



An
Bord
Pleanála

Inspector's Report

ABP-318140-23

Development	Clubhouse and recreation facility along with associated works. Natura Impact Statement included with application.
Location	New Pier Road, Ballyvaughan, County Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	22/647
Applicant(s)	Ballyvaughan Fanore Walking Club
Type of Application	Planning Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	James and Pauline McHugh
Observer(s)	None
Date of Site Inspection	2 nd April 2024
Inspector	Gary Farrelly

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.336 hectares and is located within the village boundary of Ballyvaughan, County Clare. Access to the site is via a single carriageway public road L-5040, known as 'the New Pier Road', which is a cul-de-sac road that terminates at Ballyvaughan Pier and car park to the northeast of the site.
- 1.2. The site is bounded by agricultural lands to the southwest and southeast of the site. A derelict dwelling is located approximately 20 metres northeast of the site. The outbuildings associated with this dwelling are located next to the east boundary of the site. The west, south and east boundaries of the site are defined by substantial hedgerow and tree cover and the north boundary is defined by a stone wall.
- 1.3. The subject site sits approximately 2.6 metres above the level of the New Pier Road. A Recorded Monument, a ringfort-cashel (ref. CL002-053) is located to the southwest of the site and part of the subject site is located within the zone of notification.
- 1.4. The site is bounded to the northwest by the New Pier Road, beyond which is Galway Bay. This is designated as the Inner Galway Bay Special Protection Area (SPA) (Site Code 004031) and the Galway Bay Complex Special Area of Conservation (SAC) (Site Code 000268).

2.0 Proposed Development

- 2.1. Planning permission is sought to construct a clubhouse and recreation facility for the Ballyvaughan Fanore Walking Club. The building is proposed to have a floor area of 186sqm and proposed to be built to a height of 6.3 metres. The internal layout of the facility will comprise of an events room, kitchenette, showers/changing WC and store/drying room. The external finishes of the facility will comprise of part limestone and part grey vertical charred larch cladding to the walls with a light grey zinc finish to the roof.
- 2.2. Permission is also sought to construct a wastewater treatment system and percolation area within the southeast corner of the site. 24 car parking spaces (including one accessible parking bay), 2 minibus spaces and sheltered bicycle parking are proposed to the south of the facility. Vehicular and pedestrian access is proposed from the New

Pier Road. It is proposed to connect to the public water mains. Surface water is to be treated onsite via soakaways.

2.3. The appeal was accompanied by the following documents:

- Screening report for appropriate assessment and Natura Impact Statement
- Construction and environmental management plan
- Archaeological assessment report
- Site suitability assessment report. This recorded a subsurface percolation value of 18.25 min/25mm.

3.0 Planning Authority Decision

3.1. Decision

In considering the application, Clare County Council (the Planning Authority) sought further information in relation to the following:

- The submission of an archaeological impact assessment.
- Clarification on the level of traffic that would be generated by the development, details to prevent overflow parking on the public road, confirmation that no buses/coaches would access the site and requested the provision of electric charging points.
- The submission of a revised NIS to include noise/dust management mitigation measures, proposals for bat friendly lighting and requested a CEMP.
- Details of finishes and further cross section drawings.
- Photomontages due to the front of the site not being screened.

The Planning Authority decided to grant permission by Order dated 5th September 2023, subject to 10 no. conditions.

- Condition 1(b) stated that the building shall be used as a club house only and not for commercial purposes.
- Condition 2 related to the finished floor level of the building.

- Conditions 3 and 10 related to the wastewater treatment system and surface water treatment.
- Condition 4(f) states that during the course of construction, the grey heron shall be inspected by a suitably qualified ornithologist at appropriate intervals in the breeding season to inspect the site for signs of breeding. Should breeding be observed a quiet buffer shall be provided around the construction site to allow the herons to breed successfully.
- Condition 6 requested a final CEMP prior to commencement of the development.
- Condition 8 related to parking and that no parking takes place on the public road or at the pier during construction or operation.
- Condition 9 required the engagement of an archaeologist during the works.

No financial contribution was attached to the notification to grant permission, as the planning authority considered that the applicant was a not-for-profit organisation and was therefore exempt.

3.2. Planning Authority Reports

Planning Reports

There was a total of 2 no. area planner reports which assessed the proposed development in terms of the principle of the development, traffic issues and parking, public health, landscape, design and visual amenities, flood risk, archaeology and built heritage, EIA and AA. The first report recommended further information and the second report recommended a grant of permission subject to conditions. These reports were endorsed by the Senior Planner and Senior Executive Planner.

Other Technical Reports

Road Design (report dated 28th August 2023) – Following review of the further information they requested clarification for the applicant to submit a vehicle tracking drawing for a fire tender.

Environmental Assessment Officer (email dated 23rd August 2023) – They considered that there were potential indirect effects on the SPA (grey heron) and SAC through

construction and operation impacts to water quality. It was requested to condition an ornithological inspection at appropriate intervals in the breeding season. They were satisfied that the site did not provide any potential roosting features for lesser horseshoe bat but may have provided suitable foraging and/or commuting features. They requested lighting standards to be conditioned and no removal of treelines/hedgerows. They were satisfied with the wastewater treatment system regarding any impact on the European Sites. They were satisfied that there was no risk of adverse effects on any European Site, directly or indirectly, alone or in combination with other plans or projects.

Municipal District Office (MDO) (reports dated 17th August 2022 and 4th July 2023) – They originally requested further information regarding the entrance and traffic volumes. They then recommended conditions to liaise and agree with the MDO the realignment of the grass verges at the entrance and stated that no parking was permitted along the public road or pier area.

