



An  
Bord  
Pleanála

## Inspector's Report ABP-317786-23

### Development

Construction of an extension and modifications to vehicle testing centre and all associated site works.

### Location

Lismulbreeda, Darragh, Ennis, Co. Clare, V95 VWY0

### Planning Authority

Clare County Council

### Planning Authority Reg. Ref.

2360016

### Applicant(s)

Ennis Vehicle Centre Limited

### Type of Application

Permission

### Planning Authority Decision

Grant permission

### Type of Appeal

Third Party

### Appellant(s)

Míceal and Brigid Neylon

### Observer(s)

None

### Date of Site Inspection

18<sup>th</sup> April 2024

### Inspector

Claire McVeigh

## **1.0 Site Location and Description**

- 1.1. The site is located in the townland of Lismulbreeda, Darragh, Co. Clare.  
Lismulbreeda lies approximately 8km south of Ennis. The site is situated off the L4224 approximately 500m west from the N68 Ennis to Kilrush route. The L4224 provides access to a number of residential properties, farm holdings, a quarry, Clare County Council yard and the vehicle testing centre. To the southeast of the site is an existing partially completed road, within the wider landholding as outlined in blue on the site location map. An Bord Pleanála granted retention and permission (October 2023) to complete this road under planning register reference 21/598 ABP 314009-22.
- 1.2. The site has a stated area of 1.1ha and it comprises a vehicle testing centre with workshop, a two-storey section to the front comprising reception, canteen and store. Externally there is an area of hard standing surrounding the test centre with unmarked car parking areas to the front and side. There are raised banks along the western and northern boundaries of the site and a trackway along the southern boundary providing vehicular access to the lands to the rear of the application site, these lands are also part of the applicant's larger landholding.

## **2.0 Proposed Development**

- 2.1. The proposed development seeks to modify and extend the existing vehicle testing centre (355 sq. metres) to provide 2 no. Light Commercial Vehicles (LCV) testing lanes and to widen and extend 1 no. existing Heavy Commercial Vehicle (HCV) testing lane.
- 2.2. The existing wastewater treatment system is proposed to be decommissioned and it is proposed to install a new sewerage treatment system/percolation area in the northeast of the subject site close to the L4224.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to grant permission subject to 9 conditions. Conditions are generally of a standard type; the following are noted:

Condition no. 3 requires a revised site layout plan which makes provision for the safe movement of pedestrians between the permitted parking area and the entrance to the test centre to be submitted to the planning authority prior to the commencement of development.

Condition no. 6 landscaping the northeastern embankment in accordance with drawings and particulars received 23<sup>rd</sup> June 2023.

Condition no. 7 limiting the use to purposes ancillary to the existing vehicle test centre facility and not to be sold, let or otherwise conveyed separately from the existing centre.

Condition no. 8 operating hours between 08:00 and 18:00 Monday to Saturday.

Condition no. 9 lighting condition to be in accordance with Bat Conservation Ireland Guidelines.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Notes that a pre-application consultation was undertaken PPI-22-170 and provides an extensive planning history record of the subject site and the adjoining lands. In addition, planning enforcement history for the site and environs is detailed.

Notes the third-party submission and considers the content within the relevant sections of their report.

Notes there are a number of recorded monuments to the east and southeast of the site. The zones of archaeological potential associated with same do not encroach into the proposal site.

*Further information was requested for the following:*

- Details of the existing/proposed volume, composition and timing of vehicles to be tested at the centre.
- Details of the existing and proposed parking and turning arrangements of the site.
- Details of onsite and the procedural mitigation measures to limit potential adverse impacts by reasons of noise, dust and glare and general disturbance.

- Assessment from a qualified site suitability assessor that the proposed wastewater treatment system and soil polishing filter would have adequate capacity to accommodate effluent loading.
- Existing and proposed lighting details as concerns relating to Lesser Horseshoe Bat Species (Knockanira House Special Area of Conservation) (SAC).
- Revised drawings to clarify inconsistencies between floor plan and elevation drawings.
- Fire hydrant details and firefighting water supply details.
- Completed section 3 of the planning application form.

*Further information received:*

Further information submitted on the 23<sup>rd</sup> June 2023 and unsolicited information, dated the 28th June 2023, was acknowledged by Clare County Council of a revised drawing 6962-1-04 Rev. B and 6962-1-05 Rev. B showing an additional fire door to the western elevation of the building.

The planner's report considers that the submitted traffic figures provided and notes that the response has adequately addressed the concerns relating to capacity of the road network to facilitate further development along same. Parking layout provided and tarmacadam proposed, recommend a condition for pedestrian route from parking to the centre.

Landscaping proposals and taring of the surface over which vehicles pass are noted that will assist with reducing noise levels and glare from headlights of vehicles affecting the nearest house.

Notes the revised Site Assessment Report and the expected flow rates considers the response adequately addresses the capacity in the system to accommodate both employees and visitors.

With respect to lighting, the planner's report notes that new lighting will take into account best practice as published by (a) Bat Conservation Ireland Guidelines and Guidance note 08/18 Bats and Artificial Lighting in the UK by the Bat Conservation

Trust in respect of mitigating strategies to minimise the impact of outdoor lighting upon bat populations and recommend a condition to this effect.

Revised drawing submitted to clarify the inconsistencies with the roller shutter doors and details of the proposed fire water tank to be provided and new fire door considered adequately addresses issue raised.

Form 3 completed confirming 6 no. employees and 20 parking spaces with opening hours from 08:00 to 18:00 Monday to Saturday.

Screens out the need for EIA at preliminary examination and a screening determination is not required.

Considers no appropriate assessment issues arise, refers to AA screening report and determination that there is no potential for significant effects to European Sites.

### 3.2.2. Other Technical Reports

West Clare Municipal District (Kilrush LEA) – no submission or observation to make.

Environment Section Planning Report – The DWWTS proposal complies with 2021 EPA DWWTS CoP to be located where tests carried out to the east of the existing vehicle test centre.

Department of Physical Development (Environment) – Based upon the information contained within the application, it has been demonstrated that the site meets the criteria for an onsite wastewater treatment system and the proposed domestic wastewater treatment system shall comply with the provisions of the 2021 EPA Code of Practice Domestic Wastewater Treatment Systems (p.e.≤10). Conditions recommended.

