



An
Bord
Pleanála

Inspector's Report ABP-321006-24

Development	Removal of part of stone building and construction of a dwelling house, together with all ancillary site works.
Location	Quilty West, Quilty, Co. Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	2440
Applicant(s)	James Pender
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	James Pender
Observer(s)	None
Date of Site Inspection	31 st January 2025
Inspector	Ciara McGuinness

1.0 Site Location and Description

- 1.1. The site is located within the settlement of Quilty, c. 0.6km to the southwest of the village centre. The site is a coastal site on the LP2088 local road and comprises an area of land between the road and coast. The site is an infill site beside single storey cottage type dwellings. The site area is given as 0.081ha. The ruins of a natural stone building are located in the southeast corner of the site adjoining the road. The site is grassed and has a low stone boundary wall on the southwest, southeast and northeast side. The site slopes away from the road towards the coast. The rear (northwest) of the site is open with a drop in levels to the foreshore area.

2.0 Proposed Development

- 2.1. Permission is sought for the removal of part of a stone building and construction of a dwelling house. Permission is sought for the part single storey, part storey and a half 3-bedroom dwelling, with a stated floor area of 165sqm and ridge height of 6.8m at its highest point. The rear building line of the dwelling would be c.16.5 metres from the foreshore area. Connections to the public sewer and mains are proposed. Surface water is proposed to drain to the sea.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for the following reasons;

1. The subject site is located within a "Heritage Landscape", and as per the objective CDP14.5 of the Clare County Development Plan 2023-2029, developments are required to demonstrate that every effort has made to reduce visual impact, that sites are selected to avoid visual prominence, and that design for buildings and structures minimises height and visual contrast through careful choice of forms, finishes and colour. Having regard to the location of the site on the coastal side of the public road, the views available towards the site, the existing built vernacular and settlement pattern of the area, and the bulk, scale, massing and design of the dwelling as proposed on

this site, the Planning Authority considers that the proposed development would not be in keeping with the existing built vernacular, would seriously injure the visual amenities and character of this area, and would set an undesirable precedent for further development on similar coastal sites in this area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposal site is partially within the Carrowmore Point to Spanish Point Special Area of Conservation (Site Code: 001021) and is adjacent to the Mid Clare Coast Special Protection Area (Site code: 004182). On the basis of the information received with the application and in the absence of evidence to the contrary, the Planning Authority is not satisfied that the proposed development, either individually or in-combination with other plans or projects, would not be likely to have significant effects on the Carrowmore Point to Spanish Point Special Area Conservation and the Mid Clare Coast Special Protection Area, in view of the conservation objectives of these sites. The proposed development would therefore contravene Objective CDP 15.3 of the Clare County Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the close proximity of the proposed dwelling house and subject site to the adjoining coastline, in an area which is at risk of flooding, and which is susceptible to coastal erosion, it is considered that the proposed development would endanger the health and safety of persons occupying the proposed structure. It is considered therefore that the proposed development would be contrary to the proper planning and development of the area.
4. Having regard to the nature of the development as proposed, the close proximity of the proposed dwelling to the public road, and the nature of third party roadside boundaries to the south west, the Planning Authority considers that on the basis of the available information, the proposed development would have adverse impacts on traffic safety and free flow of traffic on the LP2088 local primary road by reason of restricted visibility from the proposed access onto the public road. Therefore, the proposed development would constitute substandard development and would be contrary to the proper planning and sustainable development of the area

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report (dated 25/03/2024) notes that the site is zoned for 'existing residential' and while the principle of a new dwelling would be open to consideration, the site specific merits of the proposal would need to be assessed. It is considered that the development would not be in keeping with adjacent dwellings and would have adverse impacts on the visual amenity of the area and character of the "Heritage Landscape" and would set an undesirable precedent for similar types of development in the area. Access arrangements and sightlines are not shown in accordance with the County Development Plan. On the basis of the available information, the proposal would result in adverse impacts on traffic safety and free flow. Also on the basis of available information, it cannot be concluded that the proposal would not be likely to have a significant effect individually or in combination with other plans or projects on either the Mid Clare coast SPA or the Carrowmore to Spanish Point and Islands SAC. It is considered the existing residential zoning on the site is reflective of the site's location along a row of existing dwellings and not of the further development potential of the site for an additional dwelling. A refusal of permission is recommended.

