



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-320978-24

### Development

Refurbishment of a house and to construct an extension, which includes the provision of a supported living accommodation. Natura Impact Statement (NIS) submitted with this application.

### Location

Cloonfadda, Killaloe, Co. Clare.

### Planning Authority

Clare County Council

### Planning Authority Reg. Ref.

2460357

### Applicant(s)

Martin and Mary O'Sullivan

### Type of Application

Permission

### Planning Authority Decision

Grant subject to conditions

### Type of Appeal

Third Party

### Appellant(s)

Paul McGrath

### Observer(s)

None

### Date of Site Inspection

8<sup>th</sup> December 2025

### Inspector

Ciara McGuinness

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	5
3.1. Decision .....	5
3.2. Planning Authority Reports .....	5
3.3. Prescribed Bodies .....	6
3.4. Third Party Observations .....	7
4.0 Planning History.....	7
5.0 Policy Context.....	7
5.1. Clare County Development Plan 2023-2029.....	7
5.2. Natural Heritage Designations .....	9
5.3. EIA Screening .....	9
6.0 The Appeal .....	9
6.1. Grounds of Appeal .....	9
6.2. Applicant Response .....	9
6.3. Planning Authority Response.....	10
6.4. Observations.....	10
6.5. Further Responses .....	11
7.0 Assessment.....	11
8.0 Appropriate Assessment.....	12
9.0 Water Framework Directive .....	13
10.0 Recommendation .....	14
11.0 Reasons and Considerations.....	14

12.0 Conditions .....	14
Appendix 1 - Form 1 - EIA Pre-Screening .....	18
Appendix 2 - AA Screening Determination .....	20
Appendix 3 - AA Determination .....	24
Appendix 4 - WFD Impact Assessment Stage 1: Screening .....	28

## 1.0 Site Location and Description

- 1.1. The site is located in the townland of Clonfadda, c 1.6km southwest of Killaloe. Co. Clare. The site is located on the east side of the R463 and accommodates a one and a half storey dwelling, which is screened from view by existing vegetation. The dwelling is accessed by a long avenue that meanders through a mature garden. The site slopes down gradient in a generally west to east direction and the area where the house is located is generally flat. The eastern boundary is formed by a drain which flows northwards and discharges into a stream adjacent to the northern site boundary. The stream discharges to the River Shannon to the east.
- 1.2. The site is adjoined to the north by an existing dwelling and agricultural land and to the south by a haulage company with associated yard and buildings. There is an internal access providing connectivity between the subject site and haulage yard. There is a boathouse/shed located adjacent to the south-eastern boundary which is accessed along the southern boundary. To the east beyond the site boundary, there is agricultural land adjoining the River Shannon. The area is rural in character with residential development in ribbon form along the adjoining road network.

## 2.0 Proposed Development

- 2.1. The proposed development is for the refurbishment of a house and to construct an extension, which includes the provision of a supported living accommodation. The existing dwelling has a stated area of 239.60sqm. The proposed development includes reconfiguration of the internal layout of the dwelling. The proposed development once complete will have a stated floor area of 347.73sqm and will include an extension at ground floor and first floor level.
- 2.2. The proposed Supported Living Accommodation Unit element relates to the applicant's daughter who has particular support needs. The Supported Living Accommodation Unit is proposed to provide her with an element of independent living accommodation connected to the family home along with accommodation for her live-in carer.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission on 20<sup>th</sup> September 2024 subject to 7 no. conditions. Conditions were of a standard nature..

**Condition 2** requires surface water to be collected and disposed of within the site.

**Condition 3** requires external finishes to be in accordance with plans.

**Condition 4** relates to the maintenance of the WWTS.

**Condition 5** prohibits the ancillary living accommodation from being sold, let or otherwise disposed of, separately from the existing dwelling.

**Condition 6** relates to the financial contribution required.

**Condition 7** requires mitigation measures set out in the NIS to be implemented.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planners Report (dated 19/09/2024) considers that the principle of development is acceptable. There is an existing entrance and therefore no traffic issues are envisaged. The overall design is not considered to be detrimental to the existing visual amenities of the surrounding area and is considered acceptable. The proposed development would not have negative impacts on the existing residential amenities of the area. The site is located outside of Flood Zone A and B. Comments in relation to Public Health and Appropriate Assessment are noted under the relevant technical reports below. A grant of permission is recommended.

