



An
Coimisiún
Pleanála

Inspector's Report ABP-321208-24

Development	Importation of inert fill to agricultural lands.
Location	Clonmoney West, Shannon, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	2360568
Applicant(s)	Kieran Kelly Haulage Ltd
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party
Appellant(s)	Carolyn Meaney
Observer(s)	None
Date of Site Inspection	28 th March 2025
Inspector	Ciara McGuinness

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1.0 Site Location and Description

- 1.1. The subject site is located in the townland of Clonmoney West, c.1km to the east of Shannon town and c.1.5km to the west of Bunratty. The lands are accessed off the R471 (Shannon-Sixmilebridge Road). The subject site forms part of a larger agricultural landholding which is accessed via an existing agricultural gate off the R471. There is an existing farm access road running through the landholding which provides access to the subject site and to the proposed fill areas which are set back from the public road. The surrounding land uses are primarily agriculture.
- 1.2. The site has an area of 19.04ha, however the proposed fill areas relate to 3 no. smaller areas with a combined area of 3.26ha. The levels of the subject site vary significantly with the 3 no. fill areas comprising low lying areas within the site.
- 1.3. Two recorded monuments lie within the development site; Ref: CL051-0151 Ringfort Rath and CL051-152 Enclosure. A number of other monuments lie in close proximity to the subject site, many of which were identified during the R471 road improvement scheme.
- 1.4. A feeder stream to the Ballycasey Stream is located along the site boundary to the south of the site.

2.0 Proposed Development

- 2.1. The proposed development involves the infilling of lands with inert fill along with associated site works for the purpose of improving agricultural output.
- 2.2. The application site consists of an area of 19.03 hectares (ha,) with three separate infill areas as follows;
 - Area X - 0.73ha. approx.
 - Area Y - 1.55ha. approx.
 - Area Z - 1.60ha. approx.
- 2.3. The volume of proposed inert soil and stone estimated to fill the area is 117,294 tonnes (78,196m³) over a five-year period, with no single year exceeding a maximum tonnage of 25,000 tonnes. This will result in an average of approximately

4.1 trucks per day over a 5-year period. The applicant is proposing a voluntary limit of a maximum number of 12 trucks delivering material to the site per day.

- 2.4. The material will be pre-inspected and approved prior to transfer to the site and again inspected at the site. Site plant will include a bulldozer/excavator and wheelwash located adjacent to the entrance of the lands off the R471. The works includes importation and deposition of soil and stone material, grading of contours, spreading of topsoil and reseeding of lands to enable the site to be used as pasture lands for agricultural.
- 2.5. Following the recommendations of the Archaeological Impact Assessment, the proposed fill Areas Y and Z have been reduced in size from that originally proposed to 1.54ha and 0.99ha respectively. This has resulted in a reduction in the amount of fill required for the proposed development from the original volume of fill proposed of 78,196m³ to 68,633m³ (117,294 tons to 102,949 tons approx.). The revised rate of proposed importation will be less than 22,000 tonnes per annum, over a 5-year period. This will result in a reduction in the proposed truck movements per day from 4.1 to 3.6, with a maximum number of 8 trucks delivering material to the site per day proposed.
- 2.6. It is the applicant's intention to apply for a waste facility permit following the receipt of planning permission.
- 2.7. The application was accompanied by the following:
- Planning Support Statement
 - Preliminary Operational Traffic Management Plan
 - Appropriate Assessment Screening Report
 - Environmental Impact Assessment Screening Report

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued notification of a grant of permission for the proposed development on 14th October 2024 subject to 15 no. conditions.

