding only by the applicant. Presumably, this because this is where the main works occur. But on review of the drawings, as the *bone fide* source, they include for the southern part of the field in the site boundary. Certain flood risk measures are also proposed as ancillary site development works in the southern portion.

On this basis, the open space provision is considered acceptable subject to conditions recommended below.

Street Lighting

External lighting is in accordance with guidelines contained in Recommendations for Site Development Works in Housing Areas published by DoEHLG and is therefore acceptable in this instance.

Sustainable and Mobility

The proposed development, although very facilitative of car use, provides reasonable permeability, connectivity and accessibility with pedestrian access to the Gort Road and there will be future accessibility to the open space to the south. It is generally compliant with DMURS. The proposed development has been accompanied by an RSA and Traffic and Transport Assessment. The location of the proposed development adjacent to the Gort Road and proximity to the amenities in the town ensures the potential to reduce car dependence and promote active travel.

Entrance Sight Distances

Adequate visibility exists for drivers entering and leaving the site in accordance with the standards set out in the CCDP.

Parking Standards

In terms of bicycle parking, no details have been provided by the CCC. However, parking can be provided within the curtilage of all of the units, which have private amenity space and individual rear garden access. No communal bicycle parking is required under the CCDP; however, it should be considered as furniture under the a conditioned landscape scheme.

The proposed development provides for a total of 33 car parking spaces. The requirement under the CCDP is 1 space per one/two bed units and 2 spaces per three bed and more units and 1 space per 3 residential units. It is noted 5% of car parking spaces provided are set aside for disabled car parking. On the basis of the

standards set out in the CCDP it is considered that sufficient car parking is provided to serve the proposed development.

8.1.3.3. *Unit Design*

Unit Mix & Type

The proposed development provides only for detached and semi-detached type residential units. No other mix of unit, such as apartments or duplexes, is proposed. While the mix of unit is limited, it is consistent with the established character of the area.

The type of units in terms bedroom size proposed includes a mix of one, two, three and four bed unit types. This provides a good mix and serves a variety of needs suitable to all age groups, persons at different stages of the life cycle and persons with disabilities.

Objective CDP5.8 of the CCDP provides aims on securing housing mix generally, however, provides no prescription on the requirement for mix and types like apartments or one-bed units. It is also noted CDP5.8 requires the submission of a 'Statement of Housing Mix' with all applications for multi-unit residential developments in order to facilitate the proper evaluation of a proposed development – CCC failed to provide this for the subject application.

While a 'Statement on Housing Mix' could have been requested by way of Further Information. The scale of the proposed development is such that it is housing mix is understood and, in the absence of prescriptive policies in the CCDP, considered appropriate in the context of the established character of the area.

Unit Quantities

The Design Statement submitted provides a breakdown of each of the proposed dwelling units. These have been considered against the standards set out under the Quality Housing for Sustainable Communities (2007). In the case of all dwellings such meet and exceeded the recommended standards in relation to gross floor area, room dimensions and is capable of meeting the storage provisions.

Unit Plot Size

A variety of plot sizes and shapes has been incorporated into the design and layout of the proposed development to allow for the different needs of potential future

residents. The plot size generally align to the unit type and expected number of occupants in the unit. This is considered acceptable.

Unit Separation and Space

The proposed development provides for acceptable separation distances between buildings to avoid negative effects of close proximity such as excessive overlooking, overbearance and overshadowing. A minimum of 1 metre separation distance, as required by the CCDP has been included between the side walls of adjacent buildings. The space around buildings is considered acceptable.

It is also considered that the applicant has had due regard to and respect for the residential amenity of adjacent properties and has incorporated a number of measures to protect and prevent undue impacts. In particular, the proximity of Units 5 and 6 to the property to east is not atypical in such a suburban location and, despite concern from an observer, there is no reason to move or omit these units. Similarly, the proximity to houses on the northern side of Hazel Lane at Glenina is appropriate.

Unit Rear Garden Length

Typically a rear garden depth of 11m will be required by the CCDP. The proposed development provides rear gardens with a depth of 6.8m in certain instances. However, an exception is made in the case of infill developments or for housing for the older people – again, similar to the plot size, the rear garden size generally aligns to the unit type and expect number of occupants in the unit. On that basis and that there is minimal overlooking issues, the rear garden lengths are considered acceptable.

Unit Boundary Treatment

The proposed development has provided boundary walls at various heights (which is consistent with the development standards of the CCDP) and considered acceptable. The finish is considered consistent with the external finishes of the dwelling house and considered acceptable.

8.1.4. Adjoining Amenity

The site is adjoined by existing residential development including single-storey and dormer style dwellings on Hazel Lane and in particular at Glenina and the BoC; and

a single storey and two-storey dwelling on a large plot to the eastern boundary. The majority of submissions on the file are from residents of these homes who are concerned about the impact to the amenity of their property and community.