Clare County Fire and Rescue Service - Provide details on fire hydrants and firefighting water supply for the above development. Fire hydrants on a main of minimum diameter 100mm, shall be provided to serve the proposed building. The hydrants shall be of the screw down type to B.S. 750. The outlets from the hydrants shall be not greater than 200mm below adjoining ground level. Hydrant indicator plates to B.S. 3251:1976 shall also be provided.

### 3.3. Prescribed Bodies

Irish Aviation Authority – no observations on this application from the Safety Regulation Division, Aerodromes.

Transport Infrastructure Ireland – No observations with regard to the proposed development.

### 3.4. Third Party Observations

The planning authority received one submission in relation to the application. The content of which has been read and noted. The issues raised are similar to those set out in the appeal.

Elected member is noted as having requested to be placed as representative on the application.

## 4.0 Planning History

P08/1895 Permission granted for a truck workshop, office, car parking and ancillary site works, connect to the Lissycasey Group Water Scheme and propriety wastewater treatment system (April 2009) Applicant Haugh Haulage, subject to 14 conditions, conditions of relevance noted:

Condition no. 2 (i) the proposal shall be used as a truck workshop. The use of the site as a truck depot is not permitted by this application. (ii) The proposed facility shall not be used outside the hours of 08.00 to 18:00 hours, Monday – Saturday.

*(I note that further information submitted with the application 27/02/2009 confirmed company has 15 trucks in operation and that trucks will only remain on site during maintenance, 2 no. office staff and 2 no. maintenance staff will be employed. With respect to traffic movements 40 loads per day dispatched to the nearby quarry applicant is the main contractor for same).*

Condition 5 (b) Prior to the commencement of development the area for the proposed polishing filter shall be fenced off as per site layout plan received on the 27/02/2009.

Condition no. 13 The front, rear and side boundaries of the site shall be mounded and planted in accordance with the details as received on the 27/02/2008.

P09/787 Permission granted to construct an extension to truck workshop previously granted under ref. no. P08/1895 for the purpose of a vehicle test centre (October 2009) Applicant Oliver Haugh, subject to 12 conditions.

Lands to the west and northwest of the subject site (lands in ownership by Oliver Haugh, Haugh Haulage Ltd)

P17/707 Permission was refused (January 2018) for the erection of a machinery storage area, canteen, office, parts storage area, toilets and for permission to develop yard, erect boundary fence, new site entrance and connect to proposed foul sewer treatment system. Applicant M & S Boland Civil Engineering Ltd – landowner Oliver Haugh, Haugh Haulage Ltd.

P18/113 Permission and retention permission refused (May 2018) to retain reclaimed agricultural lands, gravel on said lands and for permission to erect machinery storage area, canteen, office, parts storage area, toilets, to develop yard, erect boundary fence, new site entrance and connect to foul water treatment system. Applicant M & S Boland Civil Engineering Ltd. Landowner Oliver Haugh, Haugh Haulage Ltd.

Lands to the south and south east of the subject site

21/598 (An Bord Pleanála 314009-22) permission granted (October 2023) for retention and completion of a road. Road being retained is 310m long and connects the local road L4224 to the private road currently serving private dwellings and commercial properties. The road is to upgrade the access to commercial properties in this area by-passing a winding narrow section of the existing private road. Applicant Ennis Vehicle Centre Limited.

Lands to the east of the subject site

19679 Permission granted (March 2020) for land reclamation works with imported soils and overburden materials to enable the beneficial after use of the agricultural lands together with the associated site works. Applicant Kieran Kelly Haulage Ltd.

## 5.0 Policy Context

### 5.1. Clare County Development Plan 2023-2029

The area is located within the designated 'Rural Areas Under Strong Urban Influence' (Map D).

**Landscape designation Map C** - Working Landscape – Intensively settled and developed areas within settled landscapes or areas with a unique natural resource.

#### 14.3.2.2 Working Landscapes

#### **CDP14.3 Western Corridor Working Landscape**

It is an objective of Clare County Council: a) To permit development in these areas that will sustain economic activity, and enhance social well-being and quality of life - subject to conformity with all other relevant provisions of the Plan and the availability and protection of resources; b) To ensure that selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design, are directed towards minimising visual impact; c) To ensure that particular regard should be had to avoiding intrusions on scenic routes and on ridges or shorelines. Developments in these areas will be required to demonstrate:

- i. That the site has been selected to avoid visual prominence,
- ii. That site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, public amenities and roads,
- iii. That design of buildings and structures reduces visual impact through careful choice of form, finishes and colours and that any site works seek to reduce the visual impact of the development.

Many areas within the 'Western Corridor Working Landscape' contain ground and surface waters that are sensitive to the risk of pollution and also coincide with areas identified for nature conservation. Applicants for planning permission are advised that rigorous standards will be applied at all stages of the evaluation of site suitability, site design and the design and management of all installations for the interception, storage and treatment of all effluents.



Section 6.15 ...Where proposals may arise for new employment and enterprise development in the open countryside, only where there are strong locational factors that would make the location of the use in towns and villages undesirable would then be considered by the Council on a case-by-case basis. Such proposals would include the development of commercial/industrial related facilities and associated support services in appropriate locations and any such proposals would be subject to the planning and environmental objectives as set out in this plan.

Development Plan Objective:

### **Availability of Land and Infrastructure CDP6.14**

#### **6.21 Rural Enterprise**

...Proposals for other small-scale enterprises in rural areas will be considered on their individual merits, including:

- the nature of the activity;
- where the workforce is likely to be sourced;
- evidence that its scale is appropriate to a rural area;
- evidence that the enterprise would not be viable on industrial or commercial zoned land in towns and villages nearby;
- evidence that a suitable site is available.

CDP 11.13 Development Plan Objective: Direct Access onto National Roads

It is an objective of Clare County Council:

- a) To safeguard the safety, efficiency and carrying capacity of national primary and secondary roads, including associated national road junctions, within the county in line with national policy;
- b) To restrict individual accesses, and the intensification of existing access, onto national roads in order to protect the substantial investment in the national road network, to improve carrying capacity, efficiency and safety, and to prevent the premature obsolescence of the network;
- c) To assess development proposals requiring direct access onto the national road network having regard to the criteria set out in Section 11.2.9.3; and,

- d) To subject any proposals for greenways, new routes and trails to screening for appropriate assessment and an ecological impact assessment where appropriate to ensure that the design and operation of the proposal is in full compliance with the EU Habitats Directive.

