



An
Bord
Pleanála

Inspector's Report ABP 317829-23

Development

Construction of 8 residential units comprising 2 number 3-bedroom, two-storey semi-detached dwellings, 3 number 2-bedroom, two-storey semi-detached dwellings and 3 number 2-bedroom single-storey semi-detached dwellings.

Location

Kilkee Road, Doonbeg Td, Doonbeg.
Co. Clare.

Planning Authority

Clare County Council.

Type of Application

Section 177AE of the Planning and Development Act 2000, as amended.

Prescribed Bodies

1. The Heritage Council
2. Inland Fisheries Ireland
3. Irish Water
4. NPWS
5. Transport Infrastructure Ireland
6. Waterways Ireland
7. An Taisce
8. The Arts Council

9. The Dept. of Agriculture, Food and Marine
10. The Dept. of Environment, Climate and Communications
11. Fáilte Ireland
12. Department of Housing, Local Government and Heritage
(Development Applications Unit)
13. Uisce Eireann

Observer(s)

None.

Date of Site Inspection

01st November 2023.

Inspector

Brendan Coyne

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1.0 Introduction

- 1.1.1. Under the provisions of Section 177AE of the Planning and Development Act 2000, as amended, Clare County Council has applied to An Bord Pleanála (the Board) for the development of 8 residential units on Kilkee Road, Doonbeg, Co. Clare. The proposed development is a local authority development.
- 1.1.2. Clare County Council, 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

- 2.1. The site, with a stated area of 0.43 hectares, comprises an undeveloped green field. It is bordered to the north by the Dun na Mara housing estate, which is characterised by semi-detached two-storey houses surrounding a central open space. The site is bounded to the south by the N67 Kilkee Road and is near Killard Road (L-2028) to the east. The site is relatively flat with a ground level of c. 9.7m O.D. at the western end and 9m O.D. at the eastern end. The land itself comprises overgrown grassland with some wild shrubs around the edges. The N67 Road is elevated above the site along the southern boundary. Access to the site is provided by a vehicular gate from the northern boundary that connects to the Dun na Mara estate. A single-storey residential dwelling adjoins the site's eastern boundary, and agricultural lands adjoin the site to the west. The site is on the western edge of Doonbeg village, with a nearby church and Doonbeg National School on the eastern side of Killard Road.

3.0 Proposed Development

3.1.1. Development Description

- 3.1.2. The proposed development comprises the following:

- 8 no. residential units consisting of:
 - 2 no. three-bedroom, two-storey semi-detached houses;

- 3 no. two-bedroom, two-storey semi-detached houses;
- 3 no. two-bedroom, single-storey semi-detached houses;
- 14 no. ancillary car parking spaces within the development;
- The establishment of access points for vehicles and pedestrians, linking to the Dun Na Mara housing estate;
- Alterations to ground levels to accommodate the development.
- A range of boundary treatments and landscaping works.
- Surface water management, featuring the installation of a hydrocarbon interceptor and the construction of a 297 meter surface water sewer with manholes, extending along the Killard Road L-2028 to an existing open drain on Killard Road;
- The addition of a footpath to the N67 linking to the village:
- All ancillary site works.

3.1.3. Documents supporting the Proposed Development

3.1.4. The following documents were submitted by Clare County Council in support of the proposed development:

- Cover Letter,
- Public Notices – Newspaper notice, Site Notice and Prescribed Body notifications,
- Architects Report and Drawing Pack,
- Engineer Drawing Pack and Services Report,
- EIA Screening Report
- Natura Impact Statement
- Road Safety Audit

4.0 Planning History

4.1.1. The Subject Site, including the adjoining Dun na Mara housing estate

P.A. Ref. 21/8002: Clare County Council proposed the following development:

- a) Construction of a new housing estate development, comprising: a) 8 residential units, including:

- 2 No. 3-bedroom, two-storey semi-detached dwellings
- 3 No. 2-bedroom, two-storey semi-detached dwellings
- 3 No. 2-bedroom single-storey semi-detached dwellings

b) 13 no. ancillary car parking spaces within the development.

c) Construction of vehicular and pedestrian access points to the site from Dun Na Mara housing estate.

d) Alterations to ground levels to accommodate the development.

e) Varied boundary treatments and landscaping works.

f) Surface water management, including a hydrocarbon interceptor.

g) Footpath to N67 and a link to the village.

h) All necessary ancillary site works.

In accordance with the Habitats Directive, an Appropriate Assessment Screening has been conducted on the project. An Environmental Impact Assessment (EIA) screening determination has been made, concluding that there is no real likelihood of significant environmental effects resulting from the proposed development.

The decision was granted and passed by resolution at the Council Meeting held on 14th June, 2021.

P.A. Ref. 12/48 Extension of Duration of Permission granted on 22/03/2012 to Doonmore Developments for development permitted under P.A. Ref. 06/1811 – refer below.

P.A. Ref. 09/70 and ABP Ref. 03.233385 Permission granted on appeal on 19/08/2009 to Doonmore Development Ltd for the proposed development to construct 4 new dwelling houses to replace 2 dwelling houses previously authorised under planning permission reference number P07/160, within the curtilage of the site previously authorised under the aforementioned planning reference number with all necessary ancillary services

P.A. Ref. 07/160 Permission granted on 04/02/2008 to Doonmore Developments Ltd for the proposed development to construct 11 no. town houses with all necessary ancillary services.

P.A. Ref. 06/1811 Permission granted on 24/01/2007 to Doonmore Developments Ltd for the proposed development to build 6 No semi-detached houses instead of 3 No detached houses permitted under planning permission Reference P05/14 on sites No 20,21 & 24 with all necessary ancillary services.

P.A. Ref. 06/863 Permission granted on 19/01/2006 to Doonmore Developments for the proposed development to build 24 no. dwelling houses with all necessary ancillary services (subsequent to outline planning permission ref. no. P02/94).

P.A. Ref. 05/14 Permission granted on 19/01/2006 to Doonmore Developments for the proposed development to build 24 no. dwelling houses with all necessary ancillary services (subsequent to outline planning permission ref. no. P02/94).

P.A. Ref. 02/94 Outline permission granted on 25/04/2003 to Mr Paddy Malone for the proposed development to build 25 no. dwelling houses with all necessary ancillary services.

P.A. Ref. 001597 Outline permission granted on 23/08/2001 to Mr. Martin Madigan to construct 9 no. dwelling houses.

4.1.2. **West of the Site**

P.A. Ref. 21/807 Permission refused on 23/09/2021 to A O'Donoghue & N. Honan for a proposed serviced Caravan/ Motorhome Park consisting of set down bays for 37 static Mobile Homes, 19 Motorhomes, Open Space Area, Facilities Building, Bin store/ Recycling Compound, relocate the existing entrance addition 51 no. on-site car parking spaces Bed and Breakfast Building and all associated ancillary site works.

P.A. Ref. 12/520 Permission granted to Extend the Appropriate Period of Planning Permission P05/2257 for housing development of 24 units

P.A. Ref. 05/2257 Permission granted on 10/09/2007 to Stephen & George Nugent for the proposed development to construct 30 No. dwelling houses along with all associated site works and services, access/attendant roads.

5.0 Policy and Context

5.1. Development Plan

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

5.1.1. Zoning Objective

The site is zoned 'Existing Residential' and is located within the settlement boundary of Doonbeg. The objective for land zoned 'existing residential' is to conserve and enhance the quality and character of the areas, to protect residential amenities and to allow for small-scale infill development which is appropriate to the character and pattern of development in the immediate area and for uses that enhance existing residential communities.

5.1.2. Relevant Development Plan Objectives

5.1.3. Chapter 5: Housing - The following objectives are noted:

CDP5.2 aims to facilitate housing needs for County Clare's current and future population in accordance with the Urban and Rural Settlement Strategy, monitor the Housing Strategy's effectiveness, and prioritise the reuse and renovation of existing housing stock.

CDP5.5 It is an objective to ensure that housing developments comply with the Affordable Housing Act 2021 and Part V of the Planning and Development Act, acquire land for future social and affordable housing needs, encourage the use of existing structures for housing, integrate new developments into existing communities with universal design principles, support voluntary housing associations, and maintain a balanced housing supply across the county.

CDP5.8 aims to ensure a diverse mix of housing types and sizes to meet future population needs as guided by strategic documents, requires varied plot sizes in new developments, and requires the submission of a Statement of Housing Mix for multi-unit residential development proposals, to facilitate adherence to this objective.

Chapter 15: Biodiversity, Natural Heritage and Green Infrastructure

CDP15.17 refers to Freshwater Pearl Mussels and states (inter alia) that it is an objective c) To ensure careful consideration is given to all proposed developments within the Doonbeg, Shannon – Graney/Scarriff and the Shannon – Woodford Freshwater Pearl Mussel sensitive areas.

5.1.4. **Chapter 17 Towns and Villages**

CDP17.11 It is an objective of Clare County Council to encourage and support the redevelopment of infill sites in town and village centers for residential, commercial, or a mixture of uses, and to provide guidance to potential developers to support the reuse of key town and village center infill sites.

Appendix 1 Development Management Guidelines - provides comprehensive guidelines for urban residential development, encompassing various aspects to ensure sustainable and community-friendly planning. Relevant sections include Climate Action and Energy (A1.2), Built Environment (A1.2.1), Energy Efficiency and Sustainability (A1.2.2), Renewable Energy (A1.2.3), Distributed Heating (A1.2.4), Natural Heritage, Biodiversity and Green Infrastructure (A1.3), Environmental Impact Assessment (EIA) (A1.3.1), Habitat Directive Assessment (A1.3.2), Green Infrastructure within Industrial and Enterprise Zones (A1.3.3), Residential Development (A1.4), Rural Residential Development (A1.4.1), Urban Residential Development (A1.4.2), Childcare Facilities in Residential Areas (A1.4.3), Design Statements (A1.4.4), Sustainable Urban Drainage Schemes (SuDS) (A1.5), Transport and Movement (A1.6), Cycle Routes, Footpaths and Roads (A1.6.1), Sight Distances (A1.6.2), Bicycle and Vehicle Parking Standards (A1.6.3), Traffic Impact Assessments (TIA), Road Safety Audits and Road Safety Impact Assessments (A1.6.4), and Access and Mobility (A1.6.5).