Following a recommendation to refuse planning on 25th March 2024, the application was placed on an extension of time. Unsolicited further information (UFI) was received on the 11th September 2024. A subsequent Planners Report (dated 17/09/2024) notes that the first-floor windows which resulted in overlooking are proposed to be removed as part of the UFI and this no longer constitutes a reason for refusal. Notwithstanding issues remain in relation to visual impact, traffic, coastal erosion/flooding and appropriate assessment. A refusal of permission was recommended.

3.2.2. Other Technical Reports

None received.

3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage

- The site is partially within Carrowmore Point to Spanish Point and Islands SAC. Potential impacts on water quality and natural coastal processes resulting in impacts on Annex Habitat and/or species are of particular concern. Qualifying interest habitats which occur in or close to the application area may be affected include reefs and perennial vegetation of stony banks.
- The site is adjacent to the Mid-Clare SPA . Of particular concern is the potential disturbance to wintering birds and potential impacts on water quality.

3.4. Third Party Observations

A third-party submission was received from Thomas Fennell, the owner of adjacent lands. The submission queries the ownership of the site.

Representations on the file from Cllr Bill Slattery and Cllr PJ Kelly are noted.

4.0 Planning History

None.

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029

- 5.1.1. The site is located within the settlement of Quilty. The Settlement Plan for Quilty is set out in Volume 3d of the County Development Plan The site is zoned 'Existing Residential' with the objective *"to conserve and enhance the quality and character of the areas, to protect residential amenities and to allow for small scale infill development which is appropriate to the character and pattern of development in the immediate area and for uses that enhance existing residential communities. Existing residential zoned land may also provide for small-scale home-based employment uses where the primary residential use will be maintained"*.

5.1.2. The Settlement Plan states that Quilty is located in a Heritage Landscape, as designated in the Development Plan, therefore development in the area must have due cognisance of the Heritage Landscape policy and objectives in Chapter 14, Volume 1 of the Plan.

5.1.3. The following objectives from the County Development Plan are relevant;

Development Plan Objective: Flood Risk Assessment and Management CDP2.6

seeks to ensure development proposals have regard to the requirements of the SFRA and Flood Risk Management Guidelines; and where required are supported by an appropriately detailed hydrological assessment / flood risk assessment.

Development Plan Objective: Coastal Erosion and Flooding CDP2.7 seeks to support measures (including Integrated Coastal Zone Management (ICZM)) for the management and protection of coastal resources and communities against sea level rise, coastal erosion, flooding and other threats and the implementation of adaptation responses in vulnerable areas; and

Development Plan Objective: Coastal Erosion and Flooding CDP13.11 seeks to permit developments only where the Council is satisfied that they will not be at risk from coastal erosion or inundation in the future; and only where the Council is satisfied that it will not result in an increase in coastal erosion or increase the risk of inundation, either at the subject site or at another location in the vicinity

Development Plan Objective: Heritage Landscapes CDP14.5 requires that all proposed developments in Heritage Landscapes demonstrate that every effort has been made to reduce visual impact. 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

Development Plan Objective: Seascape Character Areas CDP14.6 requires that it be demonstrated that every effort has been made to visually integrate any

proposed development within a Seascape Character area. This must be demonstrated by assessing the proposal in relation to:

- Views from land to sea;
- Views from sea to land;
- Views along the coastline.

And to ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved.

Development Plan Objective: European Sites CDP15.3 seeks to afford the highest level of protection to all designated European sites in accordance with the relevant Directives and legislation on such matters; and 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);

5.2. **Natural Heritage Designations**

Carrowmore Point to Spanish Point and Islands SAC – partially within the site boundary

Mid Clare Coast SPA – adjacent to the site boundary

Carrowmore Point To Spanish Point And Islands pNHA – partially within the site boundary

5.3. **EIA Screening**

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

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows;

- There is an existing building on the site. Objective CDP14.5 applies to greenfield sites, therefore the proposed development complies with the proper planning and sustainable development of the area.
- The site is currently being used by random campers and individuals with no obligation to care for conservation objectives. The proposal is for a permanent resident with a desire to maintain this area of conservation.
- Clare County Council have completed several surveys and by their lack of action have deemed no significant flooding or erosion on site.
- The site is an infill site along a straight stretch of road, within a built-up area in an 80kmh speed limit area. The site has >90m visibility on either side.
- The building on the site was number 17/18 Quilty on the 1911 census.
- The building would qualify for the renovation grant, however it would be a struggle to retain existing walls, therefore a new planning application was deemed the best way forward.