## **5.2. National Guidance – Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012)**

### **2.5 Required Development Plan Policy on Access to National Roads**

With regard to access to national roads, all development plans and any relevant local area plans must implement the policy approaches outlined below. Lands adjoining National Roads to which speed limits greater than 60 kmh apply: The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply.

This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant

## **5.3. Natural Heritage Designations**

Approximately 2.2 km from Knockanira House Special Area of Conservation (SAC) and approximately 4.9km from Newhall and Edenvale Complex SAC (Site Code 002091) and pNHA.

Approximately 5.3 Lower River Shannon SAC (Site Code 002165), pNHA Fergus Estuary and Inner Shannon, North Shore and River Shannon and River Fergus Estuaries SPA (Site Code 004077).

## **5.4. EIA Screening**

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A third-party appeal was received from Míceal and Brigid Neylon. The grounds of appeal can be summarised as follows:

- Validity of application and permitted use on the site. No permission was granted for a vehicle testing centre open to the public. P09/787 planning application documentation specifies that there would be no more than two vehicles tested per day. Proposal constitutes a significant change of use which is a material contravention of the development plan.
- Existing facility not operating in accordance with conditions in respect to previous permissions with respect to number of vehicles being tested, its use for storage of other goods/vehicles, gradual pattern of extending the level of use, and breaching hours of operation. Extensive number of ongoing enforcement cases at the subject site. Unauthorised roadway to the west of third-party's property and widening of the access at the junction of the L4224 and the national secondary road. This unauthorised road represents a very serious disamenity and the third-party's house would be surrounded by roads using heavy goods vehicles resulting in a loss of privacy and amenity. These breaches should be taken into account by the Board in concluding that this facility should be rejected.
- Existing facility causes considerable nuisance and negative impact on residential amenity, proposed intensification will make this matter much worse due to increased noise, lighting and dust levels. There are five dwellings along or immediately adjacent to the access road to the facility and the residents of these houses are severely impacted by the noise and nuisance created by the facility itself and the unauthorised uses incorporated into the site.
- Substantial traffic into a rural area contrary to sustainable development.
- The area is not zoned for the substantial commercial development proposed, it is in breach of development plan policies CDP6.14, will set an undesirable precedent.

- The facility is without proper foul water services and is dependent of a septic tank system, concerns relating to impact on groundwater quality and that the vehicle test centre previously constructed over an open culvert and concerns regarding appropriately sized piping as water flowed onto the road causing damage to the surface and flooding.
- Development is in breach of mandatory section 28 guidelines Spatial Planning and National Roads (2012) (para. 2.5) relating to the protection of the national road network and gives rise traffic hazard concerns as it is likely to lead to substantial generation of traffic onto a national secondary road at an unsuitable location, contrary to CDP11.13. Clare County Council confirm that the main access road is not in charge of the Council for much of its length and therefore the road may be considered a private road.

I note appendices attached to the appeal which include:

1. Copy of email from the third party to enforcement section at Clare County Council with respect to sleep disturbance as a result of HGV vehicular movement into Atlantic plant and crushing shed/yard.
2. Copy of correspondence from Clare County Council confirming that the application for a wastewater discharge licence submitted on behalf of Lagan Materials Ltd for a quarry site at Kyleatunna and Lismulbreeda was refused July 2023 due to lack of proper planning for proposed attenuation lagoon and associated infrastructure and risk of deterioration of water quality and habitat of the Clareen River in the form of hydro morphological change and sediment release.
3. Copy of correspondence with EPA in respect of discharge licence and dumping in the quarry.
4. Letter from Clare County Council dated 1<sup>st</sup> November 2007 stating the access road is not in charge, stating that “the L4224 extends from the N68 to the junction on this road a distance of 280m and this is in charge of Clare County Council”.

USB Flash drive submitted please see commentary section 7.2.

## 6.2. Applicant Response

The applicant's response to the grounds of the appeal can be summarised as follows:

- The appeal should be dismissed/not considered further under Section 138 (1)(b)(i) of the planning and Development Act, 2000 (as amended) or at least certain aspects of the appeal not to be considered by the Board i.e. the USB Flash drive should not be considered as part of the appeal as it is not in required format (in writing) as required under s127(1)(a). In addition, the grounds of appeal are largely concerned with matters extraneous to the development the subject of the appeal and should be dismissed as vexatious, frivolous and without substance or foundation.
- New standards for HCV and LCV vehicle testing have been published by the Road Safety Authority (RSA). The new RSA requirements will no longer permit the 2 vehicle lifts per lane (LCV) and two separate testing lanes will be required. The existing HGV lane is only 27m and 6m wide the new RSA requirements require a testing lane length of 27m and width of 7 metres. A canopy extension is proposed to the existing HCV and an extension of the width of the lane into the existing LCV lane. Leaving the LCV lane only being suitable as a backup lane should a breakdown occur in the HCV lane.
- The original permission for the vehicle test centre P09/787 does not restrict the use of the vehicle test centre for the company's own vehicles. Clare County Council granted approval for the licence to operate the testing centre in January 2010, approval letter attached to appeal response submission.
- Refute the claims that the decision by Clare County Council is flawed.
- Provides examples of commercial development permitted in rural unzoned areas with access to National or Regional Roads.
- States that the existing facility fully operates within the terms and conditions of the planning permission P08/1895 and P09/787 and operates strictly within the hours of operation permitted. Currently the facility only operates 8am to 6pm Monday to Friday and does not operate on Saturdays to facilitate the appellants who requested that it not operate on Saturdays.