5.2. **Other Relevant Government Policy / Guidelines**

5.2.1. The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).
- Design Manual for Urban Roads and Streets (2019).
- Traffic Management Guidelines, Department of Transport (2019).
- DN-GEO-03030 - Guidance on Minor Improvements to National Roads

6.0 Legal Context

- 6.1.1. 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 the 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 ABP-317384-23 Inspector's Report Page 11 of 56 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

- 7.1.1. Clare County Council issued prescribed notices to eleven prescribed bodies in total, which included The Heritage Council, Inland Fisheries Ireland, Irish Water, NPWS, Transport Infrastructure Ireland, Waterways Ireland, An Taisce, the Department of

Agriculture, Food and the Marine, The Department of Environment, Climate and Communications, Fáilte Ireland and the Arts Council. Submissions were received from four prescribed bodies, which are summarised below.

7.1.2. **Inland Fisheries Ireland**

- Inland Fisheries Ireland (IFI) does not object to the proposed development in principle.
- IFI's primary concern is the protection of the Doonbeg river in Co. Clare, which is unique for salmon angling on a catch-and-release basis and meets its conservation limits.
- It is vital to prevent any deterioration of water quality in the Doonbeg river.
- IFI recommends implementing nature-based solutions for rainwater management as per the Interim Guidance Document by DoEHLG.
- The proposed underground attenuation tank in the planning application is missing an influent silt trap.
- Such tanks lack provisions for water quality treatment, are challenging to monitor, and require ongoing maintenance.
- The application lacks details of a maintenance plan for the attenuation tank and an upstream water quality management plan.
- IFI offers further detail or clarification upon request.

7.1.3. **Department of Housing, Local Government and Heritage - Development Applications Unit**

- The Development Applications Unit (DAU) note the Natura Impact Statement (NIS) lacks essential details: site visit confirmation, detailed project description, habitat mappings, photographs, invasive species surveys, and an Ecological Impact Assessment, which are crucial for evaluating impacts on protected species under the Wildlife Acts and the Environmental Liability Directive, landscape features, and habitats of ecological value.
- The required information should encompass species protected by the Wildlife Acts, including flora, species and natural habitats protected under the Environmental Liability Directive and the European Communities (Environmental Liability)

Regulations, and Birds Directive Annex I and II species, as well as landscape features crucial for ecological connectivity and habitats of national to local ecological importance, including Red Data Book species.

- The DAU recommends a Construction Environmental Management Plan (CEMP) be prepared prior to a grant of permission, incorporating all NIS mitigation measures and survey requirements and following European Commission guidelines for the technical feasibility and effectiveness of these measures.
- The Natura Impact Statement (NIS) fails to address all project aspects, notably the inclusion of a hydrocarbon interceptor and the construction of a 297-meter surface water sewer with manholes along Killard Road, connecting to an existing open drain.
- Concerns are raised that the NIS omits considerations for the Doonbeg River catchment, a sensitive area for the Freshwater Pearl Mussel, and fails to assess the impact of new public lighting on bats, loss of semi-natural habitats, and the need for compliance with wildlife protection for Bats and Otters under the Habitats Directive.
- The DAU advises that the proposed development should not impact European site integrity or cause deterioration/disturbances as per Article 6(2), and all planning should be consistent with the natural heritage and biodiversity policies outlined in the Clare County Development Plan.

7.1.4. Transport Infrastructure Ireland

- Transport Infrastructure Ireland (TII) recognises that the development will access a local road leading to the N67 national road within Doonbeg's reduced urban speed limit area.
- TII has noted from the site section drawing (no. 6385 203 Rev. C) that the proposed development includes constructing a retaining wall adjacent to the N67, extending into an area where speed limits transition from 50kph to 100kph.
- TII stipulates that constructing a retaining wall in the proposed manner adjacent to the N67 requires a Design Report complying with TII's technical design standards and publications.

- TII has no record of receiving such a Design Report, which is necessary for ensuring road user safety and the application of appropriate design and safety standards, as per TII Publication GN_GEO_03030, a requirement previously communicated to Clare County Council.
- TII advises that resolving this issue is crucial before any decision on the application to ensure road safety standards are met, suggesting that this requirement could be reflected in the conditions for any grant of permission.

7.1.5. **Uisce Éireann**

- Uisce Éireann (UÉ) has reviewed the submitted plans for the proposed development and confirms that water and wastewater connections are feasible without infrastructure upgrades.
- A 100mm diameter watermain in the Dún na Mara housing estate is available to facilitate the water connection for the new development, with the connection point located approximately 5m north of the proposed access point to the new development.
- A 225mm foul sewer network is also present in the Dún na Mara estate to facilitate wastewater connection, with the connection point to be made to an existing manhole approximately 2m north of the new development's proposed access point.
- The applicant is responsible for the design and construction of all necessary water and wastewater infrastructure within the development's redline boundary to facilitate connections to Irish Water's networks, with a Statement of Design Acceptance issued on 21st April 2021.
- Uisce Éireann advises An Bord Pleanála to condition any development grant to require the applicant to enter into a Connection Agreement with Uisce Éireann for service connections to the public water and wastewater networks and to comply with the standards and conditions of that agreement.

8.0 **Assessment**

- 8.1.1. Section 177AE (6) of the Planning and Development Act, 2000 (as amended) 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.

8.1.2. The structure of the assessment below follows these headings. The evaluation of proper planning and sustainable development is addressed initially, as it pertains directly to the core issues regarding the site's suitability and related environmental concerns. The likely effects on the environment are evaluated under the heading 'EIA Screening and the likely effects of the proposed development upon European Sites are evaluated under the Appropriate Assessment section. It should be noted that there is considerable overlap between the key issues being considered, the anticipated environmental effects, and the potential impact on designated Natura 2000 European Sites. To avoid repetition, it should be understood that all sections are interconnected and should be read in conjunction, with each contributing to the distinct assessments required by Section 177AE of the Act.

8.2. **Likely Consequences for the Proper Planning and Sustainable Development**

8.2.1. **Principle of Development**

8.2.2. The proposed development entails the construction of eight residential units, comprising five two-storey and three single-storey dwellings on a currently undeveloped greenfield site. The site adjoins and is accessed through the Dun na Mara housing estate to the north, notable for its semi-detached two-storey homes. The eastern boundary of the site adjoins a single-storey dwelling.

8.2.3. The site is zoned 'Existing Residential' and lies within the settlement boundary of Doonbeg. The zoning objective is to conserve and enhance the quality and character of the 'existing residential' areas, to protect residential amenities and to allow for small-scale infill development appropriate to the character and pattern of development in the immediate area and for uses that enhance existing residential communities.

8.2.4. It is my view that the scale and residential nature of the proposed development is consistent with the zoning objective and is appropriate to the character and pattern of development in the immediate area. The proposal represents an appropriate use of

an undeveloped greenfield infill site situated within the settlement boundary of Doonbeg. Such development is in accordance with Appendix 1, Development Management Guidelines of the Clare County Development Plan, which encourages infill site development in suitable village centres. Moreover, the proposed development is in accordance with National Policy Objective 3a of the National Planning Framework, which aims to ensure that at least 40% of all new homes are constructed within the existing built-up areas of settlements. It effectively utilises vacant land, promotes housing, and benefits from proximity to existing infrastructure and public transport. Furthermore, the development adheres to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), which support the intensive utilisation of infill sites in rural villages to foster compact growth (Section 3.3.5).

8.2.5. Development Standards

8.2.5.1. Density

8.2.6. The stated area of the site is 0.43 hectares, and the proposed development comprises 8 no. dwellings. This yields a density of 20.5 units per hectare. As outlined in Section A1.4.2 (Urban Residential Development) of Appendix 1 of the Clare County Council Development Plan Development Management Guidelines, the Planning Authority endorses increased residential density in accordance with the Sustainable Residential Development in Urban Areas Guidelines (2009). However, these have been superseded by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

8.2.7. Section 3.3.5 of the new guidelines focuses on Rural Towns and Villages (population < 1,500), recommending developments should complement the scale, form, and character of these areas, as well as the capacity of local services and infrastructure, including public transport and water services. It recommends that housing sites on the edges of rural towns and villages, especially those well-connected to walking and cycling networks, serve as viable alternatives to isolated countryside houses, provided they integrate well with the existing settlement structure. Although the guidelines don't prescribe specific densities for developments at the edge of rural towns and villages, it is my view that the density of the proposed development is appropriate in this

context. The site's location on the village edge, its residential zoning, the serviced nature of the site, and its harmony with the scale, form, and character of the adjacent Dun na Mara estate, all contribute to this suitability. The density of the proposed development would also reinforce a distinct urban boundary, effectively demarcating the transition from urban development to open countryside.