None of the proposed units will back onto existing rear gardens or directly overlook them. The level of separation between the proposed and existing dwellings is also of sufficient distance and in keeping with reasonable expectations in suburban locations. The overall pattern and scale of development relative to existing dwellings is an acceptable approach and, again, not atypical of suburban type development for which the site is zoned for.

During the construction phase there will routine construction related pollution and nuisance generated including noise, odour, light, dust and traffic related impacts with the potential to cause nuisance and impact on the amenities of adjoining populated areas. This is of particular concern to existing residents with health concerns and children. However, these impacts will be temporary and short-term and would be controlled as part of standard and best practice construction measures. The preparation of a CEMP and TMP should be conditioned as part of the any approval.

It is not considered the proposed development in of itself would generate an anti-social or general social nuisance. These matters are wider social issues and would be subject to general criminal and civil laws and policing by An Garda Siochana, should it arise. While there are requests from the observers to close off the proposed development and fence certain areas, this is not appropriate and would not promote social cohesion.

8.1.4.1. Properties on Hazel Lane and in particular Glenina

The impacts properties in Glenina and on Hazel Lane are more general and considered under different topics above and below. The primary issue of vehicular access and the removal of the wall and hedgerow is addressed in Section 8.1.5.

8.1.4.2. Property East of Site

The two-storey dwelling to the east has a basement for which there is a concern of water penetration as a result of the proposed development. The FRA does not foresee any residual risk and although not explicitly stated there is unlikely to be an impact due to the flood management measures proposed. The existing basement dwelling is also a higher level than the existing site.

There are existing trees which will be removed as part of the proposed development to the eastern boundary to facilitate Units 3, 4, 5 and 6. While these units are in close proximity to the property to the east, this is considered an acceptable design approach and, again, not atypical of unit proximity in suburban type development for which the site is zoned for.

A specific issue in respect of the treatment of the boundary between the site and the property to the east has arisen - this has been considered in Section 8.1.3.2 also. As above it is recommended that the existing wall, as a party boundary, be retained in situ or at least the stone salvaged and wall reinstated to match existing. The observer's request for a 2.5m high wall is considered excessive in terms of height. The single cottage is well set back from the site, at a higher elevation and has its own screening currently. There would be no significant impact in respect of the amenity of the property to the east.

8.1.4.3. *Brothers of Charity*

It is noted that a care home is located at the end of Hazel Lane and they enjoy the use of the cul-de-sac as pedestrians for excursions and exercise. This will not materially change and the eastern portion of Hazel Lane will continue to be a cul-de-sac and generally experience the same volume of traffic.

There is a contradiction in submissions with those claiming that the lane is lightly trafficked and other raises issues such as traffic, parking issues and queuing at the junction with Gort Road – particularly during school hours. In spite of this the use of the lane for excursions by users of the care home is limited as it is. The proposed development will provide a pedestrian path on the southern part of the laneway and, in time, the users of the care home would benefit from use of the open space on the southern portion of the proposed site also.

There is no reason access should not be maintained to the care home for medical and care needs and in the event of emergencies. The lane, as it is, is narrow and may generate access difficulties. The proposed widening of Hazel Lane would improve the situation. Construction phase parking should be maintained within the site and should be a condition in the CEMP.

8.1.5. Vehicular Access

The proposed development includes a vehicular access point on Hazel Lane opposite No. 2 Glenina. To facilitate access at this point, Hazel Lane needs to be upgraded in terms of its width to accommodate increased traffic movements. To widen Hazel Lane the existing stone wall and hedgerow will be removed.

This has generated considerable comment from the current residents on Hazel Lane who consider the impacts it will create unacceptable. There are several recommendations for access to be provided directly from the site onto Gort Road or to Ivy/Fern Hill to the south – the submissions are of the view both options would result in the retention of the wall and hedgerow. It should be noted that the alternative onto Gort Road designed by CCC would still have resulted in the loss of wall and hedgerow.

In the technical guidance for the R11 site as part of Volume 3A of the CCDP, the plan is prescriptive in terms of access and states “*vehicular access to the site shall be from Hazel Lane*”. It also seeks the retention of the wall and trees. However, their removal is caveated where safe vehicular access is required. On the basis of information submitted, CCC are relying on this caveat to justify the design.

The key issues are addressed individually below.

8.1.5.1. Alternatives Considered

Gort Road

There are several submissions requesting the vehicular access to be made directly onto Gort Road, just south of the junction with Hazel Lane and using an existing access point which is currently proposed as a pedestrian access. While this may be a more obvious solution, having considered the RSA and the traffic hazards this may create due to the close proximity of junctions on the Gort Road, the conclusions of the applicant are considered reasonable.

Generally, where suitable alternatives are available the proliferation or concentration of access at certain locations should be limited. Vehicular access onto the Gort Road would create three junctions within approximately 130 m onto a regionally classified road.