6.2. Planning Authority Response

The Planning Authority has reviewed the content of the appeal. The planning issues have been set out in the Planners Reports and the board is advised to have regard to same. It is requested that the decision to refuse be upheld.

6.3. Observations

None.

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;

- Visual Impact
- Coastal Erosion & Flood Risk
- Traffic Impact

7.2. Visual Impact

- 7.2.1. The Quilty Settlement Plan states that Quilty is located in a Heritage Landscape. Therefore development in the area must have due cognisance of the Heritage Landscape policy and objectives in Chapter 14 of the Plan, specifically Objective CDP 14.5 Heritage Landscapes, which requires that all proposed developments in Heritage Landscapes demonstrate that every effort has been made to reduce visual impact.
- 7.2.2. The applicant in their appeal contends that Objective CDP14.5 applies to greenfield sites and as there is an existing building on the site the objective does not apply in this instance. I consider that the site is a greenfield site. The ruins of a small stone building remain to the front of the site. The site remains free from development otherwise. Notwithstanding, Objective 14.5 requires that all proposed developments in Heritage landscape demonstrate that every effort has been made to reduce visual impact. The objective does not specifically refer to greenfield sites.
- 7.2.3. The site is on the coastal side of the public road with direct views through the site to the sea. The Planners Report notes that a significant portion of the site comprise the foreshore and therefore the dwelling would be located on a site of approximately 0.7ha. I consider that the scale of development, a storey and a half, split level house, with an area of 165qm and a ridge height of 6.8m, is not in keeping with adjacent dwellings which comprise single storey cottage type dwellings. I have concerns that the scale is excessive at this location. Furthermore, there is no indication on the file that every effort has been made to reduce the visual impact of the proposed development. No contextual elevations have been provided to show how the

development would assimilate into the area. No Landscape and Visual Impact Assessment has been provided to demonstrate that the related objectives are being achieved. I do not consider that the proposed development complies with the requirements set out under Objective CDP 14.5 of the current Development Plan and therefore permission should be refused on this basis.

7.3. Coastal Erosion & Flood Risk

- 7.3.1. Objective CDP 13.11 Coastal Erosion and Flood Risk, seeks to permit developments only where the Council is satisfied that they will not be at risk from coastal erosion or inundation in the future. As outlined above, the site is in a coastal location with part of the site comprising the foreshore. The northern portion of the site towards the foreshore is within a designated tidal flood risk zone (www.floodinfo.ie). The Planner's report notes that rock boulder sea defences are in place along the coast closer to the centre of the village, but do not extend as far as the site.
- 7.3.2. The applicant contends that the inaction of the Council in relation to flood risk, indicates that flood risk is not a pertinent issue. I do not consider there to be any merit in that contention. The highly sensitive location of the site was apparent on my site visit. The site measures c.30m in depth before there is a discernible level drop to the foreshore area. I would agree with the Planning Authority that having regard to the exposed coastal nature of the site, the lack of defences serving the site and the vulnerable nature of the development proposed, that the proposed development would endanger the health and safety of persons occupying the proposed structure. It is considered therefore that the proposed development would be contrary to Objective 13.11 and permission should be refused on this basis.

7.4. Traffic Impact

- 7.4.1. The Planning Authority's fourth reason for refusal relates to the adverse impact the proposed development would have on traffic safety and free flow of traffic on the LP2088 local primary road. I note that access arrangements to the site have not been demonstrated on any submitted drawings. It is stated in the documentation that in excess of 90m sightlines are available, however this has not been demonstrated on the drawings. The Planning Authority in their report considers that the roadside location of the dwelling would restrict visibility. The refusal reason also notes that the nature of third-party roadside boundaries to the southwest would restrict visibility.