Environment Section (report dated 5th September 2022) – They assessed the site characterisation report and had no objection subject to conditions.

Chief Fire Officer (report dated 16th August 2022) – They had no objection to the development provided it complied with building regulations.

3.3. **Prescribed Bodies**

Department of Housing, Local Government and Heritage

They originally requested further information to carry out an archaeological impact assessment. After the further information response, they considered the 6-metre buffer zone from the recorded monument to be adequate and considered that the western part of the site should also be excluded from all construction related activities. They considered that appropriate mitigation measures to protect archaeological heritage should be included in a CEMP. They broadly concurred with the findings and recommendations of the archaeological assessment report and recommended archaeological monitoring. They also stated that the PA should be satisfied that the conservation objective of the Galway Bay SPA will be upheld through the application of the mitigation measures.

3.4. **Third Party Observations**

A total of 1 no. third party observation was submitted by James and Pauline McHugh. A number of issues were raised including, inter alia, concerns in relation to the users of the building, a future mezzanine level and overlooking, the capacity of the local road network, the visual impact of the development and the location of the wastewater treatment system and site suitability report submitted.

4.0 **Relevant Planning History**

None on subject site.

Adjacent site to the northeast

PA Ref. 16/289

James and Pauline McHugh were granted planning permission to restore an existing house and construct a new wastewater treatment system.

PA Ref. 20/605

Pauline McHugh was granted permission for an extension of duration of ref. 16/289. The permission expires on 3rd July 2026.

5.0 **Policy Context**

5.1. **Development Plan**

Clare County Development Plan 2023-2029 (CDP)

Ballyvaughan is designated as a large village. The subject site is zoned 'Maritime/Harbour' where it is stated that the use of land shall be taken to include the use of land, including harbours and piers, that will facilitate small-scale, water-based commercial or tourism activity and associated facilities including carparking facilities. Appendix 2 of the CDP considers a community facility, leisure/gym/recreational sports club, water based recreational activities and a carpark to be open to consideration within this zoning. See Table 1 below.

Table 1: Appendix 2 of CDP

Land Use	Zoning Matrix
Community facility	Open to consideration
Leisure/gym/recreational sports club	Open to consideration
Water based recreational activities	Open to consideration
Carpark	Open to consideration

It is an objective of Clare County Council:

CDP10.7

c) To encourage, advise and assist community groups wishing to provide community facilities in their area.

CDP10.9

f) To support and facilitate the development of new indoor and outdoor spaces in County Clare that can enable formal and informal community engagement.

CDP14.5 Heritage Landscapes

All proposed developments in these areas will be required to demonstrate;

- I. That sites have been selected to avoid visual prominence
- II. That site layouts avail of existing topography and vegetation to minimise visibility from scenic routes, walking trails, public amenities and roads;
- III. That design for buildings and structures minimises height and visual contrast through careful choice of forms, finishes and colour and that any site works seek to reduce the visual impact of the development.

CDP14.7

a) To protect sensitive areas from inappropriate development while providing for development and change that will benefit the rural community;

b) To ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact; and

c) To ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved.

CDP15.3

a) To afford the highest level of protection to all designated European sites in accordance with the relevant Directives and legislation on such matters;

b) To require all planning applications for development that may have (or cannot rule out) likely significant effects on European Sites in view of the site's Conservation Objectives, either in isolation or in combination with other plans or projects, to submit a Natura Impact Statement in accordance with the requirements of the EU Habitats Directive and the Planning and Development Act, 2000 (as amended); and

c) To recognise and afford appropriate protection to any new or modified SPAs or SACs that are identified during the lifetime of this Development Plan through the planning application process bearing in mind proposals for development outside of a European site may also have an indirect effect.

CDP15.12

d) To ensure there is no net loss of potential Lesser Horseshoe Bat feeding habitats, treelines and hedgerows within 2.5km of known roosts;

CDP15.19

c) To protect individual or groups of trees within the Plan area which are important for environmental, recreational, historical, biodiversity and/or aesthetic reasons or by reason of contribution to sense of place, including groups of trees which correspond with protected habitats, or which support protected species, under the Habitats Directive;

Ballyvaughan Settlement

General Objective: To encourage future development that contributes to a thriving village community, which can support a range of services that are viable on a year-round basis, whilst retaining the distinctive village character and setting.

5.2. National Policy

- Climate Action Plan 2024
- Project Ireland 2040 – National Planning Framework (2018) and National Development Plan 2021-2030

5.3. Regional Policy

- Regional Spatial and Economic Strategy for the Southern Region

5.4. Natural Heritage Designations

The subject site is not located within any designated site. The nearest designated sites are the Inner Galway Bay Special Protection Area (SPA) (Site Code 004031) and Galway Bay Complex Special Area of Conservation (SAC) (Site Code 000268) which bound the site along the northwest boundary. The Galway Bay Complex is also a proposed Natural Heritage Area (pNHA).

The subject site is also located approximately 1km east of the Black Head-Poulsallagh Complex SAC (Site Code 000020), approximately 1.1km northeast of the Ballyvaughan Turlough SAC (Site Code 000996) and approximately 980 metres northwest of the Moneen Mountain SAC (Site Code 000054). All of these designated sites are also pNHAs.