- The proposed development does not provide for an intensification of use from existing business with the use of the HCVs always being associated with this business. The proposed development is being provided to comply with the new RSA regulations for testing lanes only with no increase in business activity. Breakdown of traffic movements in 2009 provided (Figure 15) and Traffic details for 2021 and 2022 provided Figure 18 and Figure 19.
- States that the planner incorrectly refers to two applications in the planning history which do not relate to the subject site (17/707 and 18/113).
- The pattern of development in the area is not one of small farmsteads it also contains an existing quarry, the Cliff Quarry, Clare County Council yard and other light industrial and storage uses and the vehicle test centre.
- The appellants refer to matters that do not relate to the subject site and that are outside the applicant's control. Alleged unauthorised use of adjoining land is an enforcement issue to be dealt with by Clare County Council and is not a matter for An Bord Pleanala.
- The appellants claim about the enormous difficulty and embarrassment in having visitors to their house due to dust and noise of HGVs passing does not take into account the past operation of Cliff Quarry with 250,000 tonnes of materials being transported annually.
- Unauthorised use of access roadway is a matter under appeal with An Bord Pleanala. The lands used to widen the road close to the N68 has been dedicated to Clare County Council.
- There is no late night operation of the vehicle testing facility, the traffic issues referred to by the appellant relate to other businesses in the area.
- The application includes for the provision of a new improved waste water treatment plant system for the facilities, no intensification of use proposed there is no credible risk to the appellant property arising from the proposed development.
- Clarification provided of the section of the L4224 road now taken in charge and the remaining part of the road towards Cliff Quarry has not been taken in charge.

### **6.3. Planning Authority Response**

The planning authority's response to the grounds of appeal can be summarised as follows:

- The planning application is in accordance with the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2011, as amended.
- The planner's report provides an accurate assessment of the existing uses on the site and within its environs.
- The planning history on the site was considered in the assessment and this is clearly set out in the planner's reports.
- Issues pertaining to the potential impacts on adjacent amenities, planning policy and traffic safety and national roads are assessed in the planner's reports.
- Consider that subject to compliance with conditions that the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and would be in accordance with the orderly development of the area.

### **6.4. Observations**

- None.

## **7.0 Assessment**

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

- Validity of appeal
- Use and whether intensification of use

- Protection of the national road network and compliance with Section 28 guidelines 'Spatial Planning and National Roads' (2012).
- Impact on residential amenity and visual amenity
- Wastewater treatment
- Appropriate Assessment

## 7.2. *Validity of appeal*

- 7.2.1. The applicants raise in their response that the appeal, or parts, thereof, are not valid. A USB flash drive was submitted with the third-party appeal. The applicant's note that the planning authority returned the USB flash drive to the appellant and in their letter dated 13<sup>th</sup> March 2023 stated that:

"I am now returning the flash stick which accompanied this submission. This element of the submission cannot be included as part of the submission as it is not in the required format (in writing) as per Section 29(1)(a) of the Planning and Development Regulations".

- 7.2.2. The Board issued a letter (15 September 2023) confirming that the appeal meets all of the criteria as set out through Section 127 of the Planning and Development Act 2000 (as amended). Both the planning authority and the applicant have received a copy of the USB flash drive. As per the Board's letter, the appeal process shall continue until determination.
- 7.2.3. For clarity, I am confirming that I have viewed the contents USB flash drive provided as supplementary information to the appeal submission.
- 7.2.4. With respect to other matters relating to the vehicle test centre operating outside of conditions of previous permissions and issues raised extraneous to the development the subject of the appeal, I acknowledge the applicant's rebuttal of these concerns raised by the appellant and note for the record the matter of enforcement falls under the jurisdiction of the planning authority. It is beyond the remit of An Bord Pleanála to adjudicate on such matters.

## 7.3. *Use and whether intensification of the use*

- 7.3.1. The third-party appellants and the applicant have both provided conflicting opinions in respect to the planning status of the current use as a vehicle test centre and the



proposed intensification or not. Considering these conflicting statements, I am setting out my understanding of the permitted baseline position from which I will then assess the proposed extension and its potential impacts.

- 7.3.2. Planning permission was granted in April 2009 for a truck workshop (880 sq. metres) on the subject site, see section 4.0 for details. The planning authority granted permission for this workshop on the basis of proximity to Cliff Quarry and given that the use of the development would be synergistic with same. In this regard, the applicant 'Haugh Haulage' was the contractor servicing the quarry and the workshop would facilitate the maintenance of the trucks in operation (stated as 15 trucks). As part of a further information request on the original permission (P08/1895) the applicant confirmed that the existing storage depot for the trucks is in Ennis town and that trucks will only remain on the subject site during maintenance. I note that Condition no. 2 (i) of P08/1895 limited the use to workshop and clarified that the use of the site as a truck depot was not permitted by the application. The total number of staff was 4 persons (2 no. office staff and 2 no. maintenance staff).
- 7.3.3. In October 2009 permission was granted for an extension to the workshop (an additional 322.20 sq. metres) and the purpose of this extension was for the use as a vehicle test centre. The applicants state in their appeal response that 'when Cliff Quarry closed our client, who was the main contractor, had to diversify his business to vehicle testing'. I note the ground floor plan and elevations of planning application register reference 09/787 indicate only one drive through lane with roller shutter on either end. A break tester and alignment area are shown in the second lane of the permitted extension with no exit roller shutter to the southern elevation. In the planner's report the assessment notes that the proposed extension will not result in additional personnel employed on the site, the submitted details confirm that the mechanics working in the existing building – truck workshop – will carry out the work at the proposed test centre, and that the expected number of trucks being tested is 2 per day, as stated in the application form. Taking into account there is only one through lane in the facility permitted the scale of operations would be reasonably understood to be limited in nature.
- 7.3.4. Therefore, the baseline permitted position for the vehicle test centre is for 4 employees, approximately 2 vehicles being tested per day and the site is not permitted to be used as a truck depot.

- 7.3.5. The planner's report for the subject application notes that 'based on the available information it is clear that the centre tests well in excess of this number of vehicles on a daily basis'. Further information was sought in respect of the levels of usage, existing and proposed, and the proposed parking and turning arrangements on the site.
- 7.3.6. The applicants state that this subject application does not result in an intensification of the existing use of the site. However, in their submitted information in respect to the 2009 traffic movements they have included for 60 HCV truck movements in and out of the subject site per day, which in my opinion is, analogous to the use of the facility as a truck depot. I am of the view that these figures do not accurately reflect the permitted use of the subject site, as those HCV trucks were, according to the submitted information on planning register reference 08/1895, to be parked in the truck storage depot in Ennis and the quarry (Figure 2), only to remain on the subject site during maintenance. The information as submitted in Figure 1 of 106 traffic movements per day in 2009, therefore, does not appear to reflect the permitted baseline use of the vehicle test centre.
- 7.3.7. Furthermore, the total number of staff members has increased to a stated 6 from the total of 4 (2 office staff and 2 no. maintenance) staff. Notwithstanding the stated number of staff employed as 6 in total I note the 2021 and 2022 traffic movements provided show an increase in staff from the baseline position of 4 to 7 in 2021 and then 8 in 2022. These are obvious noted discrepancies in the information submitted with respect to staff numbers.
- 7.3.8. The figures for the traffic movements to and from the facility in 2021 and 2022 are shown to be less per day than in 2009. As I have already noted above the figures for 2009 do not reflect the permitted baseline. In conjunction, taking into account the configuration of the vehicle test centre does not accord with the permitted drawings which included for only one through test lane, I would agree with the appellants that there appears to have been an incremental intensification of use of the vehicle test centre and that the current proposal to extend the facility by an additional 2 number lanes to test LCVs will result in a further intensification of this use. The original permission for a workshop was based on the synergy of the proposed use with the existing operations at Cliff Quarry, the subsequent permission to extend the workshop to provide for vehicle test centre use was based an approximate testing of

