



An
Bord
Pleanála

Inspector's Report ABP-321738-25

Development	Refurbishment/provision of an access road and gateway from the public road; retention/refurbishment of an existing cottage; provision of 4 dwelling units and all other ancillary site works.
Location	'Lakelands', Clonfinlough, Co. Offaly
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	2460035
Applicant(s)	Tony Kilduff
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Tony Kilduff
Observer(s)	None
Date of Site Inspection	25/04/2025
Inspector	Ronan Murphy

1.0 Site Location and Description

- 1.1. The location of the proposed development is within a triangular greenfield site, currently under agricultural use. The site is positioned to the south of an unclassified rural road which joins the L7012 ca. 0.45 km to the northeast of the proposed access point. The rural road continues to the southwest, where it provides access to agricultural lands and three farmsteads.

2.0 Proposed Development

- 2.1. On the 2nd of February 2024, planning permission was sought for a development comprising the provision of an access road from a new entrance gateway from the public road, the refurbishment of an existing c.19th cottage (73.8sq.m.), the construction of 4 no. single storey dwellings, three of which are to be used as live / work units, fourth to be used as a private dwelling, solar array.
- 2.2. In addition to the required plans and particulars the application was accompanied by:
- Natura Impact Statement
 - Archaeological Report
 - Letter of consent from the landowner
 - Habitat Directive Screening Report, Bat Survey Report
 - Letter from Royal Hibernian Academy of Arts
 - Site Characterisation Report

3.0 Planning Authority Assessment

3.1. Prescribed Bodies

3.1.1. Development Applications Unit of the Dept. of Housing, Local Government and Heritage:

Nature Conservation: Possible error in AA screening report and NIS as a stream named Drumcliff Glebe could not be found. While the waterbody in question is named Glebe 25 (EPA Code 25G91) within the flow network, it is named Blackwater (Shannonbridge) 20 under the River Waterbody WFD Status 2016-2021. The status of this waterbody is described as 'moderate' and not 'good' for the period 2016-2021. Additionally, this waterbody is described as at risk of not meeting its Water Framework Objectives and has been recommended as an Area for Action, specifically as an Area for Protection under the 3rd cycle of the River Basin Management Plan. There is a

hydrological connection from this waterbody to Fin Lough (Offaly) Special Area of Conservation (SAC) (Site Code: 000576). Clarification is required in relation to the current status of this waterbody. Further information is required.

The Department considers that connectivity between the proposed development site and nearby Special Protection Areas (SPA) Mongan Bog SPA (Site Code: 004017), circa 1.3km from the site and Middle Shannon Callows SPA (Site Code: 004096), circa 2.6 km from the site) has not been ruled out. In particular, scientific evidence has not been provided to rule out ex situ Special Conservation Interest (SCI) bird use of the site. It is noted that the proposed development is within the foraging range of a number of SCI bird species. While the footprint of the development may be small, indirect impacts such as human disturbance may increase because of the development. Further information is required in order to rule out likely significant effects on Mongan Bog SPA and the Middle Shannon Callows SPA.

Fin Lough (Offaly) SAC lies circa 640 metres to the west of the proposed development site and is hydrologically and hydrogeologically connected to it. The latest Vertigo geyeri monitoring report states that there is a sizeable drain running into the lake (between polygons D/E and B/C) which has dense algal growth suggestive of high nutrient levels, or perhaps of silt run-off. This issue is likely to be emanating from outside the SAC boundary (e.g. scrub clearance has occurred on the nearby esker, and some nearby grasslands are likely to be fertilised) and requires liaison between local National Parks and Wildlife Service staff of this Department and local landowners. The Department considers that the proposed project may affect the following attribute and target used to define the following Conservation Objective for Alkaline Fen: Conservation Objective: To maintain the favourable conservation condition of Alkaline fens in Fin Lough (Offaly) SAC, which is defined by attributes and targets including the following³ : Attribute: Ecosystem function: hydrology - groundwater levels Target: Maintain, or where necessary restore, appropriate natural hydrological regimes necessary to support the natural structure and functioning of the habitat.