5.5. Environmental Impact Assessment (EIA) Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Refer to Appendix 1 regarding this preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was lodged to the Board on 2nd October 2023 by James and Pauline McHugh. The grounds of appeal can be summarised as follows:

- They question whether the development is only for use by the applicant or for the general public as the building is excessive in size given the number of members. There should have been a condition to restrict the use of the building only to the applicant.
- The location is not appropriate for a community facility and is physically removed from the village.
- No justification is provided why a facility should be located on undeveloped lands. The location does not comply with the planning strategy for the village. Alternative sites are referenced including Culligan's visitor centre.
- Given the size of the development, they state that it not realistic for the development to not generate bus access. There is no provision for parking of buses. They state that the road is very narrow.
- Due to the height of the site to the road and the severe bend on the access road, this will be difficult for cars to negotiate resulting in dangerous conditions. Surface water will also likely reach the public road. No clarification was sought on whether fire engines could safely access the site.
- The site is not zoned for community facilities and such zoning is provided for in the village and within existing residential, mixed use zonings and an opportunity site which were not considered by the applicant.
- Six windows are proposed on the northeast elevation which faces the boundary with the adjoining property where planning permission exists to restore and develop a derelict house. Due to the proximity, height of the windows and number and size of each window, a situation of overlooking occurs. They are north facing windows and will do little in terms of passive solar energy.

- Due to proximity of the development, level of activity that can be expected and distance of car movements, a situation of noise disturbance and general disturbance will be created during days and evenings that events take place.
- The site is located within a designated 'heritage landscape' and no effort has been made to minimise visual impact on the landscape. No visual or landscape impact assessment was carried out. Due to the finished floor level and the road sloping down to the pier, it is likely that the building will be highly visible. The tower structure adds to the visual impact.
- The application drawings are deficient and do not meet the planning regulations. The tower structure with a height of 7.35 metres is not shown on the southwest elevation and the six windows on the northeast elevation are not shown on the floor plans.
- There is a conflict between the site suitability report and the drawings in relation to the location of the wastewater treatment system and the separation distances cannot be achieved due to the conflicting location.
- The planning authority has failed to apply the precautionary principle in carrying out the appropriate assessment. The location and size have not been justified on the basis of the principle.

6.2. Applicant Response

The Applicant responded to the grounds of appeal on 31st October 2023. Their response can be summarised as follows:

- The one tower structure referred to is a double height space that forms part of the design. The external height of this space was reduced to 6.3 metres during the further information stage, not 7.35 metres as stated. The proposed ridge height of the rest of the building is 5.25 metres.
- No works to the derelict dwelling have commenced which was granted permission 7 years ago.
- The use is appropriate for the zoning of the site. The club has started to facilitate sea kayaking and sea swimming as part of activities and the location will help

grow this aspect of the club. The alternative sites mentioned were looked at aren't/weren't available for sale.

- The building is intended for the sole use of the walking club. The size of the events room is to facilitate training events such as first aid, mountain leadership and 'leave no trace' training and the applicant has provided projected user numbers as part of the further information response.
- The projected occupancy is based on the experience of the club over more than a decade. Training events have an average of 20 persons. Committee meetings have an average attendance of 15 persons.
- The building is easily accessible from the village by walking or cycling along a low trafficked road. Pedestrian access is included and bicycle parking is to be provided. The site is within the settlement boundary of the village.
- Allowance for minibus access and parking is provided. There is to be no coach/large bus access to the site.
- The site entrance has been designed to be sympathetic to the existing front stone boundary wall and limit the visibility of the new roadway and retaining walls.
- Drainage design ensures that no water reaches the public road.
- Due care will be taken in periods of inhospitable weather to minimise any potential accidents.
- The entrance has been designed to accommodate a fire engine. The Council did request auto track analysis for a fire tender, but the relevant regulation and guidelines were followed.
- Windows are focussed on the northwest and southwest elevations and are 8 metres from the existing boundary. The boundary between the properties comprises of very mature hedgerow and trees which creates an effective screen between any potential buildings. This planting is to remain in place and be protected throughout the duration of the construction works.

- No late-night events will take place at the building. Due to this, the projected user numbers, encouraged active travel, no significant noise disruption will occur.
- The proposed design of the building is sympathetic to its location with the exterior to be clad in larch cladding with a limestone plinth. The proposed parking will be screened off and the existing meadow to the front and west of the building will be maintained. The double height space is now only 1 metre above the main ridge level in line with the further information response.
- All the elevations are consistent and reflective of the ground floor plan. Dimensions are shown to all boundaries. The site layout drawing contained within the site suitability report is incorrect due to a clerical error with the main drawings being accurate. The results of the site suitability assessment are in compliance with the EPA guidelines.
- The proximity to the Natura 2000 site was comprehensively addressed throughout the appropriate assessment and NIS process.

6.3. Planning Authority Response

The Planning Authority responded to the grounds of appeal on 19th October 2023 and their comments are summarised as follows:

- The ambiguity surrounding the nature of the use of the building was addressed at further information regarding the number of car parking spaces. The number provided exceeds the number envisaged as being required. These parking spaces can be reduced if necessary. The applicants also advised that a traffic management plan could be put in place in advance of any event.
- It is not agreed that the site is physically removed from the village. The road to the pier is lightly trafficked with slow moving traffic and efficiently operates as a shared surface with walkers and cyclists. There is ample parking on the public road facing the old pier.
- It is not agreed that the development will give rise to a traffic hazard, having regard to the reports from the West Clare Municipal District Office. The Road Design Office raised concern regarding the suitability of the access for buses,

however, the applicant has advised that buses will not access the site. Members arrive by means of carpooling.