A submission makes reference to a precedent of permitting access onto arterial routes into Ennis called Hogan’s Field site, on the southside of the town. In reviewing

this file, it should be noted that the Planning Report was concerned about the cumulative impact of accesses onto the Clare Road and sought a detailed analysis through Further Information. While, a similar type of development, the characteristics of the roadway at this location are different in terms of number of junctions along a specific stretch of road and potential hazards present.

Ivy/Fern Hill

Another solution proposed in the submissions is to bring a road along the eastern boundary south toward Fern Hill. This was formally proposed as part the hotel development on the site in 2001.

This is a potential solution, however, there would be the issue of flood risk in this instance. The southern portion of the site is also zoned open space and while a road may be permissible on such lands it would seem counterproductive when a more efficient route to Gort Road is available to the east and north.

8.1.5.2. Removal of Wall and Hedgerow on Hazel Lane

The wall and hedgerow provide a sense of character for Hazel Lane, enclosing and screening its southern edge. The wall holds local value, however, has become overgrown by a hedgerow (with some trees starting to mature) and there is evidence of domestic grass cuttings dumped on and over the wall. The unkemptness of the wall and hedgerow essentially provides its character. There is no specific designation or protected status on the wall and hedgerow. While the hedgerow is used by several common species - no protected species are known to use the hedgerow. The type of wall would be common in this region.

There is a requirement to remove approximately 19 trees in the north-east edge of the site. The Tree Survey considers the majority of trees for removal as moderate quality (Class B) and their retention is desirable. While it would be desirable to retain several of these trees, the survey is clear that their retention is not viable due to their root system and the disturbance of some would likely kill off or destabilise them in time. 'Ash dieback' disease may also be a factor in certain trees and their death may be inevitable in any case. Additional trees (no. 2) are provided on the northern boundary, although limited due to the provision of car parking.

The removal of the wall and hedgerow will certainly be noticeable by existing residents on Hazel Lane in terms of visual impact, however, the impact will not be

significant in terms natural and built heritage. While there are several policies promoting the conservation of hedgerows and walls in the CCDP, a balance needs to be struck in achieving other policies of the CCDP such as providing housing. Having regard to the location of the site in a suburban area, the nature of the wall and hedgerow and requirement to provide access to the proposed development, it is considered the removal of the wall and hedgerow on Hazel Lane is acceptable.

8.1.5.3. Location of Access Point opposite No. 2 Glenina

Several submissions are concerned with No. 2 Glenina which is located directly opposite the proposed access point and will in effect find itself located on a minor junction. The front room of the ground floor of No. 2 Glenina is used at all times due to health issues of a member of the family.

It is accepted that there will be impacts as a result of the access and movement on the junction. However, this is not considered significant in the context of a suburban location and the existing residential amenity, where traffic movements, albeit undesirable, are inevitable. The impacts of the junction may be mitigated through the final design of the junction and other speed limiting measures. In addition measures could be taken by the occupier of No. 2 Glenina to mitigate impacts like the provision of screening and sound proofing. Regardless the impacts are not considered to be significant in such a suburban context.

8.1.5.4. Improvements to Gort Road

The use of the existing junction would be acceptable in principle given it already facilitates up to fifteen existing residential dwellings on Hazel Lane. The T&TA has considered its capacity. There is currently no right-turning lane onto Hazel Lane from Gort Road and, considering submissions from the existing residents on the lane, it is considered that the provision of a right hand turning lane may be beneficial. The provision of such a turning lane or controlled junction could be considered in future by the roads authority. A condition to this effect was considered and the Board may consider including such a requirement – however, it was considered beyond the scope of this application presently based on the traffic impacts expected.

8.1.5.5. Traffic Impacts

It is considered that issues related to traffic impact are not significant in the context of the proposed development. The T&TA prepared on behalf of CCC has determined

that Hazel Lane and the junction with Gort Road will operate within capacity out to 2039 at least. It is satisfied there is adequate visibility splays at the junction and the parking requirements are met in accordance with the CCDP.

It should be noted the same requirements (capacity, visibility splays and parking), are met should the access be directly onto the Gort Road (referred to as Option B). While this is noted, the Board should be clear that the T&TA does not factor in the RSA.

It is considered unlikely, subject to mitigation measures, that significant impacts would arise on the road network.

8.1.6. Biodiversity

The proposed development will result in the loss and potential disturbance to trees and hedgerows as well as the loss of an area of dry meadow and grassland. Temporary noise, dust and traffic impacts may also arise. In terms of biodiversity, the proposed development will result in some disruption of existing habitats on site and disturbance/displacement of species using the site. The site is not important for protected, important or sensitive species of fauna or flora (e.g., for breeding, nesting, foraging, resting, overwintering, migration). Further measures such as the appointment of an Ecological Clerk of Works during the construction phase should be conditioned to any approval to mitigate any potential impact to biodiversity on the site.