The Conservation Objective notes that regional abstraction of groundwater may affect fen groundwater levels. The Department considers that impacts of abstraction of groundwater to service the development at operational stage must be assessed, in combination with other developments, on the ability to achieve this conservation

objective based on the above attribute and target. This may require specialist input from a Hydrogeologist. Impacts to groundwater recharge should also be assessed, as well as the impacts of vegetation management using pesticides, including under the proposed solar panels. The impacts of drainage associated with the proposed development (i.e. associated with roads and the proposed buildings and solar panels) on surface and groundwater flow must be assessed. Further information is required.

The Department considers that the proposed project may affect the following attribute and target used to define the following Conservation Objective for Alkaline Fen: Conservation Objective: To maintain the favourable conservation condition of Alkaline fens in Fin Lough (Offaly) SAC, which is defined by attributes and targets including the following: Attribute: Vegetation composition: non-native species Target: Cover of non-native species less than 1% Non-native species can be invasive and have deleterious effects on native vegetation. A low target is set as non-native species can spread rapidly and are most easily dealt with when still at lower abundances. The Glebe Stream provides a pathway for non-native species to spread from the development site to Fin Lough SAC. From the plans provided it is not clear what plants will be used for Landscaping purposes or from where stone (a potential source of non-native species) for the proposed development will be sourced. Further information is required so this potential source of impact on the SAC's Conservation Objectives can be ruled out. The NIS states that the elements of the proposed development identified as having potential to affect the Fin Lough SAC are the release of sediment and/or pollutants during construction work. Given the location of the development within c.20m of the Glebe Stream which is hydrologically connected to Fin Lough SAC and is an 'at risk' waterbody, as described above, the Department considers that, depending on future management of the riparian area, there is potential for the development to affect Fin Lough through run off of pollutants, spread of invasive species etc. The Department recommends that this potential impact source is assessed and suitable mitigation put in place, such as the long-term maintenance of a suitably sized natural riparian buffer zone and appropriate horticultural planting within the proposed development site for example. This is in accordance with policy BLP-20 of the Offaly County Development Plan Further information is required.

Matters related to Ecological Impact

The Department notes that a townland boundary lies along the eastern boundary of the proposed development site. It is shown on the Historic 6-inch Map (1837-1842) which is evidence that it likely is or was a feature of high ecological, historical and landscape significance. The Department advises that this hedgerow should be appraised for ecological significance in accordance with The Heritage Council's Hedgerow Appraisal System. Root Protection Areas should be calculated as outlined in the NRAs 'Guidelines for the Protection and Preservation of Trees, Hedgerows and Scrub Prior to, During and Post Construction of National Road Schemes' and included in the survey report with any other required mitigation and compensation measures to avoid impacts on it, where required. This is in accordance with policy BLP-24 of the Offaly County Development Plan.

The Department considers that the impact of landscape planting must be assessed, including the impact of any screens to vegetation to shield the area from lighting as outlined in the Bat Survey Report and proposals to screen the proposed ground-mounted solar panels. The species to be used in landscaping must be listed. Due to the sensitivity of the site, the Department recommends that native species of local provenance or if unavailable national provenance are used. Provenance has the meaning given in the UK National Plant Specification, indicating the exact source of the young plants or propagation material. It would be helpful if a Landscaping Plan was provided as further information in the regard.

- 3.1.2. **An Taisce:** notes that site lies in close proximity to Blackwater (Shannonbridge) stream at its southern boundary. This stream is hydrologically connected to the Fin Lough SAC (site code: 000576), which is also designated as a pNHA (proposed Natural Heritage Area). States that it is important to preserve the integrity of these waterbodies under the Water Framework Directive (WFD) given the aforementioned hydrological connectivity and the fact that the stream is designated as moderate water quality status and is at risk of not achieving good status by 2027, under the WFD. Proposal should be assessed against Article 4 of the WFD to determine whether the project may cause a deterioration of the status of a surface or ground water body or if it may jeopardise the attainment of good surface or ground water status or of good ecological potential and good surface or ground water chemical status. States that the mitigation measures proposed during the construction phase within the Natura

Impact Statement (NIS) are lacking sufficient detail, stating that “during the construction phase, best practices will be employed to minimise the release of sediment laden water runoff”. Requests that Further information be requested for more detail to ensure that the integrity of the stream is fully preserved.