- The proposed development does not conflict with the zoning objective and is open for consideration. The issue of alternative sites was raised at pre-planning and it should be noted that Culligan's Visitor Centre is currently being refurbished and would appear not available.
- The proposed development would not seriously injure residential amenity as the site is heavily screened impeding any potential for overlooking. The development is located on the northern side of the site to avoid impact on the national monument.
- The visual and landscape impact was assessed within the planner's report.
- The error in drawings was clarified by the applicant in unsolicited information received on 20th August 2023.
- The comments regarding the precautionary principle are noted and they refer to the NIS accompanying the application in this regard.

6.4. **Observations**

None

7.0 Assessment

7.1. The Board should note that it is stated in the documentation that the Ballyvaughan Fanore Walking Club was established in 2006 and offers people opportunities to socialise, improve their health and fitness, increase their awareness of the local landscape and introduces members to the Burren through organised walks and events. It is stated that the club has an average attendance of 15 persons for committee meetings and 20 persons for training events. The training events include first aid, mountain leadership and 'leave no trace'. It is also stated that the club has started to facilitate sea kayaking and sea swimming as part of their activities.

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

- Principle of the development
- Scale of development & carparking
- Traffic safety
- Residential amenity
- Visual amenity
- Appropriate Assessment (AA)
- Other Issues

Principle of the development

7.3. I note the Appellant's comments regarding the location of the development and the comments regarding the zoning. I note the Applicant's and the Planning Authority's (PA) response in this regard. The subject site is zoned 'Maritime/Harbour' and the associated land use zoning matrix of the Clare County Development Plan 2023-2029 (CDP) identifies the uses of community facilities, recreational sports clubs, water-based recreational activities and carparking as 'open to consideration'.

7.4. The subject site is located within the village settlement boundary of Ballyvaughan as illustrated in the CDP, and approximately 650 metres north of the village centre. Having regard to this and to the uses being open to consideration under the land use zoning matrix, I am satisfied with the location of the proposed development and therefore I consider that the proposed development is acceptable in principle. Furthermore, I consider that the proposed development would be in accordance with objectives CDP10.7 and CDP10.9 of the CDP.

Scale of development & carparking

7.5. The facility will have an internal floor area of 186sqm and will accommodate 26 no. car parking spaces. I note that Table A3 of the CDP provides a standard of 4 spaces per 100sqm of floor area for community and recreational buildings, however, alternative parking arrangements to these standards can be proposed and agreed with the PA.

7.6. I note the Appellant's comments regarding the size of the facility and concerns that it would be used for public functions. I also note their concerns regarding the events space as illustrated in the submitted drawings. I note the Applicant's response to these concerns. Furthermore, I note that the PA and road design office were satisfied with the Applicant's response at further information stage regarding the level of car parking needed. The PA conditioned under 1(b) of their notification to grant that the building was only to be used as a club house only and not for commercial purposes.

7.7. Having regard to the above, I am satisfied that the Applicant has given adequate justification for the size of the facility and for the level of carparking and, therefore, I have no significant concerns in this regard. The level of parking would appear adequate, to prevent on-street/overspill parking on the local road. If the Board are minded granting permission, I recommend that a condition is attached similar to the PA's condition 1(b).

Traffic safety

7.8. I note the Appellant's concerns in relation to the narrowness of the public road, the gradient and horizontal alignment of the access, the potential for parking of coaches and buses along the road and surface water discharging to the public road. I note the comments from the Applicant and the PA in response to these concerns. The Applicant states that there will be no buses or coaches accessing the site, however, the access has been designed to accommodate a fire tender.

- 7.9. Having inspected the site, I observed the lowly trafficked nature of the public road in question and to the shared use of the road by vehicles and walkers. I also observed the slow-moving nature of vehicular traffic using the road. With regards to surface water, I note that the Applicant proposes to install soakaways throughout the site and at the proposed entrance which I regard as satisfactory. If the Board are minded granting permission, I recommend that a condition is attached that ensures that no surface water discharges to the public road or adjoining properties.
- 7.10. Having regard to the nature of development and proximity of the site to the village centre, to the level of traffic that will be associated with the proposed building, to the low-trafficked nature of the public road and to the reports from the MDO and Road Design Office of the PA, it is my view that the proposed development is acceptable in terms of traffic safety and convenience.

Residential Amenity

- 7.11. I note the Appellant's concerns regarding the proximity of the building to their dwelling (which is currently derelict) in terms of overlooking. I note the response from the Applicant stating that the windows are 8 metres from the boundary between the subject site and Appellant's site. I noted on the date of my site inspection that the subject boundary benefits from substantial hedgerow and tree cover. I also note that the proposed development seeks to retain this existing planting.
- 7.12. The proposed design of the building will be single storey. Whilst the Appellant raises concern with the height of windows and amount of glazing on the north elevation, I note that no first-floor windows are proposed. I also noted on the date of my site inspection that the topography of the subject site and the site of the derelict dwelling are relatively level to each other. Having regard to the above, I am satisfied that no significant issue would arise in terms of overlooking.
- 7.13. Additionally, I note the concerns of the Appellant regarding the proximity of the building in terms of noise and general disturbance from the activities of the building and traffic movement to the car park. I note that the siting of the building has largely been determined by the constraints of the site in terms of the location of the Recorded Monument.
- 7.14. The Applicant has stated that there would be no late-night events taking place at the building. Having regard to the above and to the nature of the proposed use of the

building, I consider that the proposed development would not result in an unacceptable adverse impact on the residential amenity of the area in terms of noise or general disturbance. Having regard to the Applicant's statement I consider it appropriate to include a condition regulating such operational hours in any decision to grant permission. If the Board are minded in granting permission, I also recommend that a condition is attached that regulates the construction hours of the development.