8.2.7.1. Layout and Design

- 8.2.8. Access to the proposed development is provided through the existing vehicular entrance of the Dun na Mara estate, which is accessed from Killard Road.
- 8.2.9. The design layout is an L-shape, featuring two single-storey houses positioned along the eastern boundary, adjacent to an existing single-storey dwelling at the corner junction of the N67 and Killard Road. Opposite these, 2 no. two-storey houses are aligned, following the established building line of neighbouring residences to the north within the Dun na Mara estate. The site's western segment accommodated four additional dwellings, all oriented with front elevations facing south towards the N67.
- 8.2.10. In total, 14 parking spaces are integrated into the layout, including two that are allocated for disabled parking. Seven spaces are situated along the western boundary, four along the southern edge, and two adjacent to the entrance.
- 8.2.11. The internal road includes a hammerhead turn at the western end for parking access/egress and a pedestrian crossing that connects footpaths on both sides of the access road near the entrance. Open space is allocated along the southern border of the site.
- 8.2.12. The proposed development provides a new pedestrian pathway, 1.8 meters in width, extending from the southeast corner of the site. This pathway would enhance connectivity for future residents and also serve the current inhabitants of the Dun na Mara estate.
- 8.2.13. The housing units are designed with pitched roofs and front-gabled elevations. The specified materials include blue/black slate or tiles, uPVC windows, and a combination of plaster and paint for the exterior finishes.
- 8.2.14. In my view, the proposed development's layout is in keeping with the existing urban form and character of the Dun na Mara estate. It complements the established development pattern and respects the scale of adjacent buildings. The height of the

new structures has been designed to align with and respect neighbouring dwellings. The proposed development reinforces the urban framework at the village's edge, fostering new pedestrian connections to the village core from the Dun na Mara estate. The layout is designed to ensure active surveillance of the public spaces. The architectural styling of the proposed single and two-storey residences is consistent with the design aesthetic of Dun na Mara's two-storey houses and is considerate of the single-storey dwelling on the adjacent eastern land.

8.2.15. I conclude, therefore, that the layout and design of the proposed development would integrate with the existing pattern of development, enhance connectivity and provide a layout that is appropriately arranged.

8.2.15.1. Unit Mix and Type and Floor Areas

8.2.16. The proposed development provides 2 no. three-bedroom, six-person, two-storey semi-detached dwellings, each with a floor area of 101.1 sq.m. Additionally, the proposal provides 3 no. two-bedroom, four-person, two-storey semi-detached dwellings, each with an 88.5 sq.m. floor area, and 3 no. two-bedroom, four-person, single-storey semi-detached dwellings with floor areas of 73.2 sq.m., 75.6 sq.m., and 73.2 sq.m., respectively.

8.2.17. The gross floor areas comply with the standards set out in Section 5.3.2 (Table 5.1) of the Quality Housing for Sustainable Communities - Best Practice Guidelines 2007, which recommends a minimum internal space of 100 sq.m. for three-bedroom (two-storey) dwellings, 83 sq.m. for two-bedroom (two-storey) dwellings, and 70 sq.m. for two-bedroom (single-storey) dwellings. I am satisfied that the proposed development provides an acceptable mix and size of dwelling types in accordance with Section 4.3.3 of the Guidelines.

8.2.17.1. Private Open Space

8.2.18. The drawings submitted do not delineate the private open space provided for each of the proposed dwellings. Upon measurement, I determine the following provisions for private amenity space to the rear of the proposed dwellings: House 1: 86.8 sq.m., House 2: 74.7 sq.m., House 3: 66 sq.m., House 4: 77 sq.m., House 5: 147.4 sq.m., House 6: 108.36 sq.m., House 7: 57.8 sq.m., and House 8: 104.44 sq.m.

8.2.19. Consequently, the proposed development complies with the requirements of SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). These guidelines set forth the Minimum Private Open Space Standards for residential units, which mandate at least 40 sq.m. of private amenity space for 3-bedroom houses and 30 sq.m. for 2-bedroom houses.

8.2.19.1. Privacy and Separation Distances

8.2.20. Proposed House Nos.1 and 2 are single-storey in nature. Given the site's relatively flat terrain along with the rear boundary treatment of the dwelling on the adjoining site to the east, I consider that overlooking between these dwellings would not occur.

8.2.21. House Nos. 3 and 4 are positioned forward of the front building line of the nearest dwelling within the Dun na Mara housing estate. The first-floor side window of House No. 3 would serve as a bathroom and would, therefore, be glazed with obscure glass. Taking into account House No. 3's orientation in relation to the proximate dwelling in Dun na Mara, it is my view that the corner wrap-around window on the first floor does not pose an overlooking risk to the northern neighbour. Furthermore, considering the specific location, orientation, and the garden lengths at the rear of Houses Nos. 5 to 8, it is my view that these structures will not infringe upon the privacy of adjacent homes within the Dun na Mara housing estate.

8.2.21.1. Boundary Treatment

8.2.22. The Site Layout Plan specifies the boundary treatments for the proposed development as follows:

- A stone-faced wall, 1.8 meters in height to the southern boundary of House No. 2 and both the southern and rear boundaries of House No. 4, as well as the rear boundary of House No. 3.
- A plastered and capped block wall, 1.8 meters high with piers, is proposed for the area behind the car parking spaces at the western end of the development.
- Separating the semi-detached dwellings, a concrete post and plank fence at a height of 1.8 meters will be constructed.
- The existing wall to the north of House No. 3 will be elevated to a height of 1.8 meters.

- To the north of the new footpath running along the N67 at the site's south-eastern end, a newly constructed block wall, capped and finished with a reconstituted stone effect, will stand at 1.1 meters.

8.2.23. I consider these provisions would ensure privacy, security, and aesthetic coherence with the surrounding environment.

8.2.23.1. Proposed Retaining Wall along the N67 road

8.2.24. The Section Drawing details the construction of a retaining wall along the southern boundary adjoining the N67 road, consisting of a 0.9m high fence mounted on a 0.6m high blockwork wall. Layout Plans detail the proposed retaining wall would incorporate a 1.1m guardrail on top.

8.2.25. As noted in Section 7.1.4, Transport Infrastructure Ireland (TII) recognises that the development will access the Killard Road (L-2028), leading to the N67 national road within Doonbeg's reduced urban speed limit area. TII notes the construction of a retaining wall adjacent to the N67, extending into an area where speed limits transition from 50kph to 100kph. TII mandates that the construction of such a retaining wall, due to its proximity to the N67, must be accompanied by a Design Report that adheres to TII's technical standards and published guidelines. To date, TII has not received this Design Report, which is pivotal for assuring the safety of road users and the enforcement of appropriate design and safety protocols, in line with TII Publication GN_GEO_03030. This requirement has been previously communicated to Clare County Council. TII emphasises that addressing this concern is imperative prior to making any planning decisions, to ensure compliance with road safety standards. It is recommended that this stipulation be incorporated as a condition within any planning permission granted. I am satisfied that this issue can be dealt with by way of condition in the event of a grant of permission.

8.2.25.1. Open Space

8.2.26. The development provides 360 sq.m. of open space, equivalent to 8.37% of the site's 0.43 hectares. This figure is below the 10% minimum public open space requirement outlined in Policy and Objective 5.1 of the 2024 Sustainable Residential Development Guidelines. Notwithstanding this deficit, it is my view the adjacent Dun Na Mara estate's substantial open space compensates for the shortfall. Furthermore, the

proposed development ensures pedestrian access to the village, offering recreational amenities within close proximity.

8.2.26.1. Street Lighting

8.2.27. The proposed housing scheme includes the installation of Type B6 Belisha streetlights at a 6-meter height, as indicated on the accompanying plans, ensuring adequate illumination for both pedestrian and vehicular traffic. The placement of lighting columns would provide consistent coverage without impinging on residential privacy or creating excessive light pollution. These measures accord with standard public lighting requirements and are therefore considered acceptable within the context of the development's scale and residential nature.

8.2.27.1. Parking

8.2.28. The proposed development comprising 5 no. two-bedroom houses and 3 no. two-bedroom houses provide 14 car parking spaces, of which 3 spaces are disabled parking. This complies with the Clare County Development Plan Parking Standards (Section A1.6.3), which requires 1 space for 1 & 2-bed units, 1 space for \geq 3-bed units in Town Centres and 1 space for 1 & 2-bed units, 2 space for \geq 3-bed units. Cycle parking is provided within the private area of each housing unit.

8.2.28.1. Vehicular Access

8.2.29. Vehicular access to the site is proposed via the Dun Na Mara estate, which is accessed off the western side of Killard Road, which is subject to a 50km/hr speed limit. Adequate sightlines are available at the entrance to the Dun Na Mara estate. It is proposed to provide a footpath along a section of the N67 from the estate.

8.2.30. A Road Safety Audit has been submitted in accordance with the requirements of TII, Publication Number GE-STY-01024. The report confirms, as per the Road Safety Authority's website, that no recorded collisions have occurred adjacent to the proposed development in the twelve-year period 2005-2016. At the time of writing, RSA road traffic collision (RTC) data is under review and not available to view.

8.2.31. The Road Safety Audit identifies problems that require action in order to improve the safety of the scheme for road users. Key concerns identified and recommendations include:

- **Footpath Discontinuity at Junction:** The current design has a footpath ending abruptly at the Killard Road junction, forcing pedestrians to navigate across three traffic lanes, leading to a grassed area with high kerbs that could cause trips and falls. The audit recommends the installation of an uncontrolled pedestrian crossing with a central refuge and a connecting path to the opposite side to enhance safety.
- **Incomplete Footpath Along Killard Road:** There is a gap in the footpath connectivity along Killard Road, where the proposed path ends before reaching the N67 junction, and the existing path resumes at the third dwelling house. The discontinuity could compel pedestrians to walk alongside vehicles, increasing the risk of collisions. To mitigate this, the audit recommends extending the footpath to bridge the gap outside private boundaries and potentially narrowing the carriageway width of Killard Road.
- **Pedestrian Desire Line in Existing Estate:** During the site visit, a well-used pedestrian route across the open space in the Dun na Mara estate was noted. This informal path is likely to see increased traffic with the occupancy of the new units and may become hazardous when wet or icy. A formal footpath along this line is recommended to prevent slips and falls.
- **Proposed Guardrails on N67:** The design includes pedestrian guardrails along the N67 footpath, which could endanger cyclists by trapping them between the guardrails and passing vehicles or catching handlebars during turns. The audit recommends omitting the guardrail except in areas with high pedestrian traffic, like near schools, where it is necessary for safety.