- Condition 2 requires that the imported material comprise of inert soil, stone and topsoil only.
- Condition 3 states that planning permission will expire 5 years from the date of the final grant of permission and operations on site shall then cease.
- Condition 4 restricts the development to no more than 22,000m³ of inert material per annum.
- Condition 5 relates to the reinstatement of any defects to the R471.
- Condition 6 requires the measures set out in the Archaeological Assessment Report to be implemented.
- Condition 7 requires the development to be managed and operated in accordance with an Environmental Management System.
- Condition 8 requires the final use of the site to be for agricultural purposes.
- Condition 9 requires that trees and hedgerows on the boundaries of the site are retained and maintained.
- Condition 10 relates to operational hours of 08:00 to 18:00 Mondays to Friday, 0800 to 13:00 hours Saturday, with no works to take place on Sundays or public holidays.
- Condition 11 requires vehicles leaving the site to use the haul route outlined in the preliminary operational traffic plan.
- Condition 12 requires details of road signage and proposals for traffic management to be submitted and agreed with the Planning Authority.
- Condition 13 requires noise levels to not exceed 55dBA between 0800 and 1900 Mondays to Friday and 0800 and 13:00 on Saturdays, and 45dBA at any other time.
- Condition 14 requires that dust emissions will not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge).
- Condition 15 relates to the payment of a financial contribution.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report (dated 21/02/2024) considers that the most likely impacts on residential amenity relate to the traffic issues. The Preliminary Traffic Management Plan for the proposed development is considered acceptable. It is the Planner's view that the proposed development will not have a negative impact on traffic safety at this location. The proposal will not have a negative impact on the visual amenities of the area. Works are not proposed in the part of the site that is a Flood Zone. The application was discussed with the Environmental Assessment Officer (EAO) of Clare County Council in terms of Flood Risk. The EAO advised that it is of importance that the applicant only import the categories of material that have been stated, as the importation of alternative materials may have an impact in terms of flood risk and would require separate assessment. The Department of Housing, Local Government and Heritage have requested that an Archaeological Impact Assessment be carried out. Further Information was requested in this regard. The Planner's Report (dated 11/10/2024) considers that the response was sufficient to address the potential impact of the proposed development on archaeology and to provide for mitigation measures to ensure that archaeological features are protected. A grant of permission is recommended.

3.2.2. Other Technical Reports

Road Design Office – The R471 has a speed limit of 80kmph, and the standards found in DN- GEO_03060 'Geometric design of junctions (priority junctions, direct accesses, roundabouts, grade separated and compact grade separated junctions)' apply. Sight lines and sight stopping distance of 160m from a setback of 2.4m on eye height to an object height of .26m are required to comply with the above-mentioned standards. The Road Design Office Engineer inspected the site and is of the view that this standard has been achieved.

It is noted that if the bus stop east of the entrance is occupied by a bus, then the sight lines are impeded. The applicant has noted that a driver should give priority to the bus to pull out onto the public road before they exist the site.

3.3. **Prescribed Bodies**

TII – No observations to make on the application.

Development Applications Unit (DAU) - Department of Housing, Local

Government and Heritage – The site is located in proximity to a number of Recorded Monuments as follows:

- CL051-185002- (Habitation Site – identified during R471 road improvement works)
- CL051-151--- (Ringfort – rath)
- CL051-152---- (Enclosure)

It is recommended that an Archaeological Impact Assessment be requested as Further Information. The submitted FI was referred to the Department, however, no further submissions were received.

3.4. **Third Party Observations**

A single observation was received on the file from Carolyn Meaney (the appellant). The issues raised reflect the grounds of appeal which are discussed in Section 6.1 below.

A representation on the file from Cllr Ann Norton is noted.

4.0 **Planning History**

None.

5.0 **Policy Context**

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

The site is located in a rural area that is designated as a Working Landscape. Part of this site along the southern boundary and in an area where infilling is not proposed, is designated as a Flood Zone A. The wider lands to the south and west of this site are within flood zones A and B.

The following objectives are considered relevant.

CDP8.4 - Development Plan Objective: Agriculture a) To facilitate proposals for sustainable and economically efficient agricultural and horticultural development whilst maintaining and protecting the environment, the natural landscape and built heritage.

Objective CDP 11.38 Construction and Demolition Waste c) To encourage the development of C&D waste recycling facilities at suitable sites, including quarries, subject to normal planning and environmental considerations.

CDP11.36 Waste Transfer and Recovery Facilities a) To support the development of waste transfer and recovery facilities at appropriate locations in County Clare as a means of facilitating a reduction in the quantity of waste that goes to landfill disposal sites.

CDP11.35 Waste Management - b) To support and promote circular economy principles prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society.

CDP14.3 Western Corridor Working Landscape To ensure that particular regard should be had to avoiding intrusions on scenic routes and on ridges or shorelines.

CDP16.8 Sites, Features and Objects of Archaeological Interest a) To safeguard sites, features and objects of archaeological interest generally.

CDP16.10 Zones of Archaeological Potential To protect the Zones of Archaeological Potential located within both urban and rural areas as identified in the Record of Monuments and Places.

CDP2.6 Flood Risk Assessment and Management 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.