#### 3.2.2. Other Technical Reports

Environment Section – The applicant has provided a report prepared by a suitably qualified person regarding the condition of the existing on site wastewater treatment system. Based on the details contained within the report, the existing septic tank is deemed fit for purpose. The site assessor has recommended that the total linear length of percolation trenches should be increased from 72m to 126m to account for the increasing hydraulic loading. All minimum separation distances as per 6.2 of the

EPA Code of Practice 2021 have been met. Based on the information contained in the report, it has been demonstrated that the upgraded DWWTS complies with the provisions of the 2021 EPA code of Practice.

Environmental Assessment Officer – A key concern and potential impact with respect to the Qualifying interest of the SAC are impacts on water quality. Having regard to the information submitted by the applicant and the report from the Environment Section, it is considered that the onsite wastewater treatment system does not pose a threat to water quality in the receiving environment. The EAO concurs with the findings of the NIS that the Qualifying Interests with potential for effects given their location within the SAC are Salmon, River Lamprey and Otter. With respect to construction related impacts, the inclusion of construction phase control/mitigation measures are outlined under Section 5.2.1 of the NIS are noted and include for the construction of a containment berm around the works area, silt traps and other measures. The EAO is satisfied subject to the conditioning of these measures that there will be no risk of adverse effects on the Conservation Objectives of the Lower River Shannon SAC. The measures go beyond best practice and are comprehensive in the context of the works proposed. No significant cumulative impacts are likely to arise. The EAO is satisfied that there is sufficient information to inform the Appropriate Assessment and to conclude the finding of no adverse effects subject to the correct implementation of the identified measures on site.

In line with the Attachment 4 of the NIS 'Invasive Species Report' it is requested that a condition should be included for the appointment of a suitably qualified invasive species specialist who will be engaged to undertake treatment of the affected area.

### **3.3. Prescribed Bodies**

Uisce Eireann - The applicant/operator shall comply with the Water Framework Directive and River Basin Management Plan objectives to ensure that the development will not negatively impact on the water quality of source/receiving waters during both construction and operational phases. The applicant shall sign a connection agreement prior to the commencement of development.

### 3.4. **Third Party Observations**

A third-party observation was received from the appellant Paul McGrath. The issues raised are similar to those contained in the appeal and relate to the site's proximity to the SAC and issues in relation to land ownership.

## 4.0 **Planning History**

PA Reg Ref 94/563 – Permission granted for a dwellinghouse and associated site works.

PA Reg Ref 24/60238 – Permission granted to retain an Outbuilding/ Shed and all associated site works.

ABP-315212-22/PA Reg Ref 22/445 – Permission refused by ABP to refurbish an existing house and to construct a ground floor and dormer roof extension and a Granny Flat extension to the existing dwelling house and all associated site works.

The Board found that in the absence of a Natura Impact Statement, it could not be satisfied that that the proposed development either individually or in combination with other plans or projects, would not result in adverse effects on the integrity of the Lower River Shannon SAC in view of the sites conservation objectives.

## 5.0 **Policy Context**

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

The operative development plan is the Clare County Development Plan 2023-2029 came into effect on April 20th, 2023. The site is located in a Heritage Landscape (Objective CDP14.5) and adjoins a Scenic Route (CDP 14.7).

The following objectives are considered relevant to the subject site;

#### **Development Plan Objective: Ancillary Living Accommodation CDP5.9**

It is an objective of the Development Plan: To facilitate the provision of Ancillary Living Accommodation (ALA) in appropriate locations where the proposal can clearly demonstrate that:

- a) The proposed ALA shall be located within the immediate curtilage of an existing occupied residential property;
- b) The existing property or ALA is to remain the primary residence of the site folio owner;
- c) It takes cognisance of the current Housing Crisis (Demand);
- d) There is a bona-fide need for such an ancillary unit;
- e) The proposal does not impact adversely on either the residential amenities of the existing property or the residential amenities of the area;

All applications for such units shall comply with the criteria set out in Section 5.2.8 below.