8.2.32. In consideration of the above, it is my view that the proposed vehicular access through the Dun Na Mara estate off Killard Road, with its established 50km/hr speed limit and adequate sightlines, presents a well-considered entry point to the site. The provision of a new footpath along the N67 would enhance pedestrian connectivity, contributing to a safe and structured development layout. Historical data indicating no recorded collisions adjacent to the site over a significant period reinforces the site's suitability from a road safety perspective.

8.2.33. The Road Safety Audit conducted in accordance with TII guidelines identifies and rectifies potential issues such as footpath discontinuities and pedestrian desire lines, thereby safeguarding road and pedestrian safety. The proposed solutions, including the installation of an uncontrolled pedestrian crossing with a refuge and the extension of the Killard Road footpath, would uphold safety standards. With these measures, alongside the suggested omission of guardrails on the N67 to safeguard cyclists, the proposed development would provide a safe environment for both vehicular and pedestrian traffic. Therefore, I conclude the proposed development would not pose a significant risk to road or pedestrian safety, subject to the implementation of the road safety audit's recommendations.

8.2.33.1. Drainage

8.2.34. The Services Report notes that the Dun-na-Mara Estate has foul, surface water sewer systems and a watermain system that extends to the boundary of the site. The foul and surface water sewer manholes at the entry to the new Estate are shallow (less than 0.5m. deep) and are beside each other, and this limits accessibility for the new foul and surface water system. There is a separate foul sewer in the N67 Doonbeg/Kilkee Road.

8.2.35. Regarding Surface Water Drainage, the report details the following:

- The surface water system lacks a natural outfall such as a drain, stream, or river on the site. Instead, interconnected open land drains exist, discharging water to the ground within the site.
- The only outfall for the surface water sewer is to a manhole just outside the site, connected to the adjacent Dun-na-Mara Estate. However, this system faces severe limitations due to its shallow depth and lack of flexibility in levels and outfall points.
- To address these limitations, a new surface water sewer system comprising 297m of sewer and manholes will be constructed along Killard Road L-2028, discharging to an existing 450mm corrugated pipe located in the foul pumping station, which then discharges to the adjacent stream.
- Open land drains within the site, particularly along the boundaries of Nos. 12 and 13 Dun-na-Mara and the southern road boundary with the N67, currently lack evident outlets. Proposed solutions involve piping these drains with land drainage

pipes and forming new French drains along boundaries to facilitate surface water drainage.

- Additionally, a new piped land drain system will be installed along the Southern roadside of the N67, draining to the main surface water system.
- Land drains will also be installed in the rear gardens of the houses, either tied to the surface water drainage of each house or to soak pits in the rear gardens.
- These proposed works aim to address surface water disposal limitations and ensure effective drainage within the proposed development.
- Surface water sewer design requires a gradual incline from the shallow manhole in Dun-na-Mara, influencing the setting of floor levels.
- The raised levels of the site improve its connection to the proposed N67 footpath and help achieve the necessary floor levels.

8.2.36. Regarding Foul Drainage, the report details the following:

- Difficulties arose when connecting the foul sewer to the Dun-na-Mara foul system, despite Irish Water's acceptance of flatter slopes to avoid pumping for surface water drainage.
- Consequently, house No. 1 will connect to the Dun-na-Mara system, while the remaining houses will discharge to the existing foul manhole in the N67.
- The foul manhole in the N67 is located on a road substantially elevated over adjoining lands, requiring special ground support during excavation to protect the road structure's integrity.
- The option of using a pumped sewer system was considered but did not significantly reduce the floor levels of the houses or development due to requirements for foul and surface water control.

8.2.37. As detailed in Section 7.1.2 above, Inland Fisheries Ireland (IFI) outlines no objections to the proposed development. However, the report acknowledges certain concerns. Firstly, the proposed underground attenuation tank in the planning application does not include an influent silt trap, which is necessary for effective functioning. Additionally, such tanks typically lack provisions for water quality treatment, making them challenging to monitor and requiring ongoing maintenance. Moreover, the application lacks details of a maintenance plan for the attenuation tank and an

upstream water quality management plan, which are crucial for ensuring the long-term effectiveness of the proposed system.

- 8.2.38. The Department of Housing, Local Government and Heritage submission notes that the Natura Impact Statement (NIS) submitted fails to address all project aspects, notably the inclusion of a hydrocarbon interceptor and the construction of a 297-meter surface water sewer with manholes along Killard Road, connecting to an existing open drain. Concerns are raised that the NIS omits considerations for the Doonbeg River catchment, a sensitive area for the Freshwater Pearl Mussel,.
- 8.2.39. The report submission from Uisce Éireann confirms that water and wastewater connections are feasible without infrastructure upgrades. The report notes that a 100mm diameter watermain in the Dún na Mara housing estate is available to facilitate the water connection for the new development, with the connection point located c. 5m north of the proposed access point to the new development. A 225mm foul sewer network is also present in the Dún na Mara estate to facilitate wastewater connection, with the connection point to be made to an existing manhole approximately 2m north of the new development's proposed access point. Uisce Éireann advises An Bord Pleanála to condition any development grant to require the applicant to enter into a Connection Agreement with Uisce Éireann for service connections to the public water and wastewater networks and to comply with the standards and conditions of that agreement.
- 8.2.40. Having considered the above, it is my view that the Services Report provides a comprehensive analysis of the existing and proposed drainage infrastructure affecting the proposed development and the Dun na Mara Estate. Despite the identified constraints, such as shallow sewer manholes and the absence of a natural outfall, I consider the proposed installation of a new sewer system along Killard Road and the integration of land drains to be effective solutions that will enhance drainage capacity. It is my view that the plan to construct a new sewer system of 297 meters, coupled with the strategic placement of land and French drains, constitutes a proactive approach to managing surface water discharge. Moreover, I observe that these measures are suitably supplemented by the additional land drains alongside the N67, which will aid in preventing waterlogging and facilitating a smooth drainage flow to the main system.

8.2.41. Regarding foul drainage, challenges with connections to the existing system are acknowledged. However, I am of the opinion that these challenges have been addressed with the proposed connections to both the Dun na Mara system and the foul manhole on the N67. The gravity-based approach favoured over a pumped sewer system, indicates a less complex and more sustainable long-term strategy. Uisce Eireann's confirmation of the feasibility of connections to existing water and wastewater networks, without the need for infrastructure upgrades, reinforces my assessment of the drainage proposal's acceptability.

8.2.42. Screening for Appropriate Assessment, alongside the concerns raised by the Development Applications Units in the Department of Housing, Local Government, and Heritage, will address the potential for Likely Significant Effects upon Natura 2000 European Sites. This process will ensure that any risks to sensitive habitats and designated Natura 2000 European Sites are thoroughly evaluated. I recommend that in the event of a grant of permission, a Condition be imposed requiring the developer to include a hydrocarbon interceptor within the surface water drainage system and provide a comprehensive maintenance plan for the attenuation tank. Additionally, a water quality management plan detailing monitoring, maintenance, and enhancement of runoff water quality to be developed and implemented. These measures collectively would protect sensitive species, such as the Freshwater Pearl Mussel, and their habitats from potential adverse effects of urban runoff and to maintain the ecological balance within the catchment area.

8.2.43. I conclude, therefore, that subject to the implementation of Conditions, the proposed foul and surface drainage systems for the proposed development are acceptable.

8.2.43.1. Flood Risk

8.2.44. This site is not in a flood risk area, as recorded on the OPW Flood Maps database. I note that a single flood event (ID-12973) was recorded, c. 250 meters north of the site on 01/01/2014. The source of this flood event was related to coastal/estuarine waters. This event did not flood the subject site.

8.3. EIA Screening

8.3.1. An EIA Screening Report was submitted by Clare County Council 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.

8.3.2. 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 Planning and Development Regulations, 2001 (as amended), relevant to the proposed development.
- Assessment of relevant thresholds under Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended).
- Assessment of proposed development, including its likely effects on the environment

8.3.2.1. Project Types / Class of Development:

8.3.3. The applicant, in their submission, has indicated that the proposed development falls within the category of an 'Infrastructure Project' under Part 2 of Schedule 5(10)(b) of the Regulations, which provides that a mandatory EIAR must be carried out for the following projects:

- (i) Construction of more than 500 dwellings.
- (ii) Construction of a car park providing more than 400 spaces, other than a car park provided as part of, and incidental to the primary purpose of, a development.
- (iii) Construction of a shopping centre with a gross floor space exceeding 10,000 square metres.
- (iv) Urban development which would involve greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

8.3.4. In addition to those categories listed above, consideration should be given to Schedule 5, Part 2, Class 15 'Sub-Threshold' Projects, which mandates that an EIAR must be

carried out for 'any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7'.

8.3.5. 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.

8.3.5.1. Project Thresholds

8.3.6. As set out above, it is considered that the proposed development is of a class for the purposes of Environmental Impact Assessment (EIA). However, it does not exceed any of the specific thresholds.

8.3.7. In this instance, the proposed development is on a site of 0.43 ha and includes 8 no. dwelling units and 14 no. car 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 the development listed in Part 2 of Schedule 5, should be subject to an Environmental Impact Assessment, which is set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended).

8.3.7.1. Assessment of the Characteristics, Location and Potential Impacts

8.3.8. The adopted Clare County Development Plan 2023-2029 has been subject to Strategic Environmental Assessment (SEA) and Appropriate Assessment (Appropriate Assessment) and considered the land use and specific objectives for this site. The SEA for the Development Plan concluded that its implementation would not result in significant effects on the environment.