Visual Amenity

- 7.15. I note the comments from the Appellant regarding the visual impact of the development and the Applicant's comments in response. Furthermore, I note that the PA originally had concerns with the visibility of the site from the R477 scenic route to the west/southwest of the site and requested photomontages along this scenic route. After submission of the further information and photomontages, I note that they had no objection on the grounds of visual amenity.
- 7.16. The site is located within the Burren heritage landscape 2, as designated under the CDP. Additionally, the site is located approximately 300 metres east/northeast of the designated scenic route, the R477 (Route Number 1, Appendix 5 of the CDP).
- 7.17. Whilst I note that the application was not accompanied by a landscape or visual impact assessment, having inspected the site and having reviewed the drawings and visualisations accompanying the application and having regard to the 6.3 metre height of the proposed building, to the siting of the building approximately 30 metres set back from the New Pier Road, to the substantial hedgerow/tree cover along the north, southeast, southwest and west boundaries, to the design and external finishes proposed and to the design and finishes of the proposed entrance, it is my view that the proposed development would not result in a significant adverse impact on the visual amenities of the area and, therefore, would be in accordance with objectives CDP14.5 and CDP14.7 of the CDP.

Appropriate Assessment (AA)

1. Screening for Appropriate Assessment - Screening Determination

Step 1. Description of the project

I have considered the project in light of the requirements of S177U of the Planning and Development Act 2000, as amended. The subject site is located adjacent to the

Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268) and is separated by the New Pier Road and seawall. The subject site is also located approximately 980 metres northwest of the Moneen Mountain SAC (Site Code 000054), approximately 1.1km north of the Ballyvaughan Turlough SAC (Site Code 000996) and approximately 1km east of the Black Head – Poulsallagh Complex SAC (Site Code 000020).

The subject site comprises of grassland with treelines and hedgerow along the periphery. The proposed development comprises the development of a clubhouse facility with a wastewater treatment system and construction of an entrance and roadway. Surface water is proposed to be treated via onsite soakaways. All fringing treelines and hedgerows within the site will be retained although there will be some cutting back of encroaching scrub around the boundary.

The Department of Housing, Local Government and Heritage were consulted, and they stated that the planning authority should be satisfied that the conservation objectives of the Galway Bay SPA would be upheld through the application of the mitigation measures.

Step 2: Potential impact mechanisms from the project

The project could generate the following impacts, which uncontrolled might represent a risk to the achievement of the conservation objectives of the European Sites:

- Disturbance of trees and hedgerow that support the qualifying interests (QIs) (ex-situ).
- Construction related noise pollution and disturbance.
- Construction related dust generation.
- Noise and light pollution during the operation of the proposed development.
- Visual disturbance during the construction and operation phases.

Having inspected the site and having regard to the Environmental Protection Agency's AA Mapping Tool, I note that there are no direct hydrological connections between the subject site and the European Sites. I noted that it is proposed to dispose of surface water via onsite soakaways. Furthermore, I note the results of

the site suitability assessment and that the site can accommodate a wastewater treatment system in accordance with the EPA Code of Practice standards. Having regard to the above, I do not consider there are any potential water quality impacts on the QIs.

Step 3: European Sites at risk

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

Effect mechanism	Impact pathway/Zone of Influence	European Site(s)	Qualifying interest features at risk
<ul style="list-style-type: none"> Disturbance to QI species Loss of habitat 	<p>The subject site bounds the designated site. There are no direct existing or proposed hydrological connections to the site. However, there is potential for an impact pathway via air in the form of air emissions and noise impacts. No direct habitat loss.</p> <p>Having regard to the characteristics of the site which comprise of grassland, trees and hedgerow which are likely to support a range of breeding passerine birds, there is potential for ex-situ effects on the bird species of the Inner Galway Bay SPA. Additionally, the submitted screening report has identified a breeding colony of grey heron to the southeast of the site.</p>	Inner Galway Bay SPA (004031)	<p>Grey Heron (Ardea cinerea [A028])</p> <p>All remaining QI bird species</p>
<p>Ex-situ effect</p> <ul style="list-style-type: none"> Disturbance to QI species Loss of foraging habitat 	<p>Although the designated site is located approximately 1km from the site, the submitted screening report has identified a potential ex-situ effect as the site provides potential foraging habitat that may be used by bat species.</p>	Moneen Mountain SAC (000054)	Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]

Whilst the subject site is located adjacent to the Galway Bay Complex SAC (Site Code 000268), having regard to the qualifying interests of this European Site, to the absence of any direct hydrological connection to the SAC and to the main pressures and threats associated with the habitats and species, in particular the harbour porpoise and otter, as set out in the NPWS' 2019 Article 17 Species and Habitats Assessment, it is my view that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on this European Site, in view of the said sites' conservation objectives.

Having regard to the separation distances to the Ballyvaughan Turlough SAC (000996) and the Black Head – Poulsallagh Complex SAC (000020) and to their qualifying interests, the absence of any direct hydrological connection or any other potential pathway, I consider that the development would not likely have a significant effect on these European Sites, alone or in-combination with other plans or projects, in view of the said sites' conservation objectives.