- It will be a requirement that all applications for Ancillary Living Units shall comply with the following criteria:
  - The unit shall be modest in size and consist of no more than a combined kitchen/dining/living room, a bathroom and contain no more than two bedrooms. The unit shall not exceed a gross floor area of 100sqm;
  - If the site is not connected to public mains, it must be demonstrated that the existing wastewater treatment system on site is capable of taking any additional loading associated with the unit. Details of any required upgrades shall be submitted as part of the development management process;
  - Provision for a shared vehicular entrance only will be considered and no subdivision of the garden or entrance shall be permitted;
  - The extension/unit shall remain in the same ownership as that of the existing dwelling on site. In this regard, the unit shall not be sold or otherwise legally transferred, other than as part of the overall property;
  - Use of the unit will be restricted from sale or short-term letting separate to the main dwelling house

**Development Plan Objective: Requirement for Appropriate Assessment  
CDP15.4**

It is an objective of Clare County Council: a) To implement Article 6(3) and where necessary 6(4) of the Habitats Directive and to ensure that Appropriate Assessment is carried out in relation to works, plans and projects likely to impact on European sites (SACs and SPAs), whether directly or indirectly or in combination with any other plan(s) or project(s); and b) To have regard to Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities 2009 or any updated version.

## **5.2. Natural Heritage Designations**

5.2.1. The site adjoins the Lower River Shannon SAC (Site code 002165).

## **5.3. EIA Screening**

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **6.0 The Appeal**

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

The appeal is a third-party appeal by Paul McGrath. The grounds of appeal can be summarised as follows;

- Concerns in relation to the proximity of the proposed development to the Lower River Shannon SAC and the existing streams on the site which function as hydrological pathways between the site and SAC.
- The site is bounded by property to the south, east and west which is currently in the midst of a legal dispute.

### **6.2. Applicant Response**

The applicant's response to the appeal can be summarised as follows;

- Reference to the ongoing legal dispute about lands to the south, east and west of the site are not considered in the context of this application
- The existing dwelling is served by an existing septic tank which has recently been serviced and provided with replacement pipe work in the percolation area to ensure the ongoing adequate performance of the system. The system is installed and operated in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.
- The works associated with the development are typical of building projects and will be undertaken in accordance with best practice construction management.
- Deleterious effects are unlikely to arise from such minor construction projects on water bodies.
- The effects of the project have been considered in the AA Screening Report and NIS.

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

The Planning Authority has considered the appeal documents and notes that similar information was received during the time of assessment of the application from the third party. The Planning Authority considers that the subject development is acceptable at this location and compliance with the planning and policy objectives of the County Plan has been demonstrated and that subject to the proposed mitigation works, there will be no adverse impact on any European Site. It is requested that the Commission upholds the decision of the Planning Authority.

### 6.4. **Observations**

None.

## 6.5. Further Responses

The appellant has provided a further response and has noted that findings of the NIS cannot be taken seriously due to the inaccurate description of the boat shed and on account of there being no reference to the bay being a favoured nesting spot for swans.

## 7.0 Assessment

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

- Principle of Development
- Land Ownership
- Appropriate Assessment (dealt with separately in Section 8)

### 7.2. Principle of development

7.2.1. The proposed development provides for a supported living unit accommodation. Applications for ancillary living units must comply with the requirements set out in Section 5.2.8 of the Development Plan. I consider that the extension which incorporates ancillary unit is modest in scale. Separate driveways or gardens are not proposed. Account has been taken of the additional wastewater treatment load requirements. I consider that conditions can be attached to the grant of permission which require the unit to remain in the same ownership as the main dwelling, and which would restrict the sale/short term let separate to main dwelling house. Overall, I consider the ancillary unit is acceptable in principle and in accordance with the criteria set out in Section 5.2.8 of the Development Plan.

### 7.3. Ownership/Title to Land

7.3.1. The appellant has referred to a dispute in relation to lands adjoining the site. I draw the attention of the Commission to the Development Management Guidelines for Planning Authorities (DoEHLG, 2007). The Guidelines (Section 5.13) clarify that the

planning system is not designed as a mechanism for resolving disputes about title to land or rights over land, which are ultimately matters for resolution in the Courts.