8.3.9. The EIA Screening Report and other supporting documents provide significant information in relation to the proposed development and the likely significant effects on the environment, which is noted.

8.3.10. The proposed development complies with the 'Existing Residential' land use zoning objective and is consistent with the surrounding residential environment to the north and south. The development is on serviced lands within the Doonbeg village

development boundary. It does not constitute a significant urban development in the context of the wider village and other projects which may occur in the vicinity.

- 8.3.11. The development will not result in the production of any significant waste or significant emissions or pollutants during its operational / post-construction phase.
- 8.3.12. Although a Construction and Environmental Management Plan has not been prepared, the applicant states that the appointed Contractor will prepare a Construction and Operational Waste Management Plan for this development, emphasising waste recycling, reuse, and recovery to minimise landfill use. Utilising licensed contractors and facilities for off-site waste, the project anticipates minimal, short-term environmental impacts in line with typical residential construction standards.
- 8.3.13. The project does not anticipate utilising significant quantities of natural resources unusually or producing significant quantities of waste, with all waste managed according to best practices for recycling, reuse, and disposal.
- 8.3.14. Construction may create temporary dust, noise, and surface water runoff impacts, but these are expected to be short-term and managed through best-practice environmental control measures.
- 8.3.15. The development's footprint on a greenfield site will involve soil excavation and vegetation removal, but with mitigation measures, no significant environmental effects are expected. Air quality impacts from construction dust are considered low probability and short-term.
- 8.3.16. Traffic inconvenience during construction is anticipated to be temporary and managed to minimise impacts. There are no significant impacts expected on cultural heritage or the landscape. There are no recorded monuments, archaeological sites or protected sites within the proposed development site.
- 8.3.17. Construction poses a low risk to human health and safety, with industry-standard plans required to manage health and safety risks effectively. The operational phase of the development is not expected to have significant effects on population and human health.
- 8.3.18. Mitigation measures and best practices will address potential emissions and pollutants during construction, including noise (via monitoring stations, timber hoarding, regulated working hours, and compliant equipment), dust (through monitoring,

suppression systems, and site maintenance), vibration (with controlled working hours and minimally invasive equipment), and waste (through segregation, licensed disposal, and hazardous management plans). Additionally, refuelling will involve secure areas and spill management. Despite the expected short-term dust, air, and noise pollution during construction, these will be effectively managed through a site-specific Construction Environmental Management Plan (CEMP), ensuring compliance with noise regulations and promoting overall site housekeeping. On this basis, I consider the development will not result in the production of any significant waste or result in significant emissions or pollutants during its construction phase.

- 8.3.19. As detailed in Section 4.0 above, there are currently no pending applications within the surrounding area of the proposed development. Uisce Éireann, in its submission report, confirms that water and wastewater connections are feasible without infrastructure upgrades and that there is sufficient capacity within the existing drainage network to facilitate this development. The EIAR Screening report, after reviewing the 2021 and 2022 Annual Environmental Reports and the Doonbeg Waste Water Discharge Licence Audit Report, confirms that the discharge from the Doonbeg Waste Water Treatment Plant has no observable negative impact on water quality, the Water Framework Directive status, or coastal/transitional water quality. Consequently, no significant cumulative effects are identified.
- 8.3.20. The site is not located within any designated Natura 2000 European Site. Likely significant effects of the proposed development on any designated Natura 2000 European Site are addressed under Appropriate Assessment further below. This assessment concludes that no adverse impacts on Natura 2000 sites or significant effects on biodiversity are anticipated.
- 8.3.21. On this basis, taking into account the characteristics and location of the proposed development and the types and characteristics of potential impacts, the documentation submitted by Clare County Council and the submissions on file, I consider it unlikely that there would be significant effects on the environment arising from the proposed development.

8.3.22. **Appropriate Assessment - Introduction**

8.3.23. The applicant has submitted a Natura Impact Statement (NIS) dated 25th July 2023 as part of the particulars supporting the application.

8.3.24. 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 Natura 2000 European sites. The documentation was prepared by Neo Environmental Ltd. Consultants, and the qualifications and experience of the authors of the report and those who conducted the assessments are suitable and relevant.

8.3.25. The NIS submitted with the application concluded that the proposed development would not significantly affect any qualifying features and, therefore, the integrity of the Natura 2000 sites connected with the Application Site.

8.3.26. The application documentation includes information required with respect to the methodology applied, a description of the existing site, a 'Stage 1' Screening for Appropriate Assessment and a 'Stage 2' Natura Impact Statement.

8.3.27. This assessment has had regard to relevant guidance, including:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities (2009). Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
- EC (2021) Commission Notice on the assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.
- EC (2011) Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones.
- EC (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.

8.3.28. At an overview level and to put the documentation in context, the following should be noted:

- The proposed development site is not located within a Natura 2000 Site.
- Within the 15km zone of influence (ZOI) surrounding the site, there are seven Natura 2000 Designated Sites. The closest is the Carrowmore Dunes SAC, located 0.68km northeast of the site.
- The Carrowmore Dunes SAC has hydrological connectivity and potential for ecological connectivity with the proposed development via the Doonbeg River and a drainage ditch within the proposed development site.
- There is also potential for ecological connectivity between the Carrowmore Dunes SAC and the proposed development site due to wet grassland habitats that may support narrow-mouthed whorl snails, for which the SAC is designated.
- The proposed wastewater drainage design for the development includes a new foul sewer network that will discharge into the existing network in the adjacent Dun na Mara Estate. Confirmation of feasibility from Irish Water regarding the use of the existing network and the proposed design is provided in Appendix B of the NIS report.
- The stormwater drainage design for the proposed development involves constructing 297 meters of surface water sewer along Killard Road L-2028, connecting to an existing 450mm corrugated pipe at the foul pumping station, which discharges into the adjacent stream.

8.4. Screening for Appropriate Assessment

- 8.4.1. The Natura Impact Statement (NIS) Report submitted includes a Stage 1 Screening for Appropriate Assessment (AA) and a Stage 2 Natura Impact Statement. The Screening Report was prepared in line with current best practice guidance, provides a description of the proposed development, and identifies seven Natura 2000 Sites (five SACs and two SPAs) within a 15km zone of influence of the development.
- 8.4.2. The applicant's AA Screening Report concluded that the proposed development has potential hydrological and ecological connectivity with the Carrowmore Dunes SAC, the Mid Clare Coast SPA, and the River Shannon and River Fergus Estuaries SPA. This connectivity, particularly via the Doonbeg River and a drainage ditch that exists within the site, as well as through the presence of wet grassland habitats within the proposed development site, could have significant impacts on these Natura 2000 sites.

The Carrowmore Dunes SAC, being hydrologically connected and hosting habitats for species such as the narrow-mouthed whorl snail, the Mid Clare Coast SPA, with potential habitat for bird species, and the River Shannon and River Fergus Estuaries SPA, also potentially affected by ornithological connectivity, have all been brought forward for a Stage 2: Appropriate Assessment. Conversely, due to the absence of habitat presence and lack of hydrological connectivity, the Tullaher Lough and Bog SAC, the Kilkees Reefs SAC, the Lower River Shannon SAC, and the Carrowmore Point to Spanish Point and Islands SAC have been screened out from further assessment. The report acknowledges that without mitigation measures, the proposed development may pose a risk of significant impacts on the three Natura Sites proceeding to the NIS stage.

8.4.3. Having reviewed the documents and submissions, I am satisfied that the information 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.

8.4.4. The proposed development is examined in relation to any possible interaction with Natura 2000 Sites designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

8.4.5. The applicant provides a description of the project on page 6 of the AA screening report. A description of the development site and proposed development are provided in Sections 2.0 and 3.0 above, respectively.

8.4.6. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related - uncontrolled surface water/silt/construction-related pollution
- Habitat loss/ fragmentation through contamination of ground or surface waters.
- Habitat disturbance /species disturbance (construction and or operational).

8.4.7. **Submissions**

8.4.8. The submission from Inland Fisheries Ireland (IFI) expresses no objection in principle to the proposed development but emphasises the importance of protecting the

Doonbeg River's water quality, which is renowned for salmon angling. IFI underscores the necessity of preventing any water quality deterioration in the river, which meets its conservation limits for salmon angling operated on a catch-and-release basis. They advocate for the adoption of nature-based solutions for rainwater management, referencing the Interim Guidance Document by the Department of Environment, Heritage and Local Government (DoEHLG). IFI points out that the planning application omits an influent silt trap for the proposed underground attenuation tank, which lacks provisions for water quality treatment and poses challenges for monitoring and maintenance. The application also fails to provide a maintenance plan for the attenuation tank and an upstream water quality management plan. IFI is open to providing further details or clarification as needed.

- 8.4.9. The submission from the Development Applications Unit (DAU) highlights several deficiencies in the Natura Impact Statement (NIS) for the proposed development, including the absence of site visit confirmations, a detailed project description, habitat mappings, photographs, invasive species surveys, and an Ecological Impact Assessment. These elements are deemed essential for assessing potential impacts on protected species and habitats under the Wildlife Acts, the Environmental Liability Directive, and the Birds Directive Annexes. The DAU points out that the NIS should cover species and habitats protected by these regulations, as well as landscape features that contribute to ecological connectivity and habitats of varying degrees of ecological importance. The DAU recommends the preparation of a Construction Environmental Management Plan (CEMP) before any grant of permission, incorporating all mitigation measures and survey requirements from the NIS, and aligned with the technical guidelines of the European Commission. Furthermore, the DAU expresses concern that the NIS overlooks certain project components, such as the inclusion of a hydrocarbon interceptor and the construction of a surface water sewer along Killard Road. It also notes the failure of the NIS to consider the impacts on the sensitive Doonbeg River catchment area, the effect of new public lighting on bat populations, the loss of semi-natural habitats, and the compliance requirements for the protection of Bats and Otters under the Habitats Directive. The DAU advises that the proposed development must not compromise the integrity of European sites or lead to their deterioration or significant disturbances, in accordance with Article 6(2) of the Habitats Directive.