3.2. **Third Party Observations**

- 3.2.1. One submission to the Planning Authority raised concerns regarding the ability of the local road to cope with more traffic, condition of local road, impact on existing water source, impact of proposed solar array.

3.3. **Initial Assessment of Application, Planning Authority Reports on file**

- 3.3.1. **Birr Municipal District:** notes that entrance has already been constructed, limited number of passing locations on narrow cul-de-sac, proposed development would create additional traffic. Suggested improvements to the entrance should be requested by way of Further information. Further information required regarding parking, turning areas required.
- 3.3.2. **Water Services:** Further information required on protection of groundwater, permission to connect to Clonfinlough GWS, watermain layout drawing, details of water attenuation system for surface water, additional SuDS, Glint & Glare Assessment, battery sill / leak management details, details of perimeter fencing.
- Planning Report:** Notes that retention permission was not sought for refurbishment of existing cottage on site. Notes that the site is located in a rural area under strong urban influence, a landscape area with low sensitivity, source protection zone of the Clonfinlough GWS and an Area of Special Control, partially located within a protected view and that there are two national monuments to the southwest of the site. States that the Planning Authority are satisfied with the visual impact of the proposal. Notes that no concerns were raised regarding archaeological issues. Notes the reports of the DoHLGH, An Taisce and internal reports and recommends that further information be sought on these matters.

3.4. **Further information**

- 3.4.1. On the 27th March 2024 the Planning Authority issued a request to address the ten matters of further information. The applicant requested an extension of time to respond and on the 25th September 2024, a response to the RFI was received by the

Planning Authority. The Planning Authority subsequently considered the response to be Significant and the applicant was required to re-advertise the response.

3.4.2. The applicant's Further information response can be summarised as follows:

- Details of design team for the proposed development
- Revised drawings, including new redline boundary (site area reduced from 8.28ha to 1.1ha.), amended site layout plan with details of parking provision.
- Engineering report
- Planning Cover letter
- Landscape Masterplan
- Confirmation that retention planning permission is not required for the proposed refurbishment of the existing cottage
- Preliminary CEMP
- Hydrology Impact Assessment

3.5. Reports on File Following Submission of Further information

3.5.1. **Central Fire Station:** No objection to the granting of planning permission.

3.5.2. **Birr Municipal District:** submitted documentation has addressed the concerns raised. No objection to the proposed development subject to recommended conditions regarding surface water, visibility, native hedgerow, Wildlife Act and possible condition regarding traditional stone wall.

3.5.3. **Water Services:** Clarification of Further information should be requested as per the comments of the DAU of the DoH, LG&H.

3.5.4. **Planning Report:** Notes that notwithstanding the submission of the applicant, the AA and the NIS were not revised in response to the further information request. Planning report addresses each item of Further information and the response of the applicant. The planner states that there is no opportunity to seek CFI on the matters raised by the Dept, the application should be refused on the grounds that reasonable doubt remains as to the actual effects of the proposed development on a European Site. Recommendation to refuse for one reason. Planning report is accompanied by an AA Screening report.

- 3.6. **Prescribed Body Submission following submission of Further information**
- 3.6.1. **Development Applications Unit of the Dept. of Housing, Local Government and Heritage:**