2 HCV vehicles per day. I do not think that sufficient information has been provided with the application documentation on the proposed movement of vehicles on the subject site, both in terms of those movements for visitors and staff parking and for movement of the vehicles being tested considering access and egress of the proposed and existing test lanes and around the site. Furthermore, I would not agree with the planner's assessment of traffic movements, existing and proposed, and their impacts on the existing local road.

- 7.3.9. LCV testing did not appear to be specifically included for in the 2009 application and no drive through facility was permitted under 09/787 for such. The current use of the test centre is significantly more than the approximate testing of 2 HCV vehicles per day, this appears to be as a result of the LCV testing of 4769 tests in 2021 (15.89 per day) and 5016 tests in 2022 (16.72 per day) whereas the level of HCV testing is 2.2 per day in 2021 and 2.4 per day in 2022 generally in line with the permission (09/787). The details provided, I am of the opinion, indicate intensification of use from that permitted.
- 7.3.10. The new RSA requirements 'Test Lane Dimension requirements and Equipment Location' (undated) as provided as part of the application indicates that drive through test lanes are required. The applicant has stated that as their existing LCV lane is set up to do two LCV together with two lifts and that the new requirements do not allow for this. I note from the RSA requirements submitted allow for more than one vehicle lift on an LCV lane so long as the lane is of sufficient length and/or width to accommodate the additional vehicle life so that any vehicle in the category to be tested can drive through with ease through the test lane in one movement (page 5 of 8). I am of the opinion, therefore, that:
- a) the LCV test lane does not appear to be permitted within the parent permission for vehicle test centre at this site (09/787), and
  - b) all options to reconfigure the existing workshop and vehicle test centre do not appear to have been exhausted having regard to the RSA requirements provided.
- 7.3.11. In light of the intensification to accommodate the LCV testing evidenced in the submitted traffic movements, and given there appears to be unauthorised works including a roller shutter to a test lane not included for in the plans and particulars of

the parent permission 09/787, and a lack of proposed sufficient mitigation measures (such as detailed landscaping proposals), to ameliorate impacts on the existing residential and visual amenities (addressed in section 7.4) within this unzoned rural area I consider that planning permission should be refused for the extension to the vehicle test centre as it its scale is not considered appropriate to a rural area and envisaged under section 5.21 Rural Enterprise of the county development plan. As such, I am of the view that the proposed development does not accord with development plan objective CDP14.3 which seeks to permit development in these areas (western corridor working landscape) that will sustain economic activity, and enhance social well being and quality of life.

7.3.12. The appellants have highlighted alleged unauthorised use of the premises which further represents an intensification of use over above what had originally been granted permission. The applicants rebut these allegations and raise issue with planning history and enforcement cases referenced that do not relate directly to the subject site. I note for the Board that the site location map (6962-1-01) clearly indicates the extent of land holding by the applicant as outlined in blue and the planning history and enforcement cases as reported on in the planner's report and referred to by the appellant are of relevance in respect to providing the wider planning context of the subject site and landholding as outlined in blue. The matter of enforcement falls under the jurisdiction of the planning authority.

7.4. *Protection of the national road network and compliance with Section 28 guidelines Spatial Planning and National Roads (2012).*

7.4.1. The issue of intensification of use and substantial traffic generation is raised by the appellants. Their concerns relate to the potential traffic hazard that the proposed development would likely result in due to generation of traffic onto a national secondary road at an unsuitable location with regard to paragraph 2.5 of the Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012) and contrary to CDP 11.13.

7.4.2. As noted above, in section 5.0, it is national policy to avoid the generation of increased traffic from existing access to national roads to which speed limits greater than 60kmh apply as is applicable in this case. This provision applies to all categories of development. This national policy is restated in CDP11.13 which seeks

to restrict the intensification of existing access onto national roads to safeguard the safety, efficiency and carrying capacity of the national primary and secondary roads.

7.4.3. I have in the preceding section 7.3 assessed the question of use and whether an intensification of use will result from the subject application. I do not intend on repeating the considerations with respect to intensification. As already stated I am of the opinion that the information submitted with the application indicates an incremental intensification of use of the vehicle test centre has occurred and, furthermore, that the 2009 traffic figures submitted (Figure 1 at FI stage) which include for a total of 64 truck movements of which 60 represent truck movements analogous to the use of the facility as a truck depot do not accurately reflect the permitted baseline use of the site. Therefore, I do not agree with the planner's assessment that there would be no increase in traffic movements beyond the case in 2009 when permission was granted to extend the workshop with the test lane for the purpose of a test centre as an elevated baseline above permitted is presented in the applicant's documentation. I am of the opinion that the current proposal to extend the facility by an additional 2 number lands to test LCVs will result in a further intensification of this use.

7.4.4. Notwithstanding the issues I have set out in respect to existing intensification of use of the vehicle testing centre and, furthermore that there would be a subsequent generation of increased traffic from the existing access onto the national road I note that the Transport Infrastructure Ireland submission, received by the planning authority on the 28/06/2023 post the receipt of FI, confirms that they have no observations to make. While I highlight to the Board the issues identified in respect to the submitted baseline traffic movements of 2009, taking into account that the TII have not raised concerns I do not consider there to be sufficient evidence to justify a refusal based on the intensification of the traffic onto the existing access onto the N68 national road.