8.4.10. The submission from Uisce Éireann confirms the feasibility of connecting the proposed development to existing water and wastewater networks without the need for infrastructure upgrades. Connections can be made to a nearby 100mm watermain and 225mm foul sewer within the Dún na Mara estate.

8.4.11. Natura 2000 Sites

8.4.12. The development site is not located in or immediately adjacent to a European site. The closest Natura 2000 Sites are the Mid-Clare Coast SPA, located c. 0.6km north of the site and the Carrowmore Dunes SAC, located c. 0.65km northeast of the site.

8.4.13. A summary of European Sites that occur within a 15 km possible zone of influence of the proposed development is presented in Table 1 below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

8.4.13.1. **Table 1. Summary Table of Natura 2000 Sites within a 15km zone of influence of the proposed development**

Site Name & Code	Qualifying Interest / Special Conservation Interest	Distance from the site	Potential Connectivity with the proposed development (source pathway receptor)	Considered further in screening Yes/No
Mid-Clare Coast SPA 004182	<ul style="list-style-type: none"> ▪ Cormorant (<i>Phalacrocorax carbo</i>) [A017] ▪ Barnacle Goose (<i>Branta leucopsis</i>) [A045] ▪ Ringed Plover (<i>Charadrius hiaticula</i>) [A137] ▪ Sanderling (<i>Calidris alba</i>) [A144] ▪ Purple Sandpiper (<i>Calidris maritima</i>) [A148] ▪ Dunlin (<i>Calidris alpina</i>) [A149] ▪ Turnstone (<i>Arenaria interpres</i>) [A1] ▪ Wetland and Waterbirds [A999] 	0.6km to the north	<ul style="list-style-type: none"> ▪ Hydrological Connectivity ▪ Potential for ornithological connectivity 	Yes
Carrowmore Dunes SAC 002250	<ul style="list-style-type: none"> ▪ Reefs [1170] ▪ Embryonic shifting dunes [2110] ▪ Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] ▪ Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] ▪ <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014] 	0.65km to the northeast	<ul style="list-style-type: none"> ▪ Hydrological Connectivity ▪ Potential Ecological Connectivity 	Yes

Site Name & Code	Qualifying Interest / Special Conservation Interest	Distance from the site	Potential Connectivity with the proposed development (source pathway receptor)	Considered further in screening Yes/No
River Shannon and River Fergus Estuaries SPA 004077	<ul style="list-style-type: none"> ▪ Cormorant (Phalacrocorax carbo) [A017] ▪ Whooper Swan (Cygnus cygnus) [A038] ▪ Light-bellied Brent Goose (Branta bernicla hrota) [A046] ▪ Shelduck (Tadorna tadorna) [A048] ▪ Wigeon (Anas penelope) [A050] ▪ Teal (Anas crecca) [A052] ▪ Pintail (Anas acuta) [A054] ▪ Shoveler (Anas clypeata) [A056] ▪ Scaup (Aythya marila) [A062] ▪ Ringed Plover (Charadrius hiaticula) [A137] ▪ Golden Plover (Pluvialis apricaria) [A140] ▪ Grey Plover (Pluvialis squatarola) [A141] ▪ Lapwing (Vanellus vanellus) [A142] ▪ Knot (Calidris canutus) [A143] ▪ Dunlin (Calidris alpina) [A149] ▪ Black-tailed Godwit (Limosa limosa) [A156] ▪ Bar-tailed Godwit (Limosa lapponica) [A157] 	c. 6.4km to the southwest	<ul style="list-style-type: none"> ▪ Potential for ornithological connectivity 	Yes

Site Name & Code	Qualifying Interest / Special Conservation Interest	Distance from the site	Potential Connectivity with the proposed development (source pathway receptor)	Considered further in screening Yes/No
	<ul style="list-style-type: none"> ▪ 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] 			
Lower River Shannon SAC 002165	<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] ▪ <i>Salicornia</i> and other annuals colonising mud and sand [1310] 	c. 6.4km to the southwest	None	No

Site Name & Code	Qualifying Interest / Special Conservation Interest	Distance from the site	Potential Connectivity with the proposed development (source pathway receptor)	Considered further in screening Yes/No
	<ul style="list-style-type: none"> ▪ Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] ▪ Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] ▪ Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260] ▪ Molinia 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] 			

Site Name & Code	Qualifying Interest / Special Conservation Interest	Distance from the site	Potential Connectivity with the proposed development (source pathway receptor)	Considered further in screening Yes/No
	<ul style="list-style-type: none"> ▪ Tursiops truncatus (Common Bottlenose Dolphin) [1349] ▪ Lutra lutra (Otter) [1355] 			
Tullagher Lough and Bog SAC 002343	<ul style="list-style-type: none"> ▪ Active raised bogs [7110] ▪ Degraded raised bogs still capable of natural regeneration [7120] ▪ Transition mires and quaking bogs [7140] ▪ Depressions on peat substrates of the Rhynchosporion [7150] 	c. 1.6km to the southwest	None	No
Kilkee Reefs SAC 002264	<ul style="list-style-type: none"> ▪ Large shallow inlets and bays [1160] ▪ Reefs [1170] ▪ Submerged or partially submerged sea caves [8330] 	c. 5.1km to the northwest	None	No
Carrowmore Point to Spanish Point and Islands SAC 001021	<ul style="list-style-type: none"> ▪ Coastal lagoons [1150] ▪ Reefs [1170] ▪ Perennial vegetation of stony banks [1220] ▪ Petrifying springs with tufa formation (Cratoneurion) [7220] 	c. 4.6km to the northeast	None	No

8.4.16. **Identification of likely effects**

8.4.17. The Proposed Development Site, while not located within any Natura 2000 site, is within a zone of influence that potentially affects surrounding Natura 2000 sites due to ecological and hydrological connectivity. The three Natura 2000 Sites identified to potentially connect with the Proposed Development and thereby advance to a Stage 2: Natura Impact Statement (NIS) assessment areas follows:

Carrowmore Dunes SAC: Located 0.65km northeast of the development site, this Special Area of Conservation (SAC) has hydrological and potential ecological connectivity through the Doonbeg River and a drainage ditch within the development site. The presence of wet grassland habitat on the site may support species such as the narrow-mouthed whorl snail, which is a qualifying interest for the SAC. Without mitigation measures, there could be significant impacts due to this connectivity.

Mid Clare Coast SPA: At c. 0.6km to the north, this Special Protection Area (SPA) has potential hydrological and ornithological connectivity with the development site. The small area of wet grassland could provide a habitat for bird species for which the SPA is designated. The potential for impact, especially during the construction and operation phases, necessitates further assessment.

River Shannon and River Fergus Estuaries SPA: Located c. 6.4km to the southwest, this site has potential ornithological connectivity due to an area of wet grassland within the development site that could be used by bird species designated for the SPA. This connection could lead to impacts during all stages of the development, especially if these species are disturbed or their habitats altered.

8.4.18. The remaining four Natura 2000 sites within a 15km zone of influence – Tullaher Lough and Bog SAC, Kilkees Reefs SAC, Lower River Shannon SAC, and the Carrowmore Point to Spanish Point and Islands SAC – lack connectivity with the Proposed Development Site and therefore are screened out from further assessment.

8.4.19. In conclusion, the elements of the project which may cause a significant effect or where the scale or magnitude of impacts is not known include the potential hydrological and ecological/ornithological connectivity with Carrowmore Dunes SAC and Mid Clare Coast SPA, and the potential ornithological connectivity with the River Shannon and River Fergus Estuaries SPA. These elements require detailed consideration in the NIS

and Stage 2 Appropriate Assessment to ensure that the conservation objectives of the respective Natura 2000 sites are not adversely affected.

8.5. Appropriate Assessment

- 8.5.1. The site is hydrologically and ecologically connected to the Carrowmore Dunes SAC and has potential hydrological and ornithological connectivity with the Mid Clare Coast SPA and ornithological connectivity with the River Shannon and River Fergus Estuaries SPA. Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development, individually or in combination with other plans or projects, will significantly affect these Natura 2000 European Sites.
- 8.5.2. The following European sites have been screened out for the need for Appropriate Assessment - Tullaher Lough and Bog SAC, Kilkees Reefs SAC, Lower River Shannon SAC, and the Carrowmore Point to Spanish Point and Islands SAC.
- 8.5.3. Measures intended to reduce or avoid significant effects have not been considered in the screening process.
- 8.5.4. The application included a Natura Impact Statement (dated 25/07/2023), which examines and assesses potential adverse effects of the proposed development on the Carrowmore Dunes SAC, Mid Clare Coast SPA and River Shannon and River Fergus Estuaries SPA.
- 8.5.5. The applicant's Natura Impact Statement (NIS) for the proposed housing development incorporates studies, surveys, and consultations, including ecological assessments, water quality analysis, and engagement with environmental agencies to evaluate potential impacts and mitigation strategies. It thoroughly evaluated potential impacts on the Carrowmore Dunes SAC, Mid Clare Coast SPA, and River Shannon and River Fergus Estuaries SPA. The NIS identified potential impacts from construction activities, such as water pollution from various sources, and proposed comprehensive mitigation measures, including pollution prevention, waste management, and environmental monitoring, to minimise ecological impacts.
- 8.5.6. The applicant's NIS was prepared in accordance with current best practice guidance and provides a detailed assessment of potential impacts on the ecological features associated with the Natura 2000 designated sites. It covers potential pollution sources

and effects on aquatic environments and outlines best practice pollution prevention and environmental control measures to mitigate identified risks.