The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites which have been screened out for the need for appropriate assessment include:

- Galway Bay Complex SAC (Site Code 000268)
- Ballyvaughan Turlough SAC (Site Code 000996)
- Black Head-Poulsallagh Complex SAC (Site Code 000020)

Measures intended to reduce or avoid significant effects have not been considered in the screening process for European Sites 000268, 000996 or 000020.

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

Table 2: Could the project undermine the conservation objectives 'alone'

European Site and qualifying feature	Conservation objective	Could the conservation objectives be undermined (Yes/No)?	
		Habitat Loss	Disturbance of species
Inner Galway Bay SPA – Grey Heron (Ex-Situ)	To maintain the favourable conservation condition.	Yes	Yes
Inner Galway Bay SPA – All remaining bird species	To maintain their favourable conservation condition.	Yes	Yes
Moneen Mountain SAC - Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	To maintain the favourable conservation condition.	Yes	Yes

I conclude that the proposed development would have a likely significant effect 'alone' on the qualifying interests of the Inner Galway Bay SPA and on the Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] qualifying interest of the Moneen Mountain SAC from effects associated with disturbance of the species and loss of foraging habitat. An appropriate assessment is required on the basis of the effects of the project 'alone'. A further screening assessment in-combination with other plans and projects is not required at this time.

Overall Conclusion – Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development is likely to have a significant effect on the qualifying features of the Inner Galway Bay SPA and on the *Rhinolophus hipposideros* (Lesser Horseshoe Bat) QI of the Moneen Mountain SAC 'alone' in respect of effects associated with the potential disturbance of the species and the loss of habitat.

It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is required on the basis of the effects of the project 'alone'.

2. Appropriate Assessment of the implications of the proposed development on the integrity of each European Site

- 7.27. A Natura Impact Statement (NIS) has been submitted as part of the application which assesses the potential adverse effects of the proposed development on the Grey Heron qualifying interest of the Inner Galway Bay SPA and on the Lesser Horseshoe Bat qualifying interest of the Moneen Mountain SAC. The site was surveyed in May 2022.
- 7.28. The Applicant's NIS concluded that "*subject to the full and proper implementation of the mitigation measures, there will be no adverse effects on the integrity of any Natura 2000 site as a result of the proposed development, either individually or in combination with other plans and projects, and that no reasonable scientific doubt remains in this regard*".
- 7.29. I note the submission from the Department of Housing, Local Government and Heritage and the appropriate assessment undertaken by the planning authority. Having reviewed the documents, I am satisfied that there is sufficient information to allow for a complete assessment of any adverse effects of the development, on the

conservation objectives of the Inner Galway Bay SPA and Moneen Mountain SAC, alone, or in combination with other plans and projects.

7.30. A description of the site and its Conservation and Qualifying Interests/Special Conservation Interests, are set out as part of my assessment within Appendix 2 of this report and within the submitted NIS. I have also examined the Natura 2000 data forms and relevant attributes and targets (including the NPWS' Article 17 Species and Habitats reports) and the Conservation Objectives supporting documents for these sites available through the National Parks and Wildlife Service's website.

7.31. The main aspects of the proposed development that could adversely affect the conservation objectives of these European sites include the following.

- The disturbance of trees and hedgerow that support the qualifying interests (ex-situ).
- Construction related noise pollution and disturbance.
- Construction related dust generation.
- Noise and light pollution during the operation of the proposed development.
- Visual disturbance during the construction and operation phases.

7.32. Section 4 of the submitted NIS and Section 5 of the submitted CEMP outline a number of mitigation measures including the following:

- The demarcation of a solid 2-metre-high fence at a distance of 3 metres from the southeast boundary of the site.
- The dense planting of native woody species during the first planting season to the southeast and northwest of the fence.
- The retention and protection of all peripheral woody vegetation around the site by the erection of a solid fence at the canopy line of the vegetation.
- Minimum excavations for the proposed roadway to minimise damage to roots.
- Lighting to be kept at a minimum level in accordance with Bat Conservation Ireland (2010) guidance, including the use of motion sensors for external lighting.

- The employment of best practice measures to reduce noise as outlined within Section 5.7 of the CEMP.
- The employment of best practice measures to control dust as outlined within Section 5.8 of the CEMP.

7.33. I note the retention of trees and hedgerows proposed as part of the development and I consider this to be in accordance with objectives 15.12 and 15.19 of the CDP. I note the PA conditioned for an ornithologist to accompany the works. The definition of a 'quiet buffer' is not clear nor its effectiveness. The effectiveness of this action cannot therefore be relied upon and I consider it would be more appropriate to restrict all construction work to outside the grey heron breeding season which would provide sufficient certainty to mitigate potential effects on the grey heron.

7.34. With regard to potential in-combination effects, I note that there is a live planning permission to the northeast of the site to restore an existing house and install a wastewater treatment system. However, having regard to the scale and nature of this live permission, to the mitigation measures proposed as part of this development, I am satisfied that this development would not give rise to an in-combination effect that would adversely affect the integrity of any European Site.

7.35. Following the appropriate assessment and the consideration of mitigation measures (which are outlined under Appendix 2), I am able to ascertain with confidence that the project would not adversely affect the integrity of the Inner Galway Bay SPA or the Moneen Mountain SAC, in view of the site's Conservation Objectives. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Appropriate Assessment Conclusion

7.36. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000, as amended. Having carried out screening for Appropriate Assessment of the project, I concluded that it may have a significant effect on the Inner Galway Bay SPA and Moneen Mountain SAC. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of these sites in light of their conservation objectives.