#### 7.5. *Impact on residential amenity and visual amenity*

7.5.1. The appellants have raised concerns with respect to the unauthorised road located to the southeast of the subject site, and to the west and southwest of the third party's property, this road was the subject of a separate application as detailed in section 4.0 of this report and permission to retain and complete was granted in October

2023. I do not intend on revisiting the issues raised here in respect of the road already determined.

- 7.5.2. Notwithstanding, the appellants raise other concerns relating to the nuisance and negative impact the vehicle test facility has on their residential amenity by reason of noise, lighting and dust levels principally as a result of the substantial traffic generation in this rural area.
- 7.5.3. On site inspection the vehicles entering and exiting the facility were visibility raising dust in the gravelled and concreted areas. The applicants have included in their application a proposal to tarmac the existing surface in front of the existing building to ensure a 'dust free operation on site'. This would result in a large area of hardstanding and with limited landscaping proposals to reduce its visibility from the N68 I would have concerns about the negative visual impact this would have.
- 7.5.4. From site inspection I noted the existing earthen embankments provided along the remaining sides of the subject site and the applicant proposes to provide landscaping along the top of the northeastern embankment to reduce glare from headlights affecting the nearest house to the northeast (Revised site layout drawing no. 6962-1-02 Rev A). The earthen embankments are a combination of soils and gravel. The southwestern boundary of the site runs alongside a track with raised gravel areas /bank that leads to the rear of the subject site with large areas of hardstanding. The levels of the subject site and the adjoining lands have been significantly altered. I note that no proposals are provided to landscape this area or to provide a boundary detail.
- 7.5.5. Under the permission for the workshop 08/1895 condition 13 required that all the rear and side boundaries to be mounded and planted in accordance with details as received 27/02/2008 [sic]. I note that this condition was not complied with.
- 7.5.6. On balance, I consider that the applicant has not demonstrated sufficiently, by reason of lack of planting details including proposals to regrade banks as necessary and schedule of planting, that the proposal to plant the northern eastern bank and in conjunction with a large area of tarmac on the existing surface to the front of the building will adequately reduce the visual impact of the existing and proposed extended structure, minimise light spill and assist with buffering the noise levels at the facility. I consider that the proposed development would seriously injure the

visual amenities of the area, would fail to adequately absorb the existing and extended structure into the landscape and would be contrary to CDP14.3 of the development plan.

#### 7.6. *Wastewater treatment*

- 7.6.1. The submitted site characterisation form states in section 5.0 that the existing system could not be located on site, it is noted that where the existing sewerage system should be located, according to the permitted plans and particulars 08/1895, that the area is covered over with stone and has traffic traversing this area. From my site inspection I concur that the area is covered in stone and note that currently on site the existing percolation area proposed to be decommissioned was not fenced off as per condition 5 (b) that required the proposed polishing filter fenced off on site as per drawing 27/02/2009 of planning register reference 08/1895.
- 7.6.2. Notwithstanding, the apparent non-compliance issues of the current wastewater treatment system and given that the matter of enforcement falls under the jurisdiction of the planning authority, I shall now consider the proposed new sewage treatment system and percolation area located to the northeastern corner of the site taking into account the third party appellants concerns with regard to proposals for foul water services and the impact on groundwater quality especially having regard to a previously open culvert, now piped under the facility.
- 7.6.3. The submitted site characterisation form (SCF), as revised by further information received on 23<sup>rd</sup> June 2023, calculates the loading of the proposed development based on 6 employees. As identified earlier the 2022 number of employees is stated as 8 by the applicant. Given the differences in the information submitted there is a lack of clarity whether the number of employees is reducing to 6 or whether the total number is 8. Taking the number of employees at the higher number of 8 whilst there will be a reduction there would still be capacity for occasional use by visitor use.
- 7.6.4. The vulnerability of the aquifer is noted in the SCF as moderate, and the groundwater protection response is R1. The SCF notes the potential target at risk is groundwater as the soil type is a Brown Podzolic and this suggests free draining soil with good percolation qualities. The water table was encountered at 1.8m in the trial hole according to the submitted SCF.

- 7.6.5. In terms of vegetation indicators, the SCF notes grass and dock in the proposed percolation area. On site inspection I noted significant rush growth in the lower portion of the subject site, along with pockets of rush growth within the field at higher elevations and willow within the boundary at the northern boundary which would indicate an elevated water table and/ or soils with impeded drainage. The position of the trial hole is not indicated on the submitted documentation. However, noting the difference in ground levels on site and having regard to the photographs of the trial hole submitted it appears that the alignment of the trial hole is at a different level within the field to the area indicated as the proposed percolation area.
- 7.6.6. The environment section and the assistant scientist of Clare County Council have raised no concerns with respect to the proposed wastewater treatment system and infiltration area, having regard to the submitted documentation, subject to condition. The local authority internal reports do not make reference to having visited the subject site.
- 7.6.7. Having regard to the ground conditions evidenced on my site inspection and given a lack of clarity over the area tested and the location of the proposed percolation area in the details submitted I consider that the viability of the proposed wastewater treatment system is, therefore, questionable and I consider that the information provided in the application is inadequate to make a determination on this issue. If the Board is minded to grant permission I recommend that further information is sought.

#### *7.7. Appropriate Assessment*

- 7.7.1. The planning authority as part of the further information request identified concerns with respect to lighting details in proximity to the SAC Knockanira House given that the Lesser Horseshoe Bat Species is the qualifying interest of that SAC. I note that the subject site falls within the 2.5km foraging range of the Lesser Horseshoe Bat (Map 2. Knockanira House SAC of NPWS Conservation Objectives July 2018).)
- 7.7.2. The planning authority sought details of the existing and proposed external lighting within the site and advised that all external lighting should be in accordance with Bat Conservation Ireland Guidelines. I note that the planning authority's AA screening determination concluded that there is no potential for significant effects to European Sites. However, they noted that FI is required on the screening form. I am of the view



that in making their determination that the potential for significant effects to European Site(s) cannot be ruled out as there is uncertainty in the information provided with respect to lighting. In this instance the applicant should have been requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist by way of further information, in accordance with Footnote 4 of the planning authority's screening determination template. This was not requested by the planning authority.