8.5.7. The NIS concluded that, with the implementation of proposed mitigation and environmental control measures, the proposed development would not result in significant adverse effects on the integrity of the Carrowmore Dunes SAC, Mid Clare Coast SPA, and River Shannon and River Fergus Estuaries SPA. It asserts that the development, as planned and mitigated, complies with the requirements of the EU Habitats Directive and will not adversely affect the conservation objectives of these Natura 2000 sites.

8.5.8. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of the following Natura 2000 sites alone or in combination with other plans and projects - the Carrowmore Dunes SAC, Mid Clare Coast SPA, and River Shannon and River Fergus Estuaries SPA.

8.5.9. **Appropriate Assessment of implications of the proposed development**

8.5.10. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project that could result in significant effects are assessed, and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

8.5.11. I have relied on the following guidance:

- EC (2021) Commission Notice on the assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.
- EC (2011) Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones.
- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service. Dublin.

- EC (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.

8.5.12. **European Sites**

8.5.13. The following sites are subject to Appropriate Assessment:

- Carrowmore Dunes SAC
- Mid Clare Coast SPA
- River Shannon and River Fergus Estuaries SPA

8.5.14. A description of the sites and their Conservation and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS and summarised in Table 2-4 of this report as part of my assessment. The main aspects of the proposed development that could adversely affect the conservation objectives of the Carrowmore Dunes SAC, Mid Clare Coast SPA, and River Shannon and River Fergus Estuaries SPA, proposed mitigation measures and possible in-combinations effects are also set out in Tables 2-4 below.

8.5.14.1. Table 2: Appropriate Assessment Summary Matrix for Carrowmore Dunes SAC:

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Reefs (1170)	Objective: Maintain favourable condition. Area: Stable/increasing, 211ha. Distribution: Stable/increasing. Structure: Preserve intertidal reef, Laminaria complex.	Construction pollution: Siltation, chemical contamination, etc.	<ul style="list-style-type: none"> ▪ Erecting 2.4m high hoarding around the development site boundaries to contain all works within the fencing. ▪ Establishing a site compound within the site boundary, with its exact location determined by the appointed contractor. ▪ Clearly marking and identifying access routes, restricting access during construction to outlined work areas only. ▪ Dewatering with silt bags to capture silty material during excavation. Collecting and treating surface water within the site using perimeter swales and silt bags to allow natural percolation to ground. ▪ Using a silt bag which will filter any remaining sediment from the pumped water discharge onto ground. ▪ Designing, constructing, and maintaining an on-site drainage 	Assessed with other projects, no significant cumulative effects expected.	Yes, following mitigation.

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
			<p>system to prevent sediment-related pollution of nearby surface waters.</p> <ul style="list-style-type: none"> ▪ Minimising ground disturbance and re-vegetating exposed surfaces as soon as possible following construction. 		
Embryonic Shifting Dunes (2110)	Objective: Restore favourable condition. Area: Increasing. Distribution: No decline. Structure: Natural sediment circulation.	Disturbance from construction, sediment release.	<ul style="list-style-type: none"> ▪ Covering temporary fills or stockpiles with grass or polyethene sheeting to prevent sediment release during heavy rainfall. ▪ Using pumps equipped with silt bags to dewater any groundwater encountered during excavation. ▪ Collecting and treating surface water within the site as construction progresses. ▪ Minimising ground disturbance and re-vegetating exposed surfaces as soon as possible following construction. ▪ Reusing or appropriately managing soil, subsoils, and bedrock material removed from the site. 	Assessed with other projects, no significant cumulative effects expected.	Yes, following mitigation.
'White Dunes' (2120)	Objective: Restore favourable condition. Area: Stable/increasing. Distribution: No decline.	Disruption to sediment supply, habitat fragmentation.	<ul style="list-style-type: none"> ▪ Erecting 2.4m high hoarding around the development site boundaries. ▪ Access route management to restrict construction traffic and prevent sediment release. 	Assessed with other projects, no significant cumulative effects expected.	Yes, following mitigation.

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
	Structure: Natural sediment circulation.		<ul style="list-style-type: none"> ▪ Implementing a drainage system to maintain natural sediment circulation and prevent pollution. ▪ Re-vegetation and maintaining the physical structure of the dunes. ▪ Ensuring construction activities do not create physical barriers to sediment movement. 		
'Grey Dunes' (2130)	Objective: Restore favourable condition. Area: Stable/increasing, 10.46ha mapped. Distribution: No decline. Structure: < 10% bare ground, maintain zones.	Habitat degradation, erosion.	<ul style="list-style-type: none"> ▪ Erecting 2.4m high hoarding to contain all works within the development site boundaries. ▪ Ensuring the storage and management of construction materials to prevent habitat degradation. ▪ Implementing sediment control measures to maintain the physical structure of dunes. ▪ Managing soil and subsoil to prevent contamination and erosion, thereby protecting habitat quality. ▪ Designing, constructing, and maintaining an on-site drainage system to prevent sediment-related pollution. ▪ Re-vegetating exposed surfaces as soon as possible after construction to maintain habitat structure and cover. 	Assessed with other projects, no significant cumulative effects expected.	Yes, following mitigation.

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Narrow-mouthed Whorl Snail (1014)	Objective: Maintain favourable condition. Distribution: No decline. Transect presence: Adult/sub-adult snails. Abundance: >20 individuals in samples. Habitat: >19ha optimal/sub-optimal.	Habitat loss, pollution.	<ul style="list-style-type: none"> ▪ Hoarding at 2.4m high will be erected around the boundaries of the development site to contain all works within the fencing and reduce disturbance from noise and human activity. ▪ A site compound will be established within the site boundary to manage construction activity centrally and limit the spread of disturbance. ▪ Access routes will be clearly marked and identified to direct construction traffic and minimise accidental damage to surrounding habitats. ▪ Temporary fills or stockpiles will be covered with grass or polyethylene sheeting to prevent sediment release, particularly during heavy rainfall, which could lead to siltation affecting the snail's habitat. ▪ Pumps equipped with silt bags will be used for dewatering to ensure that silt and other contaminants are captured before water is allowed to percolate naturally to the ground or is tankered off-site if necessary. ▪ Perimeter swales may be used to collect and treat surface water within 	Assessed with other projects, no significant cumulative effects expected.	Yes, following mitigation.

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
			<p>the site, with silt bags to allow for clean percolation to ground, thus protecting the wet grassland habitat of the snail.</p> <ul style="list-style-type: none"> ▪ The entire discharge area from silt bags will be enclosed by a perimeter of double silt fencing to further ensure that sediment does not enter clean water bodies. ▪ The on-site drainage system will be designed, constructed, and maintained to prevent sediment-related pollution. ▪ Spill kits and training for construction workers will be provided to ensure immediate and effective response to any spills, minimizing the risk of chemical contamination. ▪ The appointed contractor will prepare a Construction and Environmental Management Plan, which will include a Waste Management Plan, to ensure that all waste, especially hazardous materials, are managed correctly and disposed of at licensed facilities. ▪ A member of the site staff will be assigned as the environmental officer, responsible for ensuring that all 		

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
			environmental measures are implemented and adhered to. Any incidents of non-compliance will be reported to the project team.		
<p>Overall conclusion: Integrity test</p> <p>It is concluded that subject to mitigation measures, the construction and operation of this proposed development will not adversely affect the integrity of this European site. No reasonable doubt remains about the absence of such effects.</p>					

8.5.14.2. **Table 3: Appropriate Assessment Summary Matrix for the Mid Clare Coast SPA:**

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Barnacle Goose (Branta leucopsis)	Objective: Maintain favourable condition. Population trend stable/increasing. No significant decrease in range, timing, or intensity of use of areas.	Risk of water pollution from construction activities.	<ul style="list-style-type: none"> ▪ Manage temporary fills/stockpiles to prevent sediment release. ▪ Dewater excavation sites with pumps equipped with silt bags. ▪ Design/maintain on-site drainage to minimise pollution. 	Assessed with other projects, no significant cumulative effects expected.	Yes, following mitigation.

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
			<ul style="list-style-type: none"> ▪ Minimise ground disturbance and re-vegetate surfaces quickly. ▪ Minimise on-site refuelling and maintenance. ▪ Store fuels, lubricants, and fluids securely. ▪ Implement Waste Management Plan. ▪ No wastewater discharge on-site; use maintained port-a-loos. 		
Cormorant (Phalacrocorax carbo)	Objective: Maintain favourable condition. Stable/increasing breeding population. No decline in productivity or distribution. Ensure prey availability and connectivity. Minimise breeding site disturbance.	Risk of water pollution affecting prey biomass and connectivity.	- Same mitigation measures as for Barnacle Goose.	Assessed with other projects, no significant cumulative effects expected.	Yes, following mitigation.
Ringed Plover (Charadrius hiaticula)	Objective: Maintain favourable condition. Population trend stable/increasing. No significant decrease in range, timing, or intensity of use of areas.	Disturbance and habitat alteration from construction activities.	- Same mitigation measures as for Barnacle Goose.	Assessed with other projects, no significant cumulative effects expected.	Yes, following mitigation.