The trees and hedgerow on site that is identified to be removed may be suitable for bat commuting and foraging due to its linear nature. However, the location of the trees and hedgerows along a lane which is regularly disturbed by vehicles and affected by street lighting would limit its potential. Regardless, a condition should be attached to complete a pre-commencement survey to confirm this prior to removal. If bats are present at this time, then an application should be made to the National Parks and Wildlife Service (NPWS) for a derogation licence which would further minimise any potential impacts, if any.

There are several proposed Natural Heritage Areas (pNHA) located within 5 km of the site. However, given the nature and scale of the proposed development, the distance to such sites and the identified mitigation measures there is limited

connectivity between the proposed development and these habitats and therefore no potential for impacts.

Objective CDP5.16 of the CCDP seeks to ensure ecologically-rich areas are provided in residential schemes – the compliance of the proposed development with same is questioned by an observer. Again, a balance between all objectives of the plan needs to be struck in this instance and while the removal of hedgerow may remove an ecological area, it is appropriate in this instance to provide for residential dwellings. Compliance with the objective may also be achieved elsewhere through the proposed additional tree planting and the provision of an enhance amenity space to the south. The same notion applies to Objective 15.19 (c), (d) and (i). in relation to the protection and enhancement of trees and hedgerows.

Overall, the site is not considered sensitive in terms of biodiversity. The main impact to biodiversity of the site is as a result of the removal and disturbance of trees and vegetation during the construction phase. However, this is limited given the condition of the existing site.

It is considered unlikely, subject to mitigation measures, that significant impacts would arise on biodiversity.

8.1.7. Archaeology

The location of recorded monuments on the south-east corner of the site is noted. No works are proposed in this area presently, however, as discussed above a landscape scheme for this area will be recommended as a condition of any approval.

The submission of DHLGH is noted and their recommendation for the inclusion of a condition to ensure the protection of any features is accepted. The applicant has also acknowledged that the Board may attach such a condition. In addition to this condition, the landscape scheme should also factor in any archaeological requirements prior to the commencement of works – this should be explicit in any condition should the Board be minded to approve the proposed development.

Having regard to the characteristics and location of the proposed development, it considered unlikely that significant impacts would arise on archaeology subject to the conditions set out below.

8.1.8. Noise, Air, Dust & Climate

During the construction phase there will routine construction related pollution and nuisance generated including noise, light, dust and traffic (including air quality) related impacts with the potential to cause nuisance and impact on the amenities of adjoining dwellings. There is also an indirect impact on the surrounding streets as a result of any traffic disruption. These impacts will be temporary and short-term and would be controlled as part of the standard and best practice construction measures.

During the operational phase there will be some pollution and nuisance associated with the use of the residential area owing mainly to noise, light and traffic (including air quality). The operational phase will see increased numbers of people using the site also. There is also an indirect impact on the surrounding streets as a result of any traffic disruption. These impacts will be controlled as part of the standard and best practice operation measures.

8.1.9. On this basis it is considered unlikely, subject to conditions set out below, that significant impacts would arise on noise, air, dust & climate.

8.1.10. Conclusion

Subject to the mitigation measures set out by the applicant and conditions set out below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

8.2. Likely Effects on the Environment

8.2.1. EIA Screening

An EIA Screening Report was submitted by CCC to support the application, where it was concluded that there is no real likelihood of significant effects on the environment arising from the proposed development and that an EIA Report is not required in respect of the proposed development.

The following matters are considered relevant in the assessment of whether the submission of an EIA Report is required:

- Assessment of project type/class of development under Schedule 5 of the PDR, relevant to the proposed development.
- Assessment of relevant thresholds under Part 2 of Schedule 5 of the PDR.
- Assessment of proposed development including its likely effects on the environment.

8.2.2. Project Types / Class of Development

The applicant in their submissions have indicated the classes in Schedule 5 within which the development is considered to fall, including:

- Schedule 5, Part 2, Class 10 (b) (i) Dwelling Units Plants (more than 500)
- Schedule 5, Part 2, Class 10 (b) (iv) Urban Development (greater than 10 ha)

In addition to those categories listed above, the following is considered for completeness.

- Schedule 5, Part 2, Class 10 (b) (ii) Car Parking (more than 400 spaces)
- Schedule 5, Part 2, Class 14 Works of Demolition
- Schedule 5, Part 2, Class 15 'Sub-Threshold' Projects

Having reviewed the details of the proposed development, the relevant legislation and guidance, and the documentation on file, it is considered that all the above classes of development may be applicable.

8.2.3. Project Thresholds

As set out above, it is considered that the proposed development is of a class for the purposes of EIA. However, it does not exceed any the specific thresholds. In this instance the proposed development is on a site of 1.39 ha and includes for 20 dwelling units and 33 no. parking spaces and 2 no. disabled parking spaces. Therefore, it is 'subthreshold', and a mandatory EIA is not required.