- 7.7.3. Further details were requested by the planner having regard to the potential implications for bat species and in response the applicant has submitted a cover note explaining that the existing lighting fittings located on the existing building, are not operational and were turned off in response complaints from the local resident whose house is located on the access road to this site. It is proposed that any new outdoor external lights will replace the existing external lighting and will take into account best practice as published by Bat Conservation Ireland Guidelines and Guidance Note 08/18 Bats and Artificial Lighting in the UK by the Bat Conservation Trust. The drawings submitted do not indicate either existing or new lighting locations and/or details. The planner's report takes into account the further information response and attaches Condition no. 9 which requires that all external lighting within the site curtilage shall be in accordance with the drawings and particulars received by the planning authority on the 23<sup>rd</sup> June 2023, lights to be directed and cowled so as not to interfere with passing traffic on the adjoining road network and shall be in accordance with Bat Conservation Ireland Guidelines.
- 7.7.4. I am of the opinion that the planning authority's screening determination erroneously relies on measures intended to avoid or reduce harmful effects on European sites into account in reaching this conclusion that no Appropriate Assessment issues arise. Please see section 8.0 with respect to AA Screening.

## **8.0 AA Screening**

- 8.1.1. Please see Appendix 3. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development may be likely to have a significant effect on

the Knockanira House SAC 'alone' in respect of effects associated with uncertainty in respect to light pollution from the vehicle test centre.

- 8.1.2. On the basis of the information provided with the application and appeal and in the absence of an Appropriate Assessment Screening Report and/or Natura Impact Statement (as appropriate) the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on Knockanira House SAC.
- 8.1.3. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.
- 8.1.4. This is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

## **9.0 Recommendation**

I recommend that permission is refused in accordance with the following reasons and considerations:

## **10.0 Reasons and Considerations**

- 1. It is the policy of the planning authority, as set out in the current Development Plan for the area, to permit development proposals for employment and enterprise development in the open countryside, only where there are strong locations factors (section 6.15) and proposals for other small-scale enterprises in rural areas will be considered on their individual merits, including among other factors the nature of the activity and evidence that its scale is appropriate to a rural area (section 6.21). These policies are considered to be reasonable. It is considered that, having regard to:
  - (a) intensification of use to accommodate the LCV testing evidenced in the traffic movements submitted with the documentation on file,

- (b) apparent unauthorised works at the vehicle test centre, including a roller shutter to a test lane, not included for in the plans and particulars of the parent permission 09/787 and conditions thereof, and
- (c) the visual prominence of the development from the N68 and lack of proposed sufficient mitigation measures (such as detailed landscaping proposals), to ameliorate impacts on the existing residential and visual amenities within this unzoned rural area,

the extension to the vehicle test centre, taken together with the size and nature of the existing facility, would be at a scale not considered appropriate to a rural area. As such, the proposed development does not accord with development plan objective CDP14.3 which seeks to permit development in these areas (western corridor working landscape) that will sustain economic activity and enhance social wellbeing and quality of life. The proposed development, due to its detrimental impact on visual and residential amenities of the area, is therefore, contrary to the proper planning and sustainable development of the area.

2. On the basis of the information provided with the application and appeal and in the absence of an Appropriate Assessment Screening and/or Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on Knockanira House Special Area of Conservation (SAC).

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.

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Claire McVeigh  
Planning Inspector

17 July 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	317786-23		
<b>Proposed Development Summary</b>	To modify and construct extension to existing vehicle testing centre and install new sewerage treatment system/percolation area on enlarged site.		
<b>Development Address</b>	Lismulbreeda, Darragh, Ennis, Co. Clare, V95 VVY0.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	√
		<b>No</b>	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			
<b>No</b>	√		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>			
<b>Yes</b>	√	Class/Threshold – Class 10. (b) (iv) Infrastructure projects	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	√	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2: Form 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference	317786-23	
Proposed Development Summary	To modify and construct extension to existing vehicle testing centre and install new sewerage treatment system/percolation area on enlarged site.	
Development Address	Lismulbreeda, Darragh, Ennis, Co. Clare, V95 VVY0	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development	The proposed development comprises the construction of an extension to an existing vehicle test centre within an unzoned rural area approximately 8km south of Ennis.	No
Is the nature of the proposed development exceptional in the context of the existing environment?	The nature of the proposed development is not exceptional in the context of the existing given its location adjacent to a quarry. The original workshop building (planning register reference 08/1895) was permitted, given synergies with the adjoining quarry 'Cliff Quarry'. Subsequently extended to allow for the purposes of vehicle testing (planning register reference 09/787.	
Will the development result in the production of any significant waste, emissions or pollutants?	No significant waste, emissions or pollutants are likely.	
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?	The subject site area is 1.1ha located outside of the business district and built-up area. The scale of the development is significantly below the threshold of urban development under Class 10. Infrastructure projects – Class 10(b) (iv). The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and	No

Are there significant cumulative considerations having regard to other existing and/or permitted projects?	Development Regulations 2001 as amended.  There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.	
Location of the Development  Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?  Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	The application site is not located in or immediately adjacent to a European site.  There are no ecological sensitive locations in the immediate vicinity of the site. However, the subject site falls within the bat foraging area of Knockanira House Special Area of Conservation (SAC). Please refer to Appendix 3 with respect to AA issues.  It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.	No
<b>Conclusion</b>		
There is no real likelihood of significant effects on the environment.  EIA not required.		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 3: Screening for Appropriate Assessment

### Screening Determination

#### Step 1: Description of the project

I have considered the construction of an extension and modifications to vehicle testing centre in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is located approximately 2.2 km from Knockanira House Special Area of Conservation (SAC) and c.4.9km from Newhall and Edenvale Complex SAC (Site Code 002091). The Lower River Shannon SAC (Site Code 002165) and River Shannon and River Fergus Estuaries SPA (Site Code 004077) is c.5.3km from the subject site.

The proposed development comprises modification and extension to the existing vehicle testing centre (355 sq. metres) to provide 2 no. Light Commercial Vehicles (LCV) testing lanes and to widen and extend 1 no. existing Heavy Commercial Vehicle (HCV) testing lane. The existing wastewater treatment system is proposed to be decommissioned and it is proposed to install a new sewerage treatment system/percolation area in the northeast of the subject site close to the L4224.

#### Step 2: Potential impact mechanisms from the project [consider direct, indirect, temporary/permanent impacts that could occur during construction, operation and, if relevant, decommissioning]

During the construction phase there is potential for surface water runoff from site works to temporarily discharge to small stream (Clareen) south-east of the site (>400m), which ultimately discharges to River Shannon and River Fergus Estuaries SPA/Lower River Shannon SAC at a distance of >5km to the east.