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Sanderling (Calidris alba)	Objective: Maintain favourable condition. Population trend stable/increasing. No significant decrease in range, timing, or intensity of use of areas.	Disruption to feeding and resting areas from construction noise and activity.	- Same mitigation measures as for Barnacle Goose.	Assessed with other projects, no significant cumulative effects expected.	Yes, following mitigation.
Purple Sandpiper (Calidris maritima)	Objective: Maintain favourable condition. Population trend stable/increasing. No significant decrease in range, timing, or intensity of use of areas.	Potential disturbance from construction noise and human presence.	- Same mitigation measures as for Barnacle Goose.	Assessed with other projects, no significant cumulative effects expected.	Yes, following mitigation.
Dunlin (Calidris alpina alpina)	Objective: Maintain favourable condition. Population trend stable/increasing. No significant decrease in range, timing, or intensity of use of areas.	Habitat degradation and disturbance from construction activities.	- Same mitigation measures as for Barnacle Goose.	Assessed with other projects, no significant cumulative effects expected.	Yes, following mitigation.
Turnstone (Arenaria interpres)	Objective: Maintain favourable condition. Population trend stable/increasing. No significant decrease in range, timing, or intensity of use of areas.	Disturbance to foraging and roosting from site activities.	- Same mitigation measures as for Barnacle Goose.	Assessed with other projects, no significant cumulative effects expected.	Yes, following mitigation.
Wetlands	Objective: Maintain favourable condition. Stable wetland area, not less than 4,641 hectares allowing for natural variation.	Pollution from construction activities affecting wetland water quality.	- Same mitigation measures as for Barnacle Goose.	Assessed with other projects, no significant cumulative effects expected.	Yes, following mitigation.
<p>Overall conclusion: Integrity test</p> <p>It is concluded that subject to mitigation measures, the proposed development will not adversely affect the integrity of the Mid Clare Coast SPA, ensuring the Conservation Objectives for the site's species and habitats are upheld, both alone and in combination with other plans and projects.</p>					

8.5.14.3. Table 4: Appropriate Assessment Summary Matrix for the River Shannon and River Fergus Estuaries SPA

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Cormorant (<i>Phalacrocorax carbo</i>)	Objective: Maintain favourable condition. Stable/increasing population and productivity. No significant decline in distribution or intensity of use. Prey availability.	Indirect effects on water quality. Disturbance at breeding sites.	<ul style="list-style-type: none"> ▪ 2.4m high hoarding to minimise visual and physical disturbances. ▪ Site compound and marked access to limit disturbance. ▪ Prohibition of on-site batching of wet-cement products. ▪ Covering fills and using silt bags for dewatering to prevent sediment release. 	No significant in-combination effects expected.	Yes, following mitigation.
Whooper Swan (<i>Cygnus cygnus</i>)	Objective: Maintain favourable condition. Stable/increasing population trend. No significant decrease in range or intensity of use.	Potential disturbance from site activities affecting feeding/resting areas.	- Same mitigation measures as for Cormorant.	No significant in-combination effects expected.	Yes, following mitigation.
Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)	Objective: Maintain favourable condition.	Changes in water quality affecting foraging habitats.	- Same mitigation measures as for Cormorant.	No significant in-combination	Yes, following mitigation.

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
	Stable/increasing population trend. No significant decrease in range or intensity of use.			effects expected.	
Shelduck (<i>Tadorna tadorna</i>)	Objective: Maintain favourable condition. Stable/increasing population trend. No significant decrease in range or intensity of use.	Disruption to feeding and resting habitats from construction noise and activity.	- Same mitigation measures as for Cormorant.	No significant in-combination effects expected.	Yes, following mitigation.
Wigeon (<i>Anas penelope</i>) and other waterbird species	Objective: Maintain favourable condition for each species. Stable/increasing population trends. No significant decrease in range or intensity of use.	Risk of habitat degradation from construction and operation.	- Same mitigation measures as for Cormorant.	No significant in-combination effects expected.	Yes, following mitigation.
Teal (<i>Anas crecca</i>), Pintail (<i>Anas acuta</i>), Shoveler (<i>Anas clypeata</i>), Scaup (<i>Aythya marila</i>), and more species including Ringed Plover (<i>Charadrius hiaticula</i>), Golden Plover (<i>Pluvialis apricaria</i>), Grey Plover (<i>Pluvialis squatarola</i>), Lapwing (<i>Vanellus vanellus</i>), Knot (<i>Calidris canutus</i>),	Maintain favourable conservation condition. Stable or increasing population trends. No significant decrease in range, timing, or intensity of	Disruption to feeding and resting habitats from construction noise and activity.	- Same mitigation measures as for Cormorant.	No significant in-combination effects expected.	Yes, following mitigation.

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Dunlin (<i>Calidris alpina</i>), Black-tailed Godwit (<i>Limosa limosa</i>), Bar-tailed Godwit (<i>Limosa lapponica</i>), Curlew (<i>Numenius arquata</i>), Redshank (<i>Tringa totanus</i>), Greenshank (<i>Tringa nebularia</i>), Black-headed Gull (<i>Chroicocephalus ridibundus</i>)	use of areas by each species.				
Wetlands	Objective: Maintain favourable condition. Stable wetland habitat area, not less than 32,261 hectares.	Potential water pollution and habitat alteration from construction.	- Same mitigation measures as for Cormorant, focused on preventing water pollution and maintaining habitat quality.	No significant in-combination effects expected.	Yes, following mitigation.
<p>Overall conclusion: Integrity test</p> <p>It is concluded that subject to mitigation measures, the proposed development will not adversely affect the integrity of the River Shannon and River Fergus Estuaries SPA. Assurances can be made that the conservation objectives for the various bird species and wetland habitats will be maintained, without significant direct or in-combination effects with other projects.</p>					

8.5.15. **Appropriate Assessment Conclusion**

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

8.5.17. Having carried out screening for Appropriate Assessment of the project, it was concluded that the proposed development may have a significant effect on the Carrowmore Dunes SAC, Mid Clare Coast SPA, and River Shannon and River Fergus Estuaries SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

8.5.18. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the Carrowmore Dunes SAC, Mid Clare Coast SPA, and River Shannon and River Fergus Estuaries SPA, or any other European site, in view of the sites' Conservation Objectives.'

8.5.19. This conclusion is based on a complete assessment of all aspects of the proposed project, and there is no reasonable doubt as to the absence of adverse effects.

8.5.20. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project, including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the Carrowmore Dunes SAC, Mid Clare Coast SPA, and River Shannon and River Fergus Estuaries SPA.
- Detailed assessment of in-combination effects with other plans and projects, including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Mid-Clare Coast SPA (Site Code: 004182).
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Carrowmore Dunes SAC (Site Code: 002250).
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Shannon and River Fergus Estuaries SPA (Site Code: 004077).

9.0 Recommendation

- 9.1.1. 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

10.1.1. 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 and the likely significant effects of the proposed development on European sites,
- the conservation objectives and qualifying interests for the Mid-Clare Coast SPA (Site Code: 004182), Carrowmore Dunes SAC (Site Code: 002250) and the River Shannon and River Fergus Estuaries SPA (Site Code: 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 Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024),
- 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 Natura Impact Statement,
- 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 Mid-Clare Coast SPA (Site Code: 004182), Carrowmore Dunes SAC (Site Code: 002250) and the River Shannon and River Fergus Estuaries SPA (Site Code: 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 the Mid-Clare Coast SPA (Site Code: 004182), Carrowmore Dunes SAC (Site Code: 002250) and the River Shannon and River Fergus Estuaries SPA (Site Code: 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.

11.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.</p>
2.	<p>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 required 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, placed on file and retained as part of the public record.</p> <p>Reason: In the interest of protecting the environment, the protection of European Sites and biodiversity and in the interest of public health.</p>

3.	<p>Prior to the commencement of development, the developer shall submit, for the written agreement of Transport Infrastructure Ireland (TII), a comprehensive Design Report. This report shall be in strict accordance with the technical design standards and publications set forth by TII, particularly in reference to TII Publication GN_GEO_03030. The report shall detail the specifications, structural integrity, and safety measures of the proposed retaining wall adjacent to the N67 road, ensuring it is fit for purpose within the transitioning speed limit zones.</p> <p>Reason: To safeguard road user safety and to ensure stringent compliance with the design and safety standards as required by Transport Infrastructure Ireland for developments adjacent to national roadways.</p>
4.	<p>Prior to the first occupation of dwellings, the measures outlined in the Road Safety Audit shall be fully implemented.</p> <p>Reason: To ensure the safety of all road users and pedestrians.</p>
5.	<p>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.</p> <p>Reason: In the interest of protecting the environment and in the interest of traffic safety and waste management.</p>
6.	<p>The developer shall install a hydrocarbon interceptor and provide a maintenance schedule for the attenuation tank. Additionally, the developer shall create and implement a water quality management plan detailing monitoring, maintenance, and enhancement of runoff water quality. Details shall be placed on file and retained as part of the public record.</p>

	<p>Reason: To ensure sustainable drainage and environmental conservation, reduce pollution risks, preserve water quality for Natura 2000 sites, and protect sensitive species and habitats.</p>
7.	<p>Prior to the commencement of development, details of measures to protect fisheries and the water quality of the river systems shall be outlined and placed on file. Full regard shall be given to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies, and the programme shall be implemented thereafter.</p> <p>Reason: In the interest of protecting water quality, fisheries, and aquatic habitats,</p>
8.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
9.	<p>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.</p> <p>Reason: In the interests of visual and residential amenity</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 and 2000, Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays, and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
11.	<p>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</p>

	<p>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.</p> <p>Reason: In the interest of biodiversity and the protection of European sites.</p>
12.	<p>Prior to the commencement of development, pre-commencement surveys for protected plant and animal species 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.</p> <p>Reason: In the interest of wildlife protection.</p>
13.	<p>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</p>

	<p>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.</p> <p>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.</p>
14.	<p>Proposals for a development name and numbering scheme, and associated signage shall be agreed upon prior to the 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, placed on file and retained as part of the public record.</p> <p>Reason: In the interest of urban legibility.</p>
15.	<p>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.</p> <p>Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.</p>

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.

Brendan Coyne

Planning Inspector

20th February 2024