In such instances where the development is 'subthreshold', an assessment should be made against the criteria for determining whether development listed in Part 2 of Schedule 5 which are set out in Schedule 7 of the PDR.

8.2.4. Assessment of the Characteristics, Location and Potential Impacts

The adopted development plan has been subject to SEA and AA and considered the land use and specific objectives for this site. The SEA for the plan concluded that its implementation would not result in significant effects on the environment.

It is also noted that the development is on serviced lands in a built up area and does not constitute a significant urban development in the context of the wider town and the other projects which may occur in the vicinity.

The development is not associated with any significant loss of habitat or pollution which could act in a cumulative manner to result in significant negative effects to any ecological site.

The applicant has included a significant volume of information in relation to the proposed development and the likely significant effects on the environment - this is noted.

Should the construction of the proposed development occur in tandem with other development, any impacts would be of a temporary nature and short-term given:

- the limited nature of works,
- the expected duration of the works,
- the location of lands to be developed (zoned lands),
- the location and distance to the other existing and/or approved projects.
- the likelihood of temporal overlap of construction works between projects.
- the implementation of standard and best practice construction and operation measures.

It is considered unlikely that cumulative impacts with other existing and/or approved projects would arise.

Having regard to the nature and scale of the proposed development, the environmental impacts are not complex or intense. Furthermore, the implementation of standard best practice methodologies during the construction and operation phase of the proposed development will result in a reasonable possibility of effectively reducing potential impacts.

Having regard to the nature and scale of the proposed development, it is expected that the impacts will be on-going, long term and will generally only be reversible if the constructed elements of the proposed development are removed. The construction phase impacts, will be of relative short duration and limited frequency.

The additional works which may be required in order to comply with the conditions recommended below should the Board be minded to give approval have been factored into the assessment of likely effects on the environment.

On this basis, taking into account:

- the topics addressed above in Section 8.1,

- the EIA Screening Report submitted by CCC,
- the submissions on the file,

and when considering:

1. Characteristics of proposed development.
2. Location of proposed development.
3. Types and characteristics of potential impacts.

it is considered unlikely that there would be significant effects on the environment arising from the proposed development.

8.3. Likely Significant Effects upon a European Site

The applicant has submitted an AA Screening Report and NIS which is dated June 2023 (a revised NIS was submitted in October 2023 with minor changes) as part of the particulars supporting the application.

The documentation is in line with current best practice guidance and allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites. The documentation was prepared by MKO Planning and Environmental Consultants and the qualifications and experience of the main author of the report is suitable and relevant.

The NIS submitted with the application concluded that the proposed development would not either alone or in combination with other plans or projects, adversely affect any European Site.

The application documentation includes information required in respect of the methodology applied, a description of the existing sites and the 'Stage 1' and 'Stage 2' assessments. The areas addressed in this assessment includes the following:

- Screening for AA
- NIS
- AA of implications on the integrity each European site

This assessment has had regard to relevant guidance including:

- DoEHLG (2009), AA of Plans and Projects in Ireland: Guidance for Planning Authorities.

- European Commission (2002), Assessment of Plans and Projects significantly affecting Natura 2000 sites. Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.

At a high level and to put the documentation in context:

- The proposed development will not be located within a European site and the closest European site is approximately 450 m from the site. There are 22 European sites within 15 km of the site.
- There are no watercourses evident which would directly connect the site to any European site. However, the site is in the same groundwater catchment and based on the precautionary principle, there may be some connectivity via groundwater pathways to certain European sites.
- Any stormwater from the proposed development will be collected attenuated and treated in a SuDS and discharged to a storm water sewer on the Gort Road. The SuDS has incorporated flood event requirements. All foul sewage from the proposed development will connect to the existing network.

Please note that the additional works, such as landscaping, which may be required in order to comply with the conditions recommended below should the Board be minded to give approval have been factored into the Screening for AA and the AA below.

8.3.1. Screening for Appropriate Assessment

The AA Screening Report describes the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development.

No habitats or species listed as qualifying interests for any nearby European Sites or corresponding with Annex I are identified on the site in the AA Screening Report. The proposed development is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on any European sites.

The AA Screening Report considers European sites within a 15 km range with a hydrological connection. This Zone of Influence was established based on the extent at which potential impacts may be carried via identified pathways (i.e., watercourses,

groundwater). Having regard to the nature of the proposed development, the nature of the receiving environment and the source-pathway-receptor model. It is considered that this is a reasonable Zone of Influence.

Having regard to:

- the information and submissions available.
- the nature, size and location of the proposed development.
- its likely direct, indirect and in-combination effects.
- the source-pathway-receptor model; and
- the sensitivities of the ecological receptors.