5.2. Natural Heritage Designations

Lower River Shannon SAC – c.0.5km to the south of the site

River Shannon and River Fergus Estuaries SPA – c.0.8km to the south of the site

Fergus Estuary and Inner Shannon, North Shore pNHA – c.0.8km to the south of the site

5.3. EIA Screening

- 5.3.1. The applicant has submitted an EIA Screening Report with the application (updated at FI stage) addressing issues included in Schedule 7A of the 2001 Regulations.
- 5.3.2. Based on the criteria in Schedule 7 of the 2001 Regulations, I have carried out an EIA screening determination of the project (included in Appendix 2 of this report). I have had regard to the information provided in the applicant's EIA Screening Report and other related assessments and reports included in the case file. I am satisfied that the submitted EIA Screening Report identifies and describes adequately the effects of the proposed development on the environment.
- 5.3.3. I have concluded that the proposed development would not be likely to have significant effects (in terms of extent, magnitude, complexity, probability, duration, frequency, or reversibility) on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.
- 5.3.4. This conclusion is based on regard being had to:
1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed development,
 - (b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
 2. the results of other relevant assessments of the effects on the environment submitted by the applicant
 3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is a third-party appeal by Carolyn Meaney against Clare County Council's decision to grant permission. The grounds of appeal can be summarised as follows

- The road is extremely busy and serves traffic from Sixmilebridge, Newmarket-on-Fergus and Bunratty. A huge volume of traffic uses this road to commute to school and work.
- The proposed development will result in trucks entering and egressing the site in excess of 12 times per day.
- Buses parking in the bus bay to the immediate right of the entrance will result in a traffic hazard.
- There is a double white line on this route which means traffic is not allowed overtake. Any trucks that would use the hard shoulder would cause traffic to cross the double white line which would impact oncoming traffic, and in turn pedestrian and cyclists that use the road.
- Trucks leaving the site and turning right will have to edge out and pull across the road into a steep uphill climb, which cannot be done quickly leading to traffic having to reduce their speed and brake sharply behind the truck.
- The appellant has concerns that conditions will not be complied with, in particular condition 6 in relation to archaeological monitoring.
- The Council have not included a condition for further checks such as a log of all trucks entering and existing the site so that the volume of inert fill is being tracked and monitored.
- The proposed development should not be granted due to flood risk. The site is in an area with high-extreme groundwater vulnerability.
- The applicant has a history of ignoring Clare County Council enforcements and An Bord Pleanála Orders.

- Compliance with the Clare County Development Plan 2023-2029 should be assessed in relation to this development.
- The applicant has recently been granted permission for a similar development in Cratloe. The site is 11km from the subject site and is more suitable as it does not have traffic, archaeological or flood risk issues.

6.2. Applicant Response

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

- The R471 is a regional road designed to accommodate a mix of vehicular traffic including heavy good vehicles (HGVs).
- TII reviewed the application and had no observations to make.
- The preliminary Operational Traffic Management Plan submitted with the application addresses safety issues which may arise from the proposed development.
- The applicant is not aware of any traffic along the R471 at any time of the day. It is not considered that an additional 8 loads maximum per day over a 5-year period would not contribute to significant congestion on this section of the R471.
- If the commission have concerns, the applicant is willing to accept a condition that schedules haulage operations outside peak traffic periods, particularly outside of school drop-off and pick up times to mitigate any potential congestion.
- The site entrance has been designed in accordance with TII standards ensuring adequate sightlines exceeding the minimum stopping sight distance requirements. Visibility spays are maintained to allow safe ingress and egress of vehicles.
- There will be no use of the hard shoulder as a slip road.
- The Road Design Report state that the standards for 'DN-GEO-03060 Geometric Design of Junctions (priority junctions, direct accesses,

roundabouts, grade separated, and compact grade separated junctions) May 2023' have been met.

- It is noted that the use of the bus bay is intermittent and when occupied by a bus any existing vehicle from the site will wait a short period for that bus to move on.
- The incline on the R471 is not steep and is designed to be within modern public road standards.
- If the board have concerns with regards to trucks exiting the site and turning right, the applicant will accept a condition requiring that all trucks exiting the site turn left onto the R471 and use the Balllycasey roundabout, taking the 4th exit to head south along the R471.
- There is no designated footpath or cycle track along the R471
- A comprehensive Archaeology Impact Assessment has been undertaken by a licensed archaeologist. The applicant agrees to implement a programme of archaeological monitoring in accordance with Condition 6 of the grant of permission.
- A detailed assessment of Flood Risk was undertaken and outlined in detail in Section 2.6 of the EIA Screening Report.
- The area planner was satisfied that the proposed development will not increase flood risk on-site or in surrounding areas. Appropriate drainage and soil management techniques are incorporated into the plan.
- Allegations relating to other sites are irrelevant and have no connection to the proposed development. Enforcement issues are not within the remit of the Commission.
- The proposed development aligns with the Clare County Development Plan 2023-2029, in terms of waste management policies, its locations in a western corridor working landscape and compliance with the relevant required environmental and technical assessments.

- The subject site is intended to be used for inert fill from the Shannon and Newmarket-on-Fergus areas. Having a number of sites in strategically located areas reduces travel distances, carbon footprint and costs for the business.
- A primary goal of the proposed development is to improve agricultural farmland by addressing the uneven topography and enhancing its usability for productive farming.