Hydrology Impact Assessment

The Hydrology Impact Assessment (HIA) concluded that the new sources of hydrological impact associated with the proposed development site (Domestic Waste Water Treatment System (DWWTS), surface water runoff from housing development and solar array) would not have significant effects on the receptors (stream, Fin Lough, bedrock aquifer and existing boreholes in the vicinity of the site) provided that mitigation measures as described in the assessment were implemented. It concluded that the soil and subsoil would permit infiltration and attenuation of treated discharge from the DWWTS, and that mitigation measures to address surface runoff from roofs, paved areas and solar panels will slow flow to the stream, attenuate flow and lengthen the flow path via soil cover. It states that recharge would not be impacted by the development, and that the extraction of groundwater from the on-site well will be minimal and would not significantly affect the water table or recharge. Based on an assessment of the physical characteristics of the site and the proposed development, it appears that adequate consideration has been given to most of the potential impacts of the proposed development on surface water and groundwater receptors at the site location. However, the HIA does not consider the potential cumulative hydrological impacts of the development on Fin Lough (Offaly) Special Area of Conservation (SAC) (Site Code: 000576), particularly whether abstraction at the proposed site, in combination with other developments, would have an impact on the Conservation Objectives of Fin Lough (Offaly) SAC.

Appropriate Assessment (AA) Screening and Natura Impact Statement (NIS)

The AA Screening (section 5.4.1) identifies a) deterioration of water quality and b) changes to the hydrological regime, as potential impacts on the Qualifying Interests (QI) at Fin Lough (Offaly) SAC (Alkaline Fens and *Vertigo geyeri*). It states that “it is unlikely that construction works will have any impact on groundwater” (section 5.4.1). The NIS goes on to address the water quality risks from on-site pollution during the construction and operation stages of the development and assesses proposed mitigation measures. In section 6.1 (Assessment of the effects of the project or plan

on the integrity of Natura 2000 Sites), and all associated subsections, only one element (the release of sediment and/or pollutants during construction works) is considered. Potential impacts to the hydrological regime (as identified in AA Screening) are not addressed. In summary, while the NIS assesses impacts of the proposed development on water quality, it does not address potential direct, indirect and/or cumulative impacts of hydrological changes post-construction on the QIs at Fin Lough.

Other issues

- The DWWTS proposed for the site is considered adequate to meet the treatment needs of the proposed development. It consists of a Molloy Environmental Chieftain SBR (Sequencing Batch Reactor) sewage treatment system (6000l tank) with a secondary polishing filter (discharge surface area = 75.0m²). Tertiary treatment would generally be required if the discharge was to be reused e.g. as drinking water but this is not the case for the proposed development.
- The riparian buffer width should adhere to that outlined in the County Offaly Development Plan (BLP-20) which states that “It is Council policy to preserve riparian buffer strips free from development by reserving a minimum of 10 metres either side of all watercourses (measured from top of bank) with the full extent of the protection determined on a case by case basis by the Council, based on site specific characteristics and sensitivities” (County Offaly Development Plan).

More information:

- Details on the raingarden (construction, maintenance) are limited. More information is required on how it will be constructed and what measures are in place for maintenance to ensure it operates effectively.
- Details are needed on the proposed maintenance of the petrol interceptor which receives runoff from the car parking area.
- The solar array and associated M+E shed or battery storage is poorly described in the documents. In addition, the orientation of the solar array is different between Drawing no. 804 (Tom Creed, 2022/02) and Drawing no. 24013-KCE-00-DR-C-00-0001 (Killian Engineering Consultants). Both the final orientation and battery supply/storage area need to be clarified. The Further Information (FI) response from

the Planning Partnership refers to a reduced scale of battery storage (2.6.2 Design Team Response to FI Item No. 6 (b)) but this needs further clarification. It is not clear where runoff from such a storage area will be directed.

- As the proposed development will host artists, it is important that consideration is given to proper disposal of artists' materials. Paints, thinners, solvents etc. should not be discharged to the DWWTS. Clarification of Further information is required on disposal of hazardous materials.
- The Landscaping Plan is difficult to view and interpret in its current form. It should indicate distances to the stream at the southern boundary of the site.

Conclusion

From a hydrological viewpoint, the main potential risks associated with the proposed development (during construction and operation phases) are pollution of the adjacent stream and groundwater, and a contribution to cumulative abstraction pressures on Fin Lough (Offaly) SAC. While the current proposed development may not have significant effects on surface water and groundwater quantity and quality in the immediate vicinity of the site, any potential contribution over time to cumulative pressures (particularly on groundwater water levels) in Fin Lough are not clear. Neither the HIA nor the NIS adequately address this issue.