It is considered that:

1. Lower River Shannon SAC (002165)
2. Ballyailla Lake SAC (000014)
3. Newhall and Edenvale Complex SAC (002091)
4. Pouladatig Cave SAC (000037)
5. Toonagh Estate SAC (002247)
6. Drumore Woods and Loughs SAC (000037)
7. Old Domestic Building (Keevagh) SAC (02010)
8. Old Farm Buildings, Ballymacrogan SAC (002245)
9. Ballycullinan, Old Domestic Building SAC (002246)
10. Ballycullinan Lake SAC (000016)
11. East Burren Complex SAC (001926)
12. Knockanira House SAC (002318)
13. Poulmagordon Cave (Quin) SAC (000064)
14. Moyree River SAC (000057)
15. Old Domestic Buildings Rylane SAC (002314)
16. Newgrove House SAC (002157)
17. Ballyogan Lough SAC (000019)
18. Lough Gash Turlough SAC (000051)
19. Ballyalia Lough SPA (004041)
20. River Shannon and River Fergus Estuaries SPA (004077)
21. Slieve Aughty Mountains SPA (004168)
22. Corofin Wetlands SPA (004220)

are relevant to include for the purposes of initial screening for the requirement for Stage 2 AA on the basis of likely significant effects.

8.3.1.1. *Sites unlikely to be Significantly Effected*

On consideration of the European Sites set out above and the source-pathway-receptor model which indicates any potential or meaningful connectivity between the proposed development. It is reasonable to conclude, on the basis of the information on the file, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site, in view of the conservation objectives of the following sites:

1. Ballyailla Lake SAC (000014)
2. Newhall and Edenvale Complex SAC (002091)
3. Pouladatig Cave SAC (000037)
4. Toonagh Estate SAC (002247)
5. Drumore Woods and Loughs SAC (000037)
6. Old Domestic Building (Keevagh) SAC (02010)
7. Old Farm Buildings, Ballymacrogan SAC (002245)
8. Ballycullinan, Old Domestic Building SAC (002246)
9. Ballycullinan Lake SAC (000016)
10. East Burren Complex SAC (001926)
11. Knockanira House SAC (002318)
12. Poulmagordon Cave (Quin) SAC (000064)
13. Moyree River SAC (000057)
14. Old Domestic Buildings Rylane SAC (002314)
15. Newgrove House SAC (002157)
16. Ballyogan Lough SAC (000019)
17. Lough Gash Turlough SAC (000051)
18. Ballyalia Lough SPA (004041)
19. Slieve Aughty Mountains SPA (004168)
20. Corofin Wetlands SPA (004220)

This is because there is no potential for meaningful biological or relevant hydrological connectivity to these sites. Given the separation of the proposed development from this site and the fact the sites are designated for several habitats

which occur within their boundaries or outside the water catchment, it is considered that the potential for impacts to arise from the construction and operation phase of the proposed development is unlikely. Specifically, in relation to bat species – the site is outside the foraging range and any potential roosting.

8.3.1.2. Sites *likely to be Significantly Effected*

However, as the proposed development potentially has a groundwater connection to the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) this raises the potential for indirect effects on it and its qualifying interests during the construction and operation phase. The potential impacts could arise from any deterioration in water quality as a result of the uncontrolled or unmitigated release of pollutants, including sediments and invasive species to the ground that are hydrologically connected the site to the European Sites. This in turn could have adverse impacts on qualifying interests.

On this basis, it is considered that it cannot be excluded, on the basis of the information before the Board, that the proposed development, individually or in combination with other plans or projects, would have a significant effect on the following European Site:

1. Lower River Shannon SAC (002165)
2. River Shannon and River Fergus Estuaries SPA (004077)

Therefore, it is determined that an AA of the proposed development is required. This conclusion is consistent with the documentation submitted by CCC.

Table 1 below lists the qualifying interests of these sites, their conservation objectives, and possible connections between the proposed development (source) and the sites (receptors).

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Table 1: European Sites considered for Stage 1 Screening		
European Site (Code)	Distance	Qualifying Interest(s)
Lower River Shannon SAC (002165)	400 m	<ul style="list-style-type: none"> • 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] • Perennial vegetation of stony banks [1220] • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] • <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] • <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] • <i>Petromyzon marinus</i> (Sea Lamprey) [1095] • <i>Lampetra planeri</i> (Brook Lamprey) [1096] • <i>Lampetra fluviatilis</i> (River Lamprey) [1099] • <i>Salmo salar</i> (Salmon) [1106] • <i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349] • <i>Lutra lutra</i> (Otter) [1355]
River Shannon and River Fergus Estuaries SPA (004077)	4.4 km	<ul style="list-style-type: none"> • Cormorant (<i>Phalacrocorax carbo</i>) [A017] • Whooper Swan (<i>Cygnus cygnus</i>) [A038] • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Shelduck (<i>Tadorna tadorna</i>) [A048] • Wigeon (<i>Anas penelope</i>) [A050] • Teal (<i>Anas crecca</i>) [A052] • Pintail (<i>Anas acuta</i>) [A054] • Shoveler (<i>Anas clypeata</i>) [A056] • Scaup (<i>Aythya marila</i>) [A062] • Ringed Plover (<i>Charadrius hiaticula</i>) [A137] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Lapwing (<i>Vanellus vanellus</i>) [A142] • Knot (<i>Calidris canutus</i>) [A143] • Dunlin (<i>Calidris alpina</i>) [A149] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] • Redshank (<i>Tringa totanus</i>) [A162] • Greenshank (<i>Tringa nebularia</i>) [A164] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Wetland and Waterbirds [A999]