The applicant in their appeal has noted that the site is an infill site along a straight stretch of road, within a built-up area with a 80kmh speed limit and that the site has >90m visibility on either side. Section A1.6.2 of Appendix 1 of the Development Plan sets out the requirements in relation to Sight Distances. The applicant has not shown compliance with these requirements. Given the lack of detail provided by the applicant in relation to this issue, I consider that it has not been demonstrated that the proposed development would not cause an adverse impact on traffic safety and the free flow of traffic. Refusal is recommended on this basis.

8.0 AA Screening

See Appendix 3 of this report for Appropriate Assessment Screening Determination. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) I conclude that the proposed development could result in significant effect on the Carrowmore Point to Spanish Point and Islands SAC and Mid Clare Coast SPA. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required.

9.0 Recommendation

I recommend that planning permission be refused for the following reasons and considerations.

10.0 Reasons and Considerations

1. The subject site is located within a Heritage Landscape, and as per objective CDP14.5 of the Clare County Development Plan 2023-2029, developments are required to demonstrate that every effort has made to reduce visual impact, that sites are selected to avoid visual prominence, and that design for buildings and structures minimises height and visual contrast through careful choice of forms, finishes and colour. Having regard to the location of the site on the coastal side of the public road, the views available towards the site, the existing built vernacular and settlement pattern of the area, and the bulk, scale, massing and design of the dwelling as proposed on this site, it is considered that the proposed development would not be in keeping with the

existing built vernacular, would seriously injure the visual amenities and character of this area, and would set an undesirable precedent for further development on similar coastal sites in this area. The proposed development would therefore be contrary to Objective 14.5 of the Clare County Development Plan 2023-2029, would be contrary to the proper planning and sustainable development of the area.

2. The proposal site is partially within the Carrowmore Point to Spanish Point Special Area of Conservation (Site Code: 001021) and is adjacent to the Mid Clare Coast Special Protection Area (Site code: 004182). On the basis of the information received with the application and in the absence of evidence to the contrary, the Board is not satisfied that the proposed development, either individually or in-combination with other plans or projects, would not be likely to have significant effects on the Carrowmore Point to Spanish Point SAC and the Mid Clare Coast SPA, in view of the conservation objectives of these sites. The proposed development would therefore contravene Objective CDP 15.3 of the Clare County Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the close proximity of the proposed dwelling house and subject site to the adjoining coastline, in an area which is at risk of flooding, and which is susceptible to coastal erosion, it is considered that the proposed development would endanger the health and safety of persons occupying the proposed structure. It is considered therefore that the proposed development would contravene Objective CDP 13.11 and would be contrary to the proper planning and development of the area.
4. Having regard to the nature of the development as proposed, the close proximity of the proposed dwelling to the public road, and the nature of third party roadside boundaries to the south west, the Board considers that on the basis of the available information, that it has not been demonstrated that the proposed development would not have adverse impacts on traffic safety and free flow of traffic on the LP2088 local primary road by reason of restricted visibility from the proposed access onto the public road. Therefore, the proposed development would constitute substandard development and would be contrary to the proper planning and sustainable development of the area.

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.

Ciara McGuinness
Planning Inspector

19th March 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321006-24		
Proposed Development Summary	Removal of part of stone building and construction of a dwelling house, together with all ancillary site works.		
Development Address	Quilty West, Quilty, Co. 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 ✓	Tick if relevant and proceed to Q2.
		No	Tick if relevant. 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)?			
Yes	✓	Part 2, Class 10(b)(i) construction of more than 500 dwellings	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		The proposed development does not equal or exceed the 500 dwelling threshold,	EIA Mandatory EIAR required