3.7. Decision

3.7.1. On the 18th December 2024, the Planning Authority issued a notification of their intention to REFUSE permission for the following reason:

- 1 The Offaly County Development Plan 2021-2027 policy BLP-02 states that 'it is Council policy to conserve and protect habitats and species listed in the Annexes of the EU Habitats Directive (92/43/EEC) (as amended) and the Birds Directive (2009/147/EC), the Wildlife Acts 1976 (as amended) and the Flora Protection Orders'. The Planning Authority is not satisfied on the basis of the submitted Natura Impact Assessment received by the Planning Authority, the Hydrological Impact Assessment and response to the Request for Further Information received by the Planning Authority on the 25th September 2024 that the proposed development individually or in combination with other plans of projects would not adversely affect the integrity of a European site, Fin Lough

Special Area of Conservation (Site Code: 000576). The submitted information is inadequate and fails to consider the potential cumulative hydrological impacts of the development, in combination with other developments, on the Conservation Objectives of Fin Lough Special Area of Conservation (Site Code: 000576) particularly having regard to cumulative pressures on groundwater levels in Fin Lough. The Planning Authority therefore concludes that reasonable doubt remains as to the actual effects of the proposed development on the conservation objectives and site integrity of Fin Lough Special Area of Conservation and the proposal would contravene materially policy BLP-02 of the Offaly County Development Plan 2021-2027

4.0 Planning History

- 4.1.1. Planning Authority reg. ref. **23/168**: Application for development similar to that currently proposed withdrawn in December 2023.

5.0 Policy Context

5.1. Offaly County Development Plan 2021-2027

- 5.1.1. Subject site is located on unzoned land 'Open Countryside', to the east of the settlement of Clonfinlough Sráid. Section 13.9.3 of the development plan refers to residential development in the Open Countryside.
- 5.1.2. Policies related to the proposed development include:
- 5.1.3. **BLP-01** It is Council policy to protect, conserve, and seek to enhance the county's biodiversity and ecological connectivity.
- 5.1.4. **BLP-02** It is Council policy to conserve and protect habitats and species listed in the Annexes of the EU Habitats Directive (92/43/EEC) (as amended) and the Birds Directive (2009/147/EC), the Wildlife Acts 1976 (as amended) and the Flora Protection Orders.
- 5.1.5. **TRP-30**: It is Council policy to promote and facilitate the role of arts, heritage and culture in recognition of its importance to people's identity and the potential for economic development through a unique cultural tourism offering, including the development of themed trails to showcase Offaly's rich monastic heritage, culture and food offering.

- 5.1.6. **SICCDP-01** It is Council policy to assist, where feasible, in the provision and extension of social, community and cultural facilities and amenities within the county in a low carbon climate resilient and environmentally sustainable manner to serve individual communities throughout the county.
- 5.1.7. **SICCDP-24:** It is Council policy to support and facilitate the establishment of co-working/ remote working hubs and creative hubs as either standalone facilities themselves or ancillary to public buildings, libraries and community centres or in towns and village centres as appropriate.
- 5.1.8. **Section 4.14.1** 'Landscape Sensitivity' of the Offaly County Development Plan 2021-2027, identifies the subject site as being located in a 'Low Sensitivity Area'. Such areas are described in Table 4.18 as follows:

Low sensitivity areas are robust landscapes which are tolerant to change, such as the county's main urban and farming areas, which have the ability to accommodate development. Sensitivities:

- These areas in general can absorb quite effectively, appropriately designed and located development in all categories (including: telecommunication masts and wind energy installations, afforestation and agricultural structures).
- Within the rural areas, development shall be screened by appropriate natural boundaries that are sympathetic to the landscape generally, where possible.
- New housing proposed in rural areas should respect Offaly County Councils Rural Housing Design Guidelines, together with conformity with development standards.

Acceptability of Development for consideration: A wide range of development subject to appropriateness / conditions

5.2. **Natural Heritage Designations**

- 5.2.1. The subject site is located 0.6km east of Fin Lough SAC (000576), 1.2km south of Mongan Bog SAC (000580), Mongan Bog SPA (004017), 2km south of Pilgrims Road Esker SAC (001776), and approx. 4km east of the River Shannon Callows SAC.