6.3. Planning Authority Response

A response from Clare County Council was received in a letter dated 3rd December 2024. In keeping with the provision of Clare County Development Plan and bearing in mind the requirement of facilities of this nature, both in Clare County and at a regional level, and having regard to the good quality road network at this location, it is considered that the proposed development at this location is acceptable and in keeping with County Development Plan Policy. It is requested that the Commission upholds permission.

6.4. Observations

None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the grounds of appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered can be assessed under the following headings:

- Traffic
- Archaeology
- Flooding
- Other Matters

7.2. Traffic Issues

- 7.2.1. The appellant has raised concerns about the proposed development and how it will impact upon the local road network. In particular, concerns are expressed with regard to existing significant volume of traffic on the road and the resulting traffic hazard from trucks entering and egressing the site.
- 7.2.2. The site is accessed from the R471 Regional Road. The access to the site abuts a long section of the road and adequate sight lines of 160m are achieved in both directions as shown on Drawing No. 7055-03-07. Sight distance has been based on the requirements for an 80kp/hr. speed limit zone as outlined in Table A2 of the Development Management Guidelines in the Clare County Development Plan 2023-2029. The Road Design Office have indicated their satisfaction with the sightlines, noting that the access complies with DN- GEO_03060 'Geometric design of junctions (priority junctions, direct accesses, roundabouts, grade separated, and compact grade separated junctions) May 2023'.
- 7.2.3. A Preliminary Operational Traffic Management Plan has been submitted with the application and updated as part of the Further Information response. The applicant has set out that the proposed development will result in 3.6 HGV movements per day (average). A proposed Haul Route is included in the traffic management plan with traffic from the north and south accessing the site via the N18 exiting at junction 7, with local traffic from Shannon coming from the Ballycasey roundabout onto the R471. The applicant has indicated that operations will not exceed 8 loads per day and is willing to accept a planning condition to this effect. Based on observations on the day of my site visit I do not consider this section of the R471 to be heavily trafficked. It is reasonable to conclude that the proposed development will not significantly impact the existing scenario given the relatively low level of additional traffic. Conditions 11 and 12 attached to the planning authorities grant of permission broadly refer to use of the designated haul route and details of road signage and traffic management at the site entrance. I consider that these conditions will assist in ensuring that the proposed development will not result in any significant traffic issues. I recommend that similarly worded conditions are attached if the Commission are minded to grant permission.
- 7.2.4. I note that the appellant has raised specific issues in relation to a steep incline on the R471, the impact on pedestrians and cyclists and the impact of the bus bay on the R471. I do not consider the incline on the R471 to be overly steep and as outlined

above sightlines have been achieved. The road does not have any formal footpaths or cycle routes on it. The immediate area is primarily in agricultural use and I do not anticipate that the road would be used frequently by pedestrians or cyclists. The applicant has commented on the bus stop, noting that its use is intermittent and when occupied by a bus any exiting vehicle from the site will wait a short period for that bus to move on. The Road Design Office have raised no issue with this approach.

- 7.2.5. Given the foregoing, I do not anticipate that the proposed development will adversely impact the area from a traffic/road safety perspective. This is due to the anticipated low level of traffic movements and the good quality road network in the vicinity of the site. I also note that no issues in relation to the proposed development have been raised by TII. Overall, I am satisfied that the proposed development is acceptable in terms of traffic safety.

7.3. Archaeological Impact

- 7.3.1. There are two recorded monuments within the subject site (CLO51-151 Ringfort-Rath and CLO51-152 Enclosure). There are also numerous other recorded monuments to the north of this site, close to the regional road identified during the R471 road improvement scheme. The designated monuments are protected under the Clare County Development Plan 2023-2029 (CDP 16.8) and by the National Monuments (Amendment) Act 2004.
- 7.3.2. I note the submission on the application from the DAU which recommended that an Archaeological Impact Assessment be carried out. In response to a request for Further Information in relation to same, the applicant submitted a Geophysical Survey Report prepared by J.M Leigh Surveys Ltd and an Archaeological Assessment Report prepared by TVAS Ireland Ltd. Test excavation (under license) took place at the subject site as part of the Archaeological Impact Assessment. No features or artefacts were found. This report provides recommendations in relation to amendment of the Area Z, originally proposed as a 1.59 ha area which has now been amended to 0.99ha due to three earth and stone banks examined in Trench 21 at the northern part of Area Z. No subsurface work and no ground disturbance is proposed and a buffer area of 40m is provided between the boundary of the fill areas

and the external perimeter of the recorded monuments. The fill areas are already accessible by field roads, which are well established.