8.3.2. Appropriate Assessment

8.3.2.1. *Potential Adverse Effects*

The proposed development is not directly connected with or necessary to the management of any other European sites in the surrounding area. However, as the proposed development is hydrologically connected to the two European sites by way of groundwater, this raises the potential for indirect effects on it and its qualifying interests during the construction and operation phase.

The potential impacts could arise from any deterioration in water quality as a result of the uncontrolled or unmitigated release of pollutants, to the drains and streams that are hydrologically connect the site to the River. This in turn could have adverse impacts on qualifying interests.

8.3.2.2. *Potential In-Combination Effects*

In combination effects are examined within Section 8.0 of the NIS submitted. The proposed development is considered in combination with CCDP and a range of other projects found in a 500 m radius of the site granted planning permission in the last 5 years. All these projects are relatively small in scale and unlikely to interact with the proposed development in any meaningful way,

In respect of the foul water arising within the proposed development. It will discharge to an existing treatment plant in Ennis and UÉ have indicated there is capacity in its network, notwithstanding capacity issues at Clareabbey WWTP, by way of a pre-connection enquiry in 2022. UÉ's Wastewater Treatment Capacity Register published as recently as June 2023, stated that Ennis North WWTP, which is the closest WWTP to the site, has spare capacity available. It is also noted that the Annual Environmental Report 2022 for the same station states that there is excess capacity which would not be exceeded in the next three years. Given the scale of the proposed development and number of new connections to the proposed foul sewer the impact on capacity at the WWTP will be negligible, the potential for adverse impacts including in-combination impacts with the operation of the WWTP at the Ennis North WWT is unlikely.

Based on scientific analyses of best available scientific information, no other European sites in the area are relevant to the screening assessment and NIS.

The conclusion that with the implementation of mitigation measures, the in-Combination effect of the proposed development will not be significant is considered reasonable. It can therefore be concluded that there would be no in-combination effects on the European sites or their qualifying interests.

8.3.2.3. *Mitigation Measures*

Mitigation Measures identified in the NIS

The mitigation measures that are proposed in the NIS to address the potential adverse effects of the construction and operation are primarily for

- Site Set Up
- Pollution Prevention
- Refuelling, Fuel and Hazardous Material Storage
- Use of Cement Based Materials
- Disposal of Wastewater
- Waste Management
- Environmental Monitoring
- Vegetation Clearance
- Control and Spill Prevention
- Biosecurity Protocols (Invasive Species)
- Operational Phase Water Quality

Subject to the implementation of the mitigation measures, there would be no resultant adverse effects on qualifying interest species and habitats respect to its attributes and targets.

Additional Mitigation Measures

In addition to the mitigation measures outlined above, it is recommended that all works shall be monitored by an ECoW.

In addition it is recommended that the all the mitigation measures outlined be applied to works on the southern portion of the site, where a condition is recommended to improve amenity lands and

8.3.2.4. *Residual Effects*

None anticipated post mitigation.

8.3.2.5. Conclusion

Having regard to the foregoing and taking account of the scale and nature of the proposed development and on the basis of the information on the file, it can be reasonably concluded on the basis of best scientific knowledge, therefore, that the proposed development, individually or in combination with other plans and projects, will not adversely affect the integrity of the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) in view of the sites' Conservation Objectives, subject to the implementation of the mitigation measures and any recommended conditions.

9.0 Recommendation

On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including compliance with the submitted details and with the mitigation measures as set out in the NIS.

10.0 Reasons and Considerations

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

- the EU Habitats Directive (92/43/EEC),
- the European Union (Birds and Natural Habitats) Regulations, 2011 (as amended),
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development the likely significant effects of the proposed development on European sites,
- the conservation objectives and qualifying interests for Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077)
- the policies and objectives of the Clare County Development Plan 2023-2029 and the results of the Strategic Environmental Assessment and Appropriate Assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC),
- the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual –

A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,

- the nature and extent of the proposed works as set out in the application for approval,
- the information submitted in relation to the potential impacts on habitats, flora and fauna, including the NIS,
- the submissions received in relation to the proposed development, and,
- the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment

The Board agreed with the screening assessment, Appropriate Assessment and conclusions contained in the Inspector's report that the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) are European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Board completed an Appropriate Assessment of the implications of the proposed development for the affected European sites, namely Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

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

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the

potential effects of the proposed development on the integrity of the aforementioned European site, having regard to the site's conservation objectives.