- 7.3.2. The planning authority was satisfied that the applicants demonstrated sufficient legal interest to make the application. The proposed extension would be confined within the existing site, and I noted on my site inspection that there are no circumstances on site which would prevent the carrying out of the proposed development within the red boundary line indicated on the submitted drawings.
- 7.3.3. Any further legal dispute is considered a Civil matter and is outside the scope of the planning appeal. This is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

## **8.0 Appropriate Assessment**

- 8.1. The appellant has raised concerns in relation to the proximity of the proposed development to the Lower River Shannon SAC and the existing streams on the site which function as hydrological pathways between the site and SAC. Refer to Appendix 2 and 3 for the Appropriate Assessment Screening Determination and Appropriate Assessment Determination. Conclusions from the respective determinations are outlined below.

### **8.2. Appropriate Assessment Screening**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Lower River Shannon SAC in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

### **8.3. Appropriate Assessment**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lower River Shannon

SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the Lower River Shannon SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction impacts
- Effectiveness of mitigation measures proposed
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Lower River Shannon SAC

## 9.0 Water Framework Directive

The subject site is located c. 70m from the Shannon Estuary.

The proposed development comprises the refurbishment and extension of a dwelling.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Small scale and nature of the development
- Implementation of standard construction measures

Refer to Appendix 4 below for WFD Impact Assessment Stage 1: Screening.

## **Conclusion**

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

## **10.0 Recommendation**

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

## **11.0 Reasons and Considerations**

Having regard to the nature of the proposed development, location and character of the subject site together with the policies and objectives of the Clare County Development Plan 2023-2029, it is considered that the proposed development complies the requirements as per objective CDP5.9 (Ancillary Living Accommodation), and associated criteria set out in Section 5.2.8, and objective CDP15.4 (Requirement for Appropriate Assessment) of the Clare County Development Plan 2023-2029 and subject to compliance with the conditions set out below, would not seriously injure the visual or residential amenities of the area or have an adverse impact on the receiving environment. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **12.0 Conditions**

1. The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions.

**Reason:** To clarify the plans and particulars for which permission is granted.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

**Reason:** To protect the integrity of European Sites.

3. The external finishes of the proposed extension (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

4. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity

5. Prior to the commencement of development on site, an invasive species management plan which shall include details of a programme for the control, monitoring and eradication of Himalayan Knotweed on the site, shall be submitted to, and agreed in writing, with the planning authority.

**Reason:** In the interest of the proper planning and sustainable development of the area.

6. Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

7. (a) The existing septic tank system shall be installed and maintained in accordance with the recommendations included within the site assessment report submitted with this application on 1<sup>st</sup> August 2024 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.

(b) Treated effluent from the septic tank system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )” – Environmental Protection Agency, 2021.

(c) Within three months of completion of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

**Reason:** In the interest of public health and to prevent water pollution

8. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

**Reason:** In the interest of traffic safety and to prevent flooding or pollution.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

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Ciara McGuinness  
Planning Inspector

17<sup>th</sup> December 2025

## Appendix 1 - Form 1 - EIA Pre-Screening

<b>Case Reference</b>	320978-24
<b>Proposed Development Summary</b>	Refurbishment of a house and to construct an extension, which includes the provision of a supported living accommodation. Natura Impact Statement (NIS) submitted with this application.
<b>Development Address</b>	Cloonfadda, Killaloe, Co. Clare.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	

<p><b>4. <del>Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</del></b></p>	
<p>Yes <input type="checkbox"/></p>	<p><del>Screening Determination required (Complete Form 3)</del></p>
<p>No <input type="checkbox"/></p>	<p><del>Pre-screening determination conclusion remains as above (Q1 to Q3)</del></p>

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

## Appendix 2 - AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	Refurbishment of a house and to construct an extension, which includes the provision of supported living accommodation.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The site accommodates an existing dwelling, wooden shed and mature gardens. To the east of the site beyond the site boundary, there is agricultural land adjoining the River Shannon/Lough Derg. The area around the existing dwelling house and the house itself and associated gardens conform to Buildings and Artificial Surfaces (BL3) with Flower Beds and Borders (BC4).</p> <p>A stream runs in a west to east direction, running into the site at the northwestern roadside boundary. This stream essentially forms the northern boundary of the site and has been integrated into the front garden area (on its northern side). The eastern site boundary is a drain which flows in a south to north direction and enters the northern boundary stream at the northeastern side of the site. This stream flows into Lough Derg through an area of Wet Woodland (WN5) some 100m east of the dwelling house.</p> <p>The survey of the site for invasive species was undertaken on 3rd May 2024. Himalayan Knotweed (<i>Persicaria wallichii</i>) was recorded in one area of the site approximately 47metres west of and upgradient to the location of the proposed construction works on the site. There will be no ground disturbance in this area.</p> <p>The dwelling on site is served by an existing septic tank, which has recently been serviced and provided with replacement pipework in the percolation area to ensure the ongoing adequate performance of this system.</p>
<b>Screening report</b>	Yes (prepared by Mary Burke - Burke Environmental Services)
<b>Natura Impact Statement</b>	Yes (prepared by Mary Burke - Burke Environmental Services)
<b>Relevant submissions</b>	Uisce Eireann - The applicant/operator shall comply with the Water Framework Directive and River Basin Management Plan objectives to ensure that the development will not negatively impact on the water quality of source/receiving