- 7.3.3. No further submission was received from the DAU with regards to the Further Information submitted. The Planning Authority considers that the details as submitted are sufficient to address their concerns regarding the potential impact of the proposed development on archaeology and to provide for mitigation measures to ensure that any archaeological features are protected. I note that Condition 6 attached to grant of permission requires all measures within the report to be implemented and that archaeological monitoring is undertaken for the proposed works. I am satisfied that development would not have an adverse impact on the archaeological heritage of the area subject to the attachment of a similarly worded condition. I note the appellant's concerns with regards to compliance with this condition. The applicant has specifically stated their intention to comply with the condition. Enforcement of same is a matter for the Planning Authority.

7.4. Flooding

- 7.4.1. The appellant contends that the proposed development should not be granted due to flood risk. I have reviewed the OPW Flood maps which indicate that a small section of the southern part of the site, is designated as being in Flood Zone A and B. No past flood event is noted within the immediate area or in the wider area. No works are proposed in the part of the site that is within Flood Zone A and B.
- 7.4.2. The fill areas comprise natural depressions within the site. The Planner's Report details discussions had with the Environmental Assessment Officer in terms of flood risk. The EAO has advised that it is of importance that the applicant only import the categories of material that been stated on the details submitted, as the importation of alternative materials may have an impact in terms of flood risk and would require separate assessment. In this regard I note that Condition 2 attached to the grant of permission requires that the imported material to be deposited on the land shall comprise of inert soil, stone and topsoil only. I recommend that if the Board is disposed towards a grant of permission, that a similarly worded condition be attached to any such grant.
- 7.4.3. I am satisfied that the proposed infill areas are located outside of any areas at risk of flooding. I do not consider that a grant of planning permission in this instance will

exacerbate any potential risk of flooding subject to the attachment of the above condition.

7.5. Other Matters

Conditions

- 7.5.1. The appellants contend that the Council have not imposed a condition which would require the truck movements and the volume of fill entering the site to be tracked and monitored. I note condition 4(c) attached to the grant of permission requires a record of the loads imported to the site to be retained by the applicant/developer and made available to the Planning Authority on request. I recommend that a similarly worded condition is attached to any grant of permission.

Development not related to the appeal site

- 7.5.2. The appellants have referred to other sites in relation to enforcement issues and as potential alternatives to the proposed development. I have had regard to development related to the application/appeal before me. The suitability of other sites not the subject of this application is not a matter for the Commission to comment on. I would also note enforcement issues are not within the remit of the Commission.

8.0 AA Screening

See completed screening determination form in Appendix 3. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lower River Shannon SAC (002165) and the River Shannon and River Fergus Estuaries SPA (004077), or any other European Site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The objective information in the submitted Appropriate Assessment Screening Report

- Nature and scale of the proposed development
- Standard site management controls that would be employed regardless of proximity to a European site and the effectiveness of same.
- No significant ex-situ impacts on wintering birds
- Taking into account the determination of the Planning Authority

9.0 Water Framework Directive

A feeder stream to the Ballycasey Stream is located within the site boundary to the south of the site.

The proposed development comprises the importation of inert fill to agricultural lands as set out in Section 2 of this report. Fill Area Z which is closest to the feeder stream, was designed and selected to ensure no encroachment on this feeder stream catchment and ensure natural topographic containment of the fill area.

No water deterioration concerns were raised during the planning application or appeal.

I have assessed the proposed dwelling 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 :

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest Water bodies and lack of hydrological connections

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

It is recommended that permission be GRANTED subject to conditions for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the location of the lands within a rural agricultural area, the purpose of the development to improve agricultural land, to the nature and volume of inert material to be imported into the site and associated low volume of traffic movements likely to be generated, it is considered that, subject to compliance with the conditions set out below, the proposed development would not endanger public safety by reason of a traffic hazard, would not adversely affect the residential, visual, or cultural amenities of the area, would be acceptable in terms of biodiversity and would not increase the risk of flooding. It is, therefore, considered that the proposed development would be in accordance with objectives CDP11.36(a) (waste transfer and recovery facilities), CDP 11.38(c) (construction and demolition waste) and CDP8.4 (Agriculture) of the Clare County Development Plan 2023-2029, and therefore, would be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. 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 received by the planning authority on the 17th day of September 2024, 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.

Reason: In the interest of clarity.

2. The imported material to be deposited on the land shall comprise of inert soil, stone and topsoil only, and shall be levelled, contoured and seeded upon the completion of the works and protected until established.

Reason: In order to assimilate the development into the surrounding rural landscape, in the interest of visual amenity.