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

Likely Effects on the Environment

It is considered that, subject to compliance with the conditions set out below including requiring compliance with the submitted details and with the mitigation measures, the proposed development would not have significant negative effects on the environment.

Likely Consequences for the Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

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

2. The mitigation and monitoring measures outlined in the plans and particulars including the Natura Impact statement relating to the proposed development, shall be implemented in full or as may be required in order to comply with the

following conditions. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and biodiversity and in the interest of public health.

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures set out in the Natura Impact Statement and conditions set out herein. The CEMP shall include a Traffic Management Plan and Waste Management Plan which shall adhere to best practice, standards and protocols. All construction phase parking shall be accommodated within the site. All plans prepared shall be placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment and in the interest of traffic safety and waste management.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the details submitted on the 16th of June 2023 and 3rd of October 2023 in respect of both the construction and operation phases of the proposed development. Measures required by Inland Fisheries Ireland shall also be incorporated into the arrangements. Where such measures require details to be agreed, all such details shall be placed on file and retained as part of the public record.

Reason: In the interest of environmental protection and public health.

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

Reason: In the interests of visual and residential amenity

6. Site development and building works shall be carried out only between the hours of 0800 to 2000 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances.

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

7. A final boundary treatment and landscape scheme shall be prepared by the local authority prior to the commencement of development. Details shall be placed on file and retained as part of the public record. This scheme shall include the following:

- a) A comprehensive scheme of landscaping for the 'Future Amenity / Open Space Area'. This scheme shall include the details on:
 - i. Existing trees, hedgerows and stone walls, specifying which are proposed for retention as features of the site landscaping;
 - ii. The measures to be put in place for the protection of these landscape features during the construction period;
 - iii. The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species and at least one native oak tree;
 - iv. Details of any roadside/street planting
 - v. Hard landscaping works, specifying surfacing materials, furniture, bicycle stands, play equipment and finished levels.
 - vi. Specifications for mounding, levelling, cultivation and other operations associated with the SUDS, plant and grass establishment
 - vii. A timescale for implementation

Any such details shall exclude the current design for weld mesh fencing (Type 10 as per the Boundary Treatment Layout) in its entirety and ensure the area remains habitually open to the public.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species.

This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the local authority.

- b) A comprehensive scheme of boundary treatment for the northern and eastern parts the site. This scheme shall include the details on:
- i. proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
 - ii. details of proposed gates, CCTV, street furniture, including bollards, lighting fixtures;
 - iii. details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.
 - iv. details on existing stone walls and how they will be retained in situ or, where their removal is required, how the stone will be salvaged and wall reinstated to match existing.

The wall on the eastern boundary shall be retained in situ or, where this is not possible, the stone salvaged and wall reinstated to match existing. All salvaged stone shall be reused within the site.

Reason: In the interest of residential and visual amenity and to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

8. A suitably qualified Ecological Clerk of Works shall be retained by the local authority to oversee pre-commencement surveys, the site clearance and construction of the proposed development. The ecologist shall have full access to the site as required and shall oversee the implementation of mitigation measures. Upon completion of works, an ecological report of the site works shall be

prepared by the appointed Ecological Clerk of Works to be kept on file as part of the public record.

Reason: In the interest of biodiversity and the protection of European sites.

9. Prior to the commencement of development pre-commencement surveys for protected plant and animal species including bats shall be undertaken at the site and where required the appropriate licence to disturb or interfere with same shall be obtained from the National Parks and Wildlife Service. The details of such surveys and licences (if required) shall be placed on the file and retained as part of the public record.

Reason: In the interest of wildlife protection.

10. The local authority and any agent acting on its behalf shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an Archaeological Impact Assessment Report for the written agreement of the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record archaeological excavation and/or monitoring may be required. Any further archaeological mitigation requirements specified by the National Monuments Service, shall be complied with by the local authority and any agent acting on its behalf. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and agreed in writing with the National Monuments Service. The National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the local authority and any

agent acting on its behalf. All reports prepared shall be placed on file and retained as part of the public record.

Reason: In order to ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

11. Proposals for a development name and numbering scheme and associated signage shall be agreed prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme. A justification for the development name and numbering scheme shall be prepared and placed on file and retained as part of the public record.

Reason: In the interest of urban legibility.

12. The car parking facilities hereby approved shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose.

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

Professional Declaration

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.

Tomás Bradley,

Senior Planning Inspector

11th October 2023