6.0 **EIA Screening**

- 6.1.1. I note the public notices description of the proposed development refers to retention / refurbishment of an existing cottage. During the course of the assessment, the applicant indicated that this was an error and referred to the retention of the cottage

within the development as opposed to the retention of development. The Coimisiún will note that retention permission was not sought.

- 6.1.2. Having regard to the nature and scale of the development in an established urban and industrial area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Refer to Form 1 and 2 appended to this appeal.

7.0 WFD Screening

- 7.1.1. The Glebe / Blackwater stream runs along the southern boundary of the subject site, and the site overlies the groundwater body GWDTE Fin Lough fen.
- 7.1.2. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 7.1.3. 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 (river or groundwaters) 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. I draw the Coimisiún's attention to Appendix 5 attached to this report.

8.0 The Appeal

8.1. Grounds of Appeal

- 8.1.1. An agent for the applicant has appealed the decision of the Planning Authority to refuse permission. The appellant states the development was amended in response to the further information request of the Planning Authority and requests the Coimisiún to consider the proposed development as follows:

Permission for development of a live/work development at Lakelands, Clonfinlough on approx 1.10 Hectares of land. This will consist of the provision of an access road and an improved entrance from the public road. The refurbishment of an existing (19th Century) single storey, stone built, farm cottage (area 73.8m²) to be repurposed as a communal kitchen and dining area and extended to provide a WC block on the north gable of the cottage. The provision of four new single storey dwellings, three of which are single bed live/work artist studio units. The fourth house will be a two-bed house for the sole use of the owner/operator, facility manager. The Gross floor areas of new development will be 505.5 m². The units are proposed to be powered by a solar array laid out at ground level on the site. It is proposed that water will be provided from a well on site, and surface water run-off will be attenuated and filtered for re-used as non-potable (grey)water. The group of houses will be serviced in terms of foul water and waste requirements by a proposed septic tank system built and installed to specifications by specialists. The application is supplemented by a landscape masterplan to enhance the setting of the development. A Natura Impact Statement (N.I.S.) has been prepared and accompanies this application

8.1.2. The appeal submission quotes the reason for refusal and refers to sections 7.14 and 7.15 of the development management guidelines. The appellant states it can be understood that the proposed development is acceptable other than the one reason provided by Offaly County Council. The appellant notes that the reason for refusal refers to a material contravention of the development plan and states that the proposed development is not a material contravention and that the Coimisiún can grant permission without recourse to section 37(2)(b) of the development plan.

8.1.3. The grounds of the appeal can be summarised as follows:

- The appeal submission provides details of the site location and description.
- The appeal notes that the Offaly County Council planning report refers to being unable to seek clarification of Further information and asks why. The appellant notes provisions 34(8)(c), 34(8) (ca) and 35 of the Planning and Development Act 2000, as amended and asks why the Planning Authority did not provide notification following the receipt of Further Information (25th September 2024), but only upon

receipt of Significant Further Information notices (SFI notices received 26th October 2024, Notification sent 30th October 2024).

- It is submitted that if the Department had received notification from the Planning Authority in September 2024, there would have been sufficient time to seek clarification of further information.
- It is submitted that the proposed development is not materially contrary to policy BLP-02 of the development plan.
- The Applicants response to the request for further information included an Ecological Response Statement but a drafting error referred to an updated AA and NIS. The appeal is accompanied by an updated and re-issued AA and NIS (January 2025). This incorporates the information in the Ecological Response statement and additional amendments made on foot of the submission made by the Department of Housing, Local Government and Heritage.
- It is submitted that it is clear from the Planning Authority planning report that the principal matters of concern are those raised by the Department of Housing, Local Government and Heritage in the submission made by the Development Applications Unit (DAU).
- From the appellants analysis of the report, it is stated that the DAU identify as the main potential risks associated with the proposed development (during construction and operation phases): pollution of the adjacent stream and groundwater, and a contribution to cumulative abstraction pressures on Fin Lough (Offaly) SAC.
 - In relation to the Hydrology Impact Assessment, the DAU noted that that the potential cumulative hydrological impacts of the development on Fin Lough (Offaly) SAC had not been adequately considered, in particular whether abstraction at the proposed site, in combination with other developments, would have an impact on the Conservation Objectives of Fin Lough (Offaly) SAC.
 - In relation to the AA Screening and NIS, the DAU considered that not all of the potential impacts on the Qualifying Interests at Fin Lough (Offaly) SAC identified in the AA Screening Statement had been subsequently