3. (a) This permission shall apply for a period of five years from the date of this Order. Following the expiration of this period, the importation of material to the site and operations on site shall cease.

(b) Reinstatement works shall be completed in accordance with a plan to be submitted to the planning authority for their written approval prior to commencement of development.

Reason: In the interest of clarity.

4. (a) The maximum quantity of inert soil and stone to be accepted at the site shall not exceed 102,950 tonnes in total over the period referred to in condition number 3 and shall not exceed 22,000 tonnes in any one year.

(b) The developer shall keep a written record onsite of all the material imported to the site (volume and classification) and this shall be made available for inspection by the planning authority upon request.

(c) A maximum of 5 loads per day shall be imported to the site.

Reason: In the interest of clarity, traffic safety, to protected residential amenities and for the protection of the environment.

5. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:

(a) The developer shall be responsible for the full cost of repair in respect of any damage caused to the public roadway arising from the construction works and operations and shall make good any damage to the road to the satisfaction of the planning authority.

- (b) Proposals for the suppression of dust on site and on the access road.
- (c) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
- (d) Proposals for the disposal of waste material offsite.
- (e) Proposals to prevent the introduction of invasive species onsite.
- (f) Proposals for keeping the public road free of muck, dirt and debris including cleaning arrangements, and location of the wheelwash facility.
- (g) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: In order to safeguard local amenities.

6. The final use of the site after completion of the importation of materials shall be for agricultural purposes only and the lands shall be reinstated, and infrastructure associated with the proposed development removed to the written satisfaction of the planning authority.

Reason: In the interest of clarity.

7. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment prepared by TVAS Ireland Ltd submitted as Further Information on 17th September 2024 shall be implemented in full. The planning authority and the National Monuments Service 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.

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

8. (a) All trees and hedgerows on the boundaries of the site shall be retained and maintained, with the exception to those necessary to provide for the proposed entrance and sightlines.
- (b) Any hedgerow removed to the west of the proposed entrance to accommodate sightlines shall be replanted with native species along the new

boundary with the public road and such details shall be submitted to the planning authority for their written approval prior to commencement of the development.

(c) All hedgerow/tree removal and stripping of soils shall be undertaken outside the bird breeding season.

Reason: In the interest of visual amenity and biodiversity.

9. The importation of inert soil and stone and the operation of associated machinery shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, between 0800 to 1300 hours on Saturdays and not at all on Sundays, bank or 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 the interest of good traffic management and to protect the amenities of the area.

10. Vehicles transporting material to the site and leaving the site shall use the haul route outlined within the submitted preliminary operational traffic management plan submitted to the planning authority on 7th September 2023.

Reason: In the interest of traffic safety and residential amenity.

11. Details of road signage, including advance warning notices along the public road, and proposals for traffic management at the site entrance, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

12. The noise level from within the boundaries of the site, measured at noise sensitive locations in the vicinity, shall not exceed (a) an L_{Ar,T} value of 55 dB(A) between the hours of 0800 and 1900 from Mondays to Fridays and between the hours of 0800 and 1400 on Saturdays (excluding public holidays); and (b) an L_{Aeq, T} value of 45 dB(A) at any other time.

Reason: To protect the residential amenities of property in the vicinity.

13. During the construction stage, dust emissions shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days

(Bergerhoff Gauge).

Reason: To protect biodiversity and the residential amenities of property in the vicinity.

14. 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 the 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

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.

Ciara McGuinness
Planning Inspector

4th November 2025

Appendix 1 - Form 1 - EIA Pre-Screening

Case Reference	ABP-321208-24
Proposed Development Summary	Importation of inert fill to agricultural lands.
Development Address	Clonmoney West, Shannon, Co. Clare
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (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.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 1(a) Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.</p> <p>Class 11(b): Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.</p> <p>Class 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p> <p>The proposed development is sub-threshold. Infill area amounts to 3.26 Hectares. Intake will not exceed 22,000 tonnes per annum</p>

4. 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)?	
Yes <input checked="" type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2 - Form 3 – EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP-321208-24	
Development Summary	Importation of inert fill to agricultural lands.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	Refer to Planner's Report
2. Has Schedule 7A information been submitted?	Yes	EIA Screening Report submitted
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening Report submitted.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	N/A	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA was undertaken by the planning authority in respect of the Clare County Development Plan 2023-2029.