No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	The proposed development is below the 500 dwelling threshold. The proposed development is for 1 dwelling unit.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321006-24
Proposed Development Summary	Removal of part of stone building and construction of a dwelling house, together with all ancillary site works.
Development Address	Quilty West, Quilty, Co. Clare.
<p>The Board carried 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> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The nature and size of the development (1 residential unit) is not exceptional in the context of the existing residential environment. The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised constructions impacts will be temporary. The development, by virtue of its type(residential), does not pose a risk of major accident and/or disaster</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal</p>	<p>The site is located in the settlement of Quilty and is zoned for existing residential development. The site is partially within Carrowmore Point to Spanish Point and Islands SAC and Mid Clare Coast SPA. Carrowmore Point to Spanish Point and Islands SAC. See note below.</p>

zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There is no real likelihood of significant effects on the environment arising from the proposed development. There is no real likelihood of significant cumulative effects having regard to existing or permitted projects.	
Note: Whilst it has been concluded that there is potential for significant effects on a European site(s), having regard to the characteristics of the proposed development, its location and the types and characteristics of potential impacts, there is no potential for significant effects on other environmental parameters. Impacts on European sites can be addressed under Appropriate Assessment which I have addressed in Section 8 and Appendix 3 of my report. I am satisfied therefore that EIA is not warranted.		
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	✓
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3 – Screening the need for Appropriate Assessment

Screening the need for Appropriate Assessment

I have considered the proposed dwelling in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was not submitted with this application/ appeal case.

The subject site is located in a coastal location, partially within Carrowmore Point to Spanish Point and Islands SAC and adjacent to Mid Clare Coast SPA. No works are proposed within the SAC/SPA.

The proposed development comprises the construction of a storey and a half dwelling house. I have provided a detailed description of the development in my report (Section 2).

The Development Applications Unit have submitted an observation on behalf of the Department of Housing, Local Government and Heritage (DHLGH). Issues raised include the following related to the appropriate assessment process:

- The site is partially within Carrowmore Point to Spanish Point and Islands SAC. Potential impacts on water quality and natural coastal processes resulting in impacts on Annex Habitat and/or species are of particular concern. Qualifying interest habitats which occur in or close to the application area may be affected include reefs and perennial vegetation of stony banks.
- The site is adjacent to the Mid-Clare SPA. Of particular concern is the potential disturbance to wintering birds and potential impacts on water quality.

European Sites

Two European sites were identified as being located within a potential zone of influence of the proposed development. These are:

- Carrowmore Point to Spanish Point and Islands SAC
- Mid Clare Coast SPA.

European Site	Qualifying Interests	Distance	Connections
Carrowmore Point to Spanish Point and Islands SAC	Coastal lagoons [1150] Reefs [1170] Perennial vegetation of stony banks [1220] Petrifying springs with tufa formation (Cratoneurion) [7220]	Partially within site	Direct
Mid Clare Coast SPA	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Barnacle Goose (<i>Branta leucopsis</i>) [A045]	Adjacent to site	Direct

	Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Sanderling (<i>Calidris alba</i>) [A144] Purple Sandpiper (<i>Calidris maritima</i>) [A148] Dunlin (<i>Calidris alpina</i>) [A149] Turnstone (<i>Arenaria interpres</i>) [A169] Wetland and Waterbirds [A999]			
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Likely impacts of the project alone or in combination with other plans and projects

There are no works proposed in the SAC/SPA. Therefore, there will be no risk of habitat loss /fragmentation.

In relation to construction impacts, it is possible that surface water runoff from the construction site could carry pollutants. Furthermore, in terms of operation impacts, it is noted that surface water will discharge to Sea, however, no further details are given.

Increased human disturbance at this site, particularly during the construction/ installation phase may cause disturbance to birds.

Likely significant effects on the European site(s) in view of the conservation objectives

Given the close proximity of the coast, there is little distance for the process of dilution of any pollutants or settlement of sediment to occur before reaching the sea and therefore this is considered a direct pathway. As outlined in the DAU submission, potential impacts on water quality and natural coastal processes resulting in impacts on Annex Habitat and/or species are of particular concern. Qualifying interest habitats which occur in or close to the application area may be affected include reefs and perennial vegetation of stony banks. With regards to wintering birds, there is also potential disturbance and potential impacts on water quality.

I consider that such impacts could be significant in terms of the stated conservation objectives of Carrowmore Point to Spanish Point and Islands SAC and Mid Clare Coast SPA when considered on their own in relation to pollution related pressures and disturbance on qualifying interest habitats/species noted above.

Overall Conclusion

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) I conclude that the proposed development could result in significant effect on the Carrowmore Point to Spanish Point and Islands SAC and Mid Clare Coast SPA.

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