addressed in the NIS, namely potential impacts to the hydrological regime, including potential direct, indirect and/or cumulative impacts of hydrological changes post-construction on the QIs at Fin Lough.

- the DAU noted that “the current proposed development may not have significant effects on surface water and groundwater quantity and quality in the immediate vicinity of the site”.
- The appellant states that from this, it can be assumed that the DAU’s concerns related to the pollution of the adjacent stream and ground water have been alleviated and as such the principal outstanding issue relates to lacunae in the supporting documentation relating to cumulative pressure on Fin Lough SAC post construction.
- The Coimisiún are referred to the updated AA / NIS and Hydrology Impact Assessment.
- The Appropriate Assessment and Natura Impact Statement has been updated to address potential impacts to the hydrological regime, including potential direct, indirect and/or cumulative impacts of hydrological changes post-construction on the QIs at Fin Lough SAC. The Hydrology Impact Assessment has also been updated to address the potential cumulative hydrological impacts of the development on Fin Lough SAC, including whether abstraction at the proposed site, in combination with other developments, would have an impact on the Conservation Objectives of the Natura 2000 site.
- It is submitted that the documents demonstrate that the proposed development, in combination with other activities in the area, will not compromise the conservation objectives of any Natura 2000 site, including the Fin Lough SAC.
- In response to the raising of the issue of the Riparian Buffer by the DAU, the appellant draws the Coimisiún’s attention to the re-issued Landscape Plan showing a buffer zone of 15m including a 2m riparian buffer of native species, a demountable timber post, rail agricultural fence and a continued buffer zone of undisturbed grassland.

- Submitted engineering drawings provide detail on the proposed rain garden, designed in line with “Designing Rain Gardens: A Practical Guide.” The submitted engineering report provides details on construction and maintenance.
- Regarding the DAU’s comments on the petrol interceptor Engineering Drawings and a Report are submitted which provides additional details for the proposed petrol interceptor as includes installation, operation, and maintenance guidance.
- Responding to the DAU’s comments on the solar array and battery storage, the appellant notes that the proposal changed between initial application and further information. The revised proposal, closer to the buildings resulted in the omission of the stand-alone structure and replaced with a battery storage area within the private residence. Drawings and engineering report submitted.
- Responding to the DAU comment regarding waste management of artist supplies, the appellant states that the applicant intends to follow the guidance of the Regional Waste Management Offices, on behalf of the Department of Climate Action, Communications and the Environment. Waste artists’ materials will not be discharged into the wastewater treatment system, but will be stored in labelled, sealed containers and brought to a Civic Amenity site that accepts such materials. During the operational stage, future residents of the proposed development will receive an orientation at the beginning of their residency to discuss waste management, with additional printed instructions / signage to ensure the proper storage and disposal of artists’ materials takes place. The appellant states that they are happy to comply with any condition the Coimisiún attaches.
- Regarding the DAU comments that the landscaping plan is inadequate, the Coimisiún is referred to updated and revised drawings.
- In conclusion, the Coimisiún is requested to grant permission for the proposed development.

8.2. Planning Authority Response

- 8.2.1. The Coimisiún’s attention is brought to the technical reports on file. The Coimisiún is requested to support the decision of the Planning Authority to refuse permission.