7.37. Following an Appropriate Assessment, I have ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of these said European sites, in view of the sites' Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

Other Issues

7.38. I note the concerns raised by the Appellant regarding deficiencies in the submitted drawings in relation to distances to boundaries not shown, the absence of windows on the floor plan, the absence of the 7.35 height on the southwest elevation and the location of the wastewater treatment system. I note the drawings submitted at further information stage show distances to boundaries, show the height of the structure as 6.3 metres on the southwest elevation and I note the comments from the Applicant regarding the location of the wastewater treatment system. Having regard to the above, I am satisfied with the content of the submitted drawings.

8.0 Recommendation

I recommend that permission is granted for the proposed development, subject to conditions.

9.0 Reasons and Considerations

Having regard to the land use zoning objective pertaining to the site, which considers community facilities and recreational sports clubs open to consideration under the Clare County Development Plan 2023-2029, and to the design and layout of the proposed development, it is considered that, subject to the conditions set out below, the proposed development would not seriously injure the residential amenities of existing or permitted properties in the area in terms of overlooking or in terms of noise and general disturbance, would be acceptable in terms of pedestrian and traffic safety and convenience and would not adversely affect the visual amenities of the area, including from the scenic route on the Regional Road R477. It is, therefore, considered that the proposed development would be in accordance with objectives CDP10.7, CDP10.9, CDP14.5, CDP14.7 of the Clare County Development Plan 2023-2029, and

therefore, would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. (a) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 14th June 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
(b) The finished floor level of the building shall be '+7.20' as outlined on the submitted 'proposed site plan'.

Reason: In the interest of clarity.

2. The clubhouse and recreational facility shall only be used between 07:00 and 22:00 hours on Mondays to Sundays. The facility shall not be used for commercial purposes.

Reason: In the interest of existing and future residential amenity.

3. (a) The mitigation measures contained in Section 4 of the Natura Impact Statement submitted with the application on 14th June 2023 and the measures within a final Construction Environmental Management Plan, to be agreed in writing with the planning authority, shall be implemented in full.
(b) Details of all lighting, including any motion sensor lighting, shall be submitted to the planning authority for written agreement, prior to commencement of the development.
(c) All construction works shall take place outside the breeding season for grey heron (February to July).

Reason: To protect biodiversity and to protect the integrity of the European Sites.

4. The construction of the development shall be managed in accordance with a final Construction Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed CEMP shall incorporate the mitigation measures set out in Section 4 of the NIS and the requirements of condition nos. 3 and 12 of this permission.

Reason: In the interests of residential amenity, protection of archaeological assets and protection of biodiversity.

5. All trees and hedgerows on the boundaries of the site shall be retained and maintained, except for what is required to be removed to accommodate the proposed entrance at the public road.

Reason: In the interest of visual amenity and biodiversity.

6. Water supply and drainage arrangements for the site, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water shall discharge to the public road or to adjoining properties.

Reason: To ensure a proper standard of development.

7. The developer shall enter into water connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

8. The proposed entrance and internal road network serving the proposed development, parking areas, footpaths and kerbs shall be in accordance with

the detailed standards of the planning authority for such works. No parking of vehicles shall take place on the public road or at the pier.

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

9. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of Environmental Protection Agency Code of Practice 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the operation of the development, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the system and polishing filter have been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of orderly development and public health.

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

Reason: In the interest of visual amenity.

11. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

12. (a) The developer is reminded that Ministerial Consent under Section 14 of the National Monuments Act 1930 (as amended) will be required and is additional to the grant of permission. The developer is required to consult with the National Monuments Service of the Department in this regard and make an appropriate application for such consent.

(b) The developer shall retain/engage a suitably qualified Archaeologist to monitor (consented under Section 14 of the National Monuments Acts) all site investigations, site clearance works, topsoil stripping and other groundworks associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. No ground disturbance shall take place in the absence of the Archaeologist without his/her express consent.

(c) The Archaeologist shall advise on and supervise the installation of an appropriate buffer zone along the entirety of the western side of the proposed development site (PDS). No development or construction related activities, including but not limited to, movement and/or storage of plant, machinery, vehicles, equipment, spoils, fuels and sundries shall be permitted within this buffer zone. Note, the buffer zone may extend beyond the proposed 6 metres limit indicated on the Revised Proposed Site Plan where considered appropriate by the Archaeologist.

(d) Archaeological monitoring shall be informed and supplemented by licensed metal detection survey.

(e) Should archaeological remains be identified during the course of archaeological monitoring, all works shall be suspended in the area of archaeological interest pending a decision of the Planning Authority, in consultation with the Department, regarding appropriate mitigation (preservation in situ / excavation).

(f) The developer shall facilitate the Archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the Planning Authority, following consultation with the Department, shall be complied with by the developer.

(g) The Planning Authority and the Department shall be furnished with a final archaeological report describing the results of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

(h) The Construction Environmental Management Plan (CEMP) shall be updated to include the locations of any and all archaeological or cultural heritage constraints relevant to the proposed development (as set out the Final Archaeological Assessment report (TVAS Ireland Ltd., June 2023) and as may be identified during archaeological monitoring. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

(i) All construction personnel shall be apprised of the locations and sensitivities within the PDS associated with Recorded Monument CL002-053----. This should be done through appropriate dissemination of the CEMP and on-site tool-box talks.

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

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.