B. EXAMINATION	Yes/ No/ Uncertain	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<p>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</p>			
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The proposed development involves the importation of inert soil and stone material for the filling of areas within a site in order to improve the agricultural output of the site. There is a clear consistency in the nature of development with the surrounding area, primarily comprising agricultural grassland.</p>	<p>No</p>
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The development involves the importation of clean inert soil and stone material for the filling lands. Fill areas were based on the natural topography resulting in minimal changes in the locality. The area of land proposed for infilling does not require the removal of drains or ditches or provision of service roads.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water,</p>	<p>No</p>	<p>The proposed development involves the importation of inert fill with standard construction</p>	<p>No</p>

materials/minerals or energy, especially resources which are non-renewable or in short supply?		methods employed and equipment used. There is no significant use of natural resources anticipated.	
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Plant/machinery used will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature, and the implementation of the standard construction practice measures would satisfactorily mitigate potential impacts.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	The development involves the importation of clean inert material only. Construction machinery may give rise to potentially harmful materials, such as fuels and oil leak. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and the implementation of standard construction practice measures would satisfactorily mitigate the potential impacts.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	There will be no groundwater or surface water discharge associated with the proposed development. The risk of contamination to ground or water bodies are mitigated and managed, as outlined in Q1.5 above, I do not consider this aspect of the project likely to result in a significant effect on the environment.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably	No

		mitigated by the standard construction practice measures.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	The material will be pre-inspected and approved prior to transfer to the site and again inspected at the site to ensure no contamination. The sites natural topography, general site management (including timing of works) and normal best practice site management, will ensure there is no runoff of contaminated storm waters from the works area to surface water and no disturbance of the receiving environment. The development is likely to give rise to dust emissions. Such impacts would be temporary and localised in nature and the application of standard construction measures would satisfactorily address potential risks on human health.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk is predicted having regard to the nature and scale of the development.	No
1.10 Will the project affect the social environment (population, employment)	No	The development would not result in an increase in population/employment in this area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	The proposed development involves the importation of inert fill to agricultural lands for improved agricultural output. The project is not part of a wider large-scale change that could result in cumulative effects on the environment.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:	Yes	The project is not located in, on, or adjoining any European site, any designated or proposed NHA, or any other listed area of ecological interest or	No

<ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 		<p>protection. There are European sites within a possible influence of the proposed development. The River Fergus and River Shannon Estuary (SPA Site Code 004077) and Lower River Shannon (SAC Site Code 002165) are located c.0.8km to the south of the site. Refer to Appendix 3 below for AA Screening Determination. Having carried out screening for Appropriate Assessment of the project, it was concluded that a Stage 2 Appropriate Assessment is not required.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	Yes	<p>The site is not under any wildlife or conservation designation. The area of proposed works relates to three separate relatively small areas within an overall larger agricultural landholding. The proposed development will result in an improved agricultural output. Any protected, important or sensitive species of flora or fauna which use areas around the site, are not likely to be affected by the project.</p>	No
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	Yes	<p>An Archaeological Impact Assessment was undertaken for the proposed development. There are two listed monuments within the lands. Suitable buffer zones are provided to ensure no encroachment on these areas. No excavation works are associated with the proposed filling and existing land roads can be used to access the fill areas. Archaeological monitoring is recommended and can be achieved by attached condition. I do not consider the project is likely to result in a significant negative effect on the</p>	No

		environment in terms of archaeology and cultural heritage.	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	No such resources on or close to the site	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	The Ballycasey stream meanders on the western boundary of the lands, before entering the Upper Shannon Estuary approximately 1km south of the subject site. There is no formal piped drainage system on these lands. All surface water drains to ground. The proposed fill areas are well outside the general risk area of flooding. The proposed development will not give rise to an increased risk of flooding and imported soils are more likely to attenuate sub-surface water flow.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No evidence of these risks	No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site is served by a regional road (R471). No significant contribution to traffic congestion is anticipated to arise from the proposed development.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	The site is not near any hospital/schools. There is no negative impact anticipated as a result of the proposal.	No

3. Any other factors that should be considered which could lead to environmental impacts

3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	There are no transboundary effects arising	No
3.3 Are there any other relevant considerations?	No	N/A	No

C. CONCLUSION

No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required

D. MAIN REASONS AND CONSIDERATIONS

EG - EIAR not Required

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed development,
 - (b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. the results of other relevant assessments of the effects on the environment submitted by the applicant

3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____ Date _____

Approved (DP/ADP) _____ Date _____

Appendix 3 – Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project		Importation of inert fill to agricultural lands.		
Brief description of development site characteristics and potential impact mechanisms		<p>The proposed development consists of the importation of inert fill to agricultural lands to improve the agricultural output.</p> <p>The filling of lands is confined to areas x, y and z which have a natural low-lying topography.</p> <p>Given the nature of the proposed development, there are no formal drainage proposals associated with the development.</p> <p>A feeder stream to the Ballycasey Stream is located along the site boundary to the south of the site. No filling is proposed in this part of the site.</p>		
Screening report		<p>Yes – AA Screening Report submitted by the applicant</p> <p>AA Screening Assessment was carried out by the Planning Authority and appended to the Planner's Report. The proposed development was screened out in terms of Appropriate Assessment.</p>		
Natura Impact Statement		No		
Relevant submissions		N/A		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
<p>Two European sites were identified as being within a potential zone of influence of the proposed development using SPR linkages; Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA.</p> <p>Four other sites were considered in the AA Screening Report. On the basis of the absence of connectivity and no potential transfer of impact between the development site and the designated sites, these site are not considered further in screening.</p>				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N