During operation there is potential for noise nuisance and lighting disturbance which may lead to species disturbance. Insufficient detail has been provided with



respect to existing lighting locations/design details and proposed/replacement lighting details may impact bat foraging potential.

### Step 3: European Sites at risk

With reference to the potential impact mechanisms from the proposal, identify the European site(s) and qualifying features potentially at risk. Examine Site specific conservation objectives and relevant and supporting documents.

I have considered all QI for which the site has been designated and ones I considered to be potentially at risk are those set out in table 1 below.

**Table 1 European Sites at risk from impacts of the proposed project**

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Effect A. Construction phase there is potential for surface water runoff	Hydrological connection	River Shannon and River Fergus Estuaries SPA	<p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Light-bellied Brent Goose (Branta bernicle hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Scaup (Aythya marila) [A062]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p>

			<p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Greenshank (Tringa nebularia) [A164]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Wetland and Waterbirds [A999]</p> <p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p>
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			<p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p>
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			<p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>
Effect B. Construction and Operational phase there is potential for light pollution	2.2km distance from subject site.	Knockanira House SAC	Lesser Horseshoe Bat (Rhinolophus hipposideros) [1303]

The estuaries of the River Shannon and River Fergus SPA form the largest estuarine complex in Ireland. The site comprises the entire estuarine habitat from Limerick City westwards as far as Doonaha in Co. Clare and Dooneen Point in Co. Kerry. The Lower River Shannon SAC is a very large site stretching along the Shannon valley from Killaloe in Co. Clare to Loop Head/ Kerry Head, a distance of some 120 km.

However, the hydrological connection from the subject site to both these sites is indirect and weak. Intervening land use and the separation distance means that the water quality in the European sites will not be negatively affected by any contaminants, such as silt from site clearance and other construction activities.

Knockanira House SAC is situated approximately 8 km south-west of Ennis, Co. Clare and 2.2km from the subject site. The European site consists of a two-storey

building with a single storey section to the rear. It contains an important maternity roost of the Lesser Horseshoe Bat. Although the house is unoccupied it remains in relatively good condition and the conservation status of the bats there seems secure. A number of out-buildings around the house, however, have fallen into disrepair and Lesser Horseshoe Bats no longer use them. The foraging areas and the winter roost of bats at Knockanira House remain unknown.

The conservation objective is to restore the favourable conservation condition of Lesser Horseshoe Bat in Knockanira House SAC, which is defined by the following list of attributes including but not limited to:

*Light pollution (Lux) - No significant increase in artificial light intensity adjacent to named roost or along commuting routes within 2.5km of the roost. See map 2*  
*Lesser horseshoe bats are very sensitive to light pollution and will avoid brightly lit areas. Inappropriate lighting around roosts may cause abandonment; lighting along commuting routes may cause preferred foraging areas to be abandoned, thus increasing energetic costs for bats (Schofield, 2008).*

#### Step 4: Likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'			
European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?	
		Effect A	Effect B
River Shannon and River Fergus Estuaries SPA – QIs listed in Table 1 above.	To maintain the favourable conservation objectives of Cormorant [A017], Whooper Swan [A038], Light-bellied Brent goose [A046], Shelduck [A048], Wigeon [A050], Teal [A052], Pintail [A054], Shoveler [A056], Scaup [A062], Ringed Plover [A137], Gloden Plover [A140], Grey Plover [A141], Lapwing [A142], Knot [A143], Dunlin [A149], Black-tailed Godwit [A156], Bar-Tailed Godwit	N	N

	[A157], Curlew [A160], Redshank [A162], Greenshank [A164], Black-Headed Gull [A179] and Wetlands [A999]. <b>(M)</b>  <a href="https://www.npws.ie/protected-sites/spa/004077">https://www.npws.ie/protected-sites/spa/004077</a>			
Lower River Shannon SAC – QIs listed in Table 1 above.	<p>To maintain the favourable conservation objectives of Brook Lamprey [1096], River Lamprey [1099], Sandbanks [1110], Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], 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 colonizing mud and sand [1310], Bottlenose Dolphin [1349], Otter [1355], Watercourses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium vegetation [3260] and the Molinia meadows on calcareous, peaty or clayey-silt-laden soils [6410]. <b>(M)</b></p> <p>To restore the favourable conservation objectives of Freshwater Pearl Mussel [1029], Sea Lamprey [1095], Atlantic Salmon [1106], Coastal Lagoons [1150], Atlantic salt meadows [1330], Mediterranean salt meadows [1410] and Alluvial forests [91E0]. <b>(R)</b></p> <p><a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a></p>	N	N	
Knockanira House SAC – Lesser Horseshoe Bat (Rhinolophus hipposideros)	<p>To restore the favourable conservation condition of Lesser Horseshoe Bat in Knockanira House SAC <b>(R)</b></p> <p><a href="https://www.npws.ie/protected-sites/sac/002318">https://www.npws.ie/protected-sites/sac/002318</a></p>	N	Y	

Intervening land use and the separation distance of >5km means that water quality in the European sites will not be negatively affected by any contaminants, such as silt from site clearance and other construction activities, if such an event were to occur due to dilution and settling out over such a distance. The construction phase will not result in significant environmental impacts that could affect European Sites within the wider catchment area.

Notwithstanding, the further information provided with respect to lighting I consider that there is a lack of detail provided in respect to the existing lighting on site and the proposed lighting and/or replacement lighting. The project might compromise the objective of restoration or make restoration appreciably more difficult of the favourable conservation condition of Lesser Horseshoe Bat in Knockanira House SAC. Likely significant effects cannot be ruled out with certainty.

I conclude that the proposed development may be likely to have a significant effect 'alone' on Knockanira House SAC from effects associated with uncertainty in respect to lighting proposals. An Appropriate Assessment screening and/or Natura Impact Statement, as appropriate is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time.

**Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'**

No applicable given findings at step 4.

**Overall Conclusion- Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development may be likely to have a significant effect on Knockanira House SAC 'alone' in respect of effects associated with uncertainty in respect to lighting proposals.

On the basis of the information provided with the application and appeal and in the absence of an appropriate assessment screening and/or Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on Knockanira House SAC.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.