Gary Farrelly
Planning Inspector

28th May 2024

Appendix 1

(a) Form 1: EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-318140-23		
Proposed Development Summary	The construction of a new single storey clubhouse and community recreation facility, the construction of a new vehicular and pedestrian site entrance and access road, car parking, the installation of a new wastewater treatment system, minor modifications of the public road and ancillary site works.		
Development Address	New Pier Road, Ballyvaughan, County Clare		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		The development does not come under Class 10(b)(ii) as the proposed car park is incidental to the primary purpose of the proposed development.	No EIAR or Preliminary Examination required
Yes	X	Class 10(b)(iv) Urban development which would involve an area greater	The subject site is within an urban
			Proceed to Q.4

		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.	area that measures 0.366 hectares.	
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

(b) Form 2 - EIA Preliminary Examination

<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The development is for a clubhouse within the settlement boundary of Ballyvaughan village.</p> <p>The development will consist of typical construction related activities and works. Development to be undertaken in accordance with a CEMP.</p> <p>Surface water to be discharged to soakaways.</p> <p>The wastewater treatment system will be in accordance with EPA Code of Practice standards.</p>	No
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other</p>	<p>The development site measures 0.336 hectares. The size of the development is not exceptional in the context of the existing urban environment.</p> <p>There is a live permission for the restoration of a dwelling adjoining the site, however, having regard to the nature and scale of both developments, there is no real likelihood of significant cumulative effects with existing and permitted projects in the area.</p>	No

existing and/or permitted projects?		
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The subject site is not located within any designated site. The nearest designated sites are the Inner Galway Bay Special Protection Area (SPA) (Site Code 004031) and Galway Bay Complex Special Area of Conservation (SAC) (Site Code 000268) which bound the site along the northwest boundary. The Galway Bay Complex is also a proposed Natural Heritage Area (pNHA).</p> <p>The subject site is also located approximately 1km east of the Black Head-Poulsallagh Complex SAC (Site Code 000020), approximately 1.1km northeast of the Ballyvaughan Turlough SAC (Site Code 000996) and approximately 980 metres northwest of the Moneen Mountain SAC (Site Code 000054).</p> <p>My Appropriate Assessment undertaken concludes that the proposed development will not adversely affect the integrity of the European sites.</p> <p>The subject site is located outside Flood Zones A and B for coastal or fluvial flooding.</p>	No
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____
Gary Farrelly

Date: 28th May 2024

Appendix 2: Appropriate Assessment (AA)

Inner Galway Bay SPA (Site Code 004031)					
Qualifying Interest	Conservation Objective	Potential Adverse Effect	Mitigation Measures	In-Combination Effect	Can Adverse Effect on Integrity be excluded
Grey Heron (Ex Situ)	To maintain the favourable conservation condition.	<ul style="list-style-type: none"> Disturbance of treeline that is supporting nesting colony of grey heron Disturbance of other trees/hedgerows, removal of scrub Noise pollution Light pollution Dust Visual disturbance 	<ul style="list-style-type: none"> The erection of a 2-metre-high fence 3 metres from the south east boundary of the site. The dense planting of native woody tree species during the first planting season to the southeast of the fence. Implementation of a CEMP. Best practice noise minimisation measures as outlined in the CEMP. Dust control measures as outlined in the CEMP. Low level lighting (Bat sensitive). Timing of works outside the grey heron breeding season. 	Potential effect in-combination with application ref. 16/289. However, due to the scale and nature of this live permission, to the mitigation measures proposed as part of this development, no in-combination impact considered that would adversely affect the integrity of any European Site.	Yes
All other bird species (19 QIs)	To maintain the favourable conservation condition.				Yes
Overall conclusion: Integrity test Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of the European Site in view of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.					

Moneen Mountain SAC (Site Code 000054)

Qualifying Interest	Conservation Objective	Potential Adverse Effect	Mitigation Measures	In-Combination Effect	Can Adverse Effect on Integrity be excluded
3180 Turloughs	To maintain the favourable conservation condition	No pressures or threats related to the project identified having regard to the NPWS' 2019 Article 17 habitat and Species Assessment, to the nature of the development, to the absence of any hydrological connection and to the separation distance.			
4060 Alpine and Boreal heaths	To maintain the favourable conservation condition				
5130 Juniperus communis formations on heaths or calcareous grasslands	To maintain the favourable conservation condition				
6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia) (* important orchid sites)*	To restore the favourable conservation condition				
7220 Petrifying springs with tufa formation (Cratoneurion)*	To restore the favourable conservation condition				

8240 Limestone pavements*	To maintain the favourable conservation condition				
1065 Marsh Fritillary Euphydryas aurinia	To maintain the favourable conservation condition				
1303 Lesser Horseshoe Bat Rhinolophus hipposideros (Ex-situ)	To maintain the favourable conservation condition	<ul style="list-style-type: none"> • Light pollution • Noise pollution • Dust • Disturbance of trees/hedgerows, removal of scrub 	<ul style="list-style-type: none"> • Installation of bat sensitive lighting • Retention of treelines and hedgerows around the site. • Erection of a solid fence at the canopy line of the vegetation prior to works. • Minimum excavation for the proposed roadway entrance. • Implementation of a CEMP. • Best practice noise minimisation measures as outlined in the CEMP • Dust control measures as outlined in the CEMP. 	Potential effect in-combination with application ref. 16/289. However, due to the scale and nature of this live permission, to the mitigation measures proposed as part of this development, no in-combination impact considered that would adversely affect the integrity of any European Site.	Yes

Overall conclusion: Integrity test

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of the European Site in view of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.