waters during both construction and operational phases.

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

The eastern boundary of the site adjoins the Lower River Shannon SAC and is connected by drainage to the SAC area.

I note that the applicant included a greater number of European sites in their initial screening consideration, with sites within 15km of the development site considered. The following sites have been excluded given separation distances, the intervening lands and the lack of impact pathways; Slieve Bernagh Bog SAC (002312), Silvermines Mountain West SAC (002258), Glenomra Wood SAC (001013), Keeper Hill SAC (001197), Clare Glens SAC (000930), Silvermine Mountain SAC (000939), Glenstal Wood SAC( 001432), Lough Derg (Shannon) SPA (004058), Slievefeliim to Silvermine Mountain SPA (004165)

Only sites with any possible ecological connection or pathways are included in this screening determination.

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Lower River Shannon SAC (002165)	<a href="#">Site specific cons obj</a>	Adjoins the development site	Yes, Proximity and via drainage channels	Yes

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

Sources of impact and likely significant effects are detailed in the Table below.

**AA Screening matrix**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 1: Lower River Shannon SAC (002165)</b>  Sandbanks which are slightly covered by sea	Direct pathway to SAC:  Release of silt and sediment during site works Release of construction related compounds including hydrocarbons to	Potential damage to riparian and river habitats associated with inadvertent spillages of hydrocarbons and/or other chemicals during construction phase; Potential damage to the habitats

<p>water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p>	<p>surface water.</p>	<p>and freshwater qualifying interest species dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives</p>
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<p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>		
	<p><b>Likelihood of significant effects from proposed development (alone): Yes</b></p>	
	<p><b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b></p>	
<p><b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b></p>		
<p>Based on the information provided in the screening report, site visit, review of conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on the Lower River Shannon.</p> <p>I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SAC when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.</p>		
<p><b>Screening Determination</b></p> <p><b>Finding of likely significant effects</b></p> <p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Lower River Shannon SAC in view of the conservation objectives of a number of qualifying interest features of those sites.</p> <p>It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.</p>		

## Appendix 3 - AA Determination

### Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development in view of the relevant conservation objectives of the Lower River Shannon SAC based on scientific information provided by the applicant and considering expert opinion set out in observations on nature conservation.

The information relied upon includes the following:

- Natura Impact Statement prepared by Burke Environmental Services

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

### Submissions/observations

Uisce Eireann - The applicant/operator shall comply with the Water Framework Directive and River Basin Management Plan objectives to ensure that the development will not negatively impact on the water quality of source/receiving waters during both construction and operational phases.

### Lower River Shannon SAC (002165):

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

- (i) Water quality degradation (construction)

See Section 5 of NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary-inserted)	Potential adverse effects	Mitigation measures (summary)
Lampetra fluviatilis (River Lamprey) [1099]	Maintain favourable conservation condition  No decline in extent and distribution of spawning beds	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	<p style="color: red;">NIS SECTION 5.2.1</p> Pollution control measures  Fencing of works area  Construction of a containment berm around the works area  Use of Silt trap
Salmo salar (Salmon) [1106]	Restore favourable conservation condition  Water quality Q4, No decline in number and distribution of spawning redds due to anthropogenic causes	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	
Lutra lutra (Otter) [1355]	Restore favourable conservation condition  No significant decline in fish biomass available	Degradation of water quality may adversely affect foraging/ fish biomass	

**Assessment of issues that could give rise to adverse effects:**

**(i) Water Quality Degradation**

Water quality of SAC is generally satisfactory. Good quality water is necessary to maintain the populations of the Annex II animal species listed. Water quality degradation is the main risk from unmanaged site works where silt laden surface water reaches the drainage streams and main channel of the River Shannon downstream. Decrease in water quality would compromise conservation objectives for Annex II species listed and increase sedimentation could alter habitat quality for spawning or nursery grounds. Sedimentation could clog fish gills and alter habitat quality for spawning or nursery grounds. This could also result in decreased food availability. Pollutants have the potential to cause a chemical imbalance which could be toxic to fish and other species. A decrease in fish population would also result in a decrease in food availability for otters and other fish species. No operational phase impacts are anticipated.