Lower River Shannon SAC	Site specific cons obj	c.0.5km	No direct Connection Indirect connection via surface water run-off and Ballycasey Stream	Yes
River Shannon and River Fergus Estuaries SPA	Site specific cons obj	c.0.8km	No direct Connection Indirect connection via surface water run-off and Ballycasey Stream	Yes
Lough Gash Turlough SAC	ConservationObjectives.rdl	c.6km	No	No
Ratty River Cave SAC	ConservationObjectives.rdl	c.8km	No	No
Glenomra Wood SAC	ConservationObjectives.rdl	c.9km	No	No
Danes Hole, Poulnalecka SAC	ConservationObjectives.rdl	c.7km	No	No

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

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Lower River Shannon SAC (002165) Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150]	Direct: None. Indirect: A feeder stream to the Ballycasey Stream establishes a hydrological pathway to the River Shannon. Potential impact mechanisms are the discharge of contaminated surface drainage waters / runoff during the works resulting in a deterioration in downstream surface water quality.	The nature of the works, the contained nature of the fill areas (natural topography), normal best practice site management, and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the SCI listed.

<p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-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>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>Conservation objectives would not be undermined.</p>
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<p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>		
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
<p>Site 2: River Shannon and River Fergus Estuaries SPA (004077)</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Scaup (Aythya marila) [A062]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p>	As above.	<p>The nature of the works, the contained nature of the fill areas (natural topography), normal best practice site management, and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed.</p> <p>The site has not been identified as an ex-situ site for qualifying interests.</p> <p>Conservation objectives would not be undermined.</p>

Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Greenshank (Tringa nebularia) [A164] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wigeon (Mareca penelope) [A855] Shoveler (Spatula clypeata) [A857] Wetland and Waterbirds [A999]		
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on the Lower River Shannon SAC (002165) and the River Shannon and River Fergus Estuaries SPA (004077). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions. Standard pollution control measures would be put in place. These measures are standard practice for such sites and would be required for a development on any such site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites.</p>		
Screening Determination		
Finding of no likely significant effects In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lower River Shannon SAC (002165) and the River		

Shannon and River Fergus Estuaries SPA (004077), or any other European Site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The objective information in the submitted Appropriate Assessment Screening Report
- Nature and scale of the proposed development
- Standard site management controls that would be employed regardless of proximity to a European site and the effectiveness of same.
- No significant ex-situ impacts on wintering birds
- Taking into account the determination of the Planning Authority

Appendix 4 – WFD Impact Assessment Stage 1: Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	321208-24	Townland, address	Clonmoney West, Shannon, Co. Clare
Description of project	Importation of inert fill to agricultural lands.		
Brief site description, relevant to WFD Screening,	Site is located in a rural location within an area of uneven topography with well drained soils. A feeder stream to the Ballycasey Stream is located along the site boundary to the south of the site. Fill Area Z, which is closest to the feeder stream, was designed and selected to ensure no encroachment on this feeder stream catchment and ensure natural topographic containment of the fill area.		
Proposed surface water details	Not applicable. Proposed development is for the importation of inert fill. No formal drainage system on the site.		
Proposed water supply source & available capacity	Not applicable		

Proposed wastewater treatment system & available capacity, other issues			Not applicable			
Others?			Not applicable			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	200m	URLAN BEG_010	Moderate	Review	-	Yes – feeder stream to Ballycasey stream located within the site boundary

Groundwater waterbody		Underlying site	Tulla- Newmarket on Fergus IE_SH_G_229	Good	Not at risk	No pressures	Free draining soil conditions.
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.							
CONSTRUCTION PHASE							
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	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	URLAN BEG_010	Existing stream	Siltation, Hydrocarbon spillages	Standard Construction Measures/ Conditons	No	Screened out

2.	Ground	Tulla- Newmarket on Fergus IE_SH_G_229	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out
OPERATIONAL PHASE							
3.	Surface	URLAN BEG_010	None	None	None	No	Screened out
4.	Ground	Tulla- Newmarket on Fergus IE_SH_G_229	None	None	None	No	Screened out
DECOMMISSIONING PHASE							
5.	N/A						