### **Mitigation measures and conditions**

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and receiving watercourses. Measures include;

- Fencing of the works area (in accordance with Health and Safety best practice) to ensure no works are undertaken outside the fenced area
- Excavation of foundations during dry weather to enable berm construction without wash down of exposed soil
- Construction of a containment berm around the works area, using excavated material, capped with grassed sod, preventing fugitive flows from the works area. Short sections of excavation will be undertaken, followed by berm construction to minimise the area of exposed soil
- Provision of a silt trap (using straw bales) at the drainage point from the works area to entrain suspended solids in the run off
- Direction of the drainage flow over grassed area of the garden to ensure the entrainment of any solids before any potential overflow to the surface water drain located 20m east of the site works area
- Containment of all material arising from the demolition to prevent particles of cement/wood fragments/metals discharge from the works areas. All waste arising will be exported from the site by a licensed/permitted haulier to an authorised facility.
- Visual inspection of the stream to ensure no visible plume of silt laden waters arise from the works
- Suitable supply of small straw bales will be available to improve/manage any potential storm events during construction works.
- Only ready mix concrete will be used on the site, with no wash out of delivery vehicles
- Weather forecast will determine dry days for foundation pouring

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to NIS are captured in Planning condition 2 of the Inspectors Report.

### **In-combination effects**

I am satisfied that in-combination effects have been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

**Findings and conclusions**

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

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and construction related pollutants. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. No significant in combination effects are predicted.

**Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

**Site Integrity**

The proposed development will not affect the attainment of the Conservation objectives of the Lower River Shannon SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

**Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lower River Shannon SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the Lower River Shannon SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction impacts.
- Effectiveness of mitigation measures proposed
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Lower River Shannon SAC

## Appendix 4 - WFD Impact Assessment Stage 1: Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>An Bord Pleanála ref. no.</b>	320978	<b>Townland, address</b>	Cloonfadda, Killaloe, Co. Clare.
<b>Description of project</b>		Refurbishment of a house and to construct an extension, which includes the provision of a supported living accommodation. Natura Impact Statement (NIS) submitted with this application.	
<b>Brief site description, relevant to WFD Screening,</b>		The River Shannon is located to the east of the site beyond the site boundary. A stream runs in a west to east direction, running into the site at the northwestern roadside boundary. This stream essentially forms the northern boundary of the site and has been integrated into the front garden area (on its northern side). The eastern site boundary is a drain which flows in a south to north direction and enters the northern boundary stream at the northeastern side of the site. This stream flows into Lough Derg through an area of woodland some 100m east of the dwelling house.	
<b>Proposed surface water details</b>		Existing soakpit area	
<b>Proposed water supply source &amp; available capacity</b>		Existing connection to public mains	

<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		Existing onsite wastewater treatment system. The applicant has provided a report prepared by a suitably qualified person which confirms the existing septic tank is fit for purpose.				
<b>Others?</b>		Not applicable				
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
Lake Waterbody	70m	IE_SH_25_191b Derg HMWB	Good	Not at Risk	No pressures	Hydrologically Connected via drainage channels on site

Groundwater waterbody	Underlying site	IE_SH_G_157 Lough Graney	Good	Not at risk	No pressures	Poorly draining soil conditions.	
<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>							
<b>CONSTRUCTION PHASE</b>							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Surface	IE_SH_25_191b Derg HMWB	Existing drainage ditches, watercourses	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction measures/ Conditions	No	Screened out
3.	Ground	IE_SH_G_157 Lough Graney	Drainage	Spillages	As above	No	Screened out
<b>OPERATIONAL PHASE</b>							
3.	Surface	IE_SH_25_191b	None	None	None	No	Screened out

		Derg HMWB					
4.	Ground	IE_SH_G_157 Lough Graney	None	None	None	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
5.	NA						