8.3. Observations

8.3.1. None on file

8.4. Further Responses

8.4.1. None on file

9.0 Assessment

9.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the 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 are as follows

- Principle of Development
- Entrance
- Residential Development
- Impact on Natural Environment

9.2. Principle of Development

9.2.1. The appellant has requested the Coimisiún to consider a revised description of proposed development, noting that the proposed development was altered in response to the Planning Authority's request for further information. The area of the site is reduced from 8.2ha to 1.1ha, being confined to a section around the existing cottage rather than the entire triangular 'field'. The revised notice clarifies that retention permission is not sought – that it referred to the retention of the cottage rather than the retention of any development carried out. The revised description also provides greater detail on the solar array, water supply and disposal of surface and foul water. The proposed dwellings are unchanged, as is the proposed use of the structures. The Coimisiún will note that the development was re-advertised as being of significance during the course of the assessment with the Planning Authority but that the area of the site was not amended. I am satisfied that the amended red-line boundary cannot be considered at this stage.

9.3 Entrance

9.3.1 I draw the Coimisiún's attention to the statement in the Planning Authority report that the entrance on site appears to be a new entrance. This was not addressed by the appellant, nor did the Planning Authority request the applicant to seek retention permission during the Further Information stage. There is no other information on the file confirming or otherwise that the gateway is a new construction. Aerial imagery for the site is inconclusive. Noting that there must have been an access and path / road to the existing cottage at some point, the issue remains unclear. The Coimisiún may wish to seek further information or clarification on this matter.

An Coimisiún Pleanála Further Information

9.3.2 Having considered the above, the Coimisiún requested that the applicant confirm that the location of the gateway is consistent with the historical access point to the existing derelict cottage on site. The applicant responded to this request on 2nd July 2025, and it was decided that revised statutory notices were required. The notices were published on 12th August 2025 and the final date for observations on foot of the revised notice was 15th September 2005. I make the Coimisiún aware that no submissions with respect to the updated statutory notices were received.

9.3.3 The applicant's response states that the gateway is not at the same location as the historical access point associated with the existing derelict cottage on site. The applicant has stated that the pre-existing access was to an open field with no evidence on the ground of an historic track or road leading to the derelict cottage.

9.3.4 The existing access was laid out to serve a dual purpose of continued agricultural access to the lands combined with appropriate vehicular access to the forest plantation located to the south of the subject site. The access was installed in good faith on the understanding that such development was exempted development.

9.3.5 In this regard, the applicant states that the installation of the gateway could be considered to be Exempted Development having regard to Section 4(1) and Section 4(1)(i) of the Planning and Development Act 2000 (as amended).

9.3.6 Section 4(1) of the Planning and Development Act states that *'the following shall be exempted developments for the purposes of this Act—'*, Section 4(1)(i) of the Planning

and Development Act 2000 (as amended) states *development consisting of the thinning, felling and replanting of trees, forests and woodlands, the construction, maintenance and improvement of non-public roads serving forests and woodlands and works ancillary to that development, not including the replacement of broadleaf high forest by conifer species'*

9.3.7 In this regard I draw the attention to Table 1 and Figure 4 of the appellants response to the Further Information request which shows that the appellant owns c. 8.8ha of forestry parcels in 4 separate parcels. I note that the access comprises the construction of a non-public road serving forestry and having considered the provisions of Section 4(1) and 4 (1) (i) of the Planning and Development Act 2000 (as amended) I am satisfied that the access provides access to is exempted development.

Gate

9.3.8 In addition to the above, the applicant states that the gates on either side of the accessway can be considered to be exempted development having regard to Articles Class 9 of Schedule 2, Part 1 and Class 2 of Schedule 2 Part 3 of the Planning and Development Regulations 2001.

9.3.9 Class 9 of the Planning and Development Regulations 2001 (as amended) provides an exemption for *the construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway* with the limitation that *the height of any such structure shall not exceed 2 metres*

9.3.10 I am satisfied that that the gate as constructed does not bound or is within the curtilage of a house and is not greater than 2m in height. Therefore, I am satisfied that the gate can be considered to be exempted development.

9.4 Residential Development

9.4.1 The proposal includes the provision of 4 dwelling units and the refurbishment of an existing cottage. This would be made up of 3 No.1 bed live / work units and a separate 2 bed dwelling for the landowner.

9.4.2 The proposed residential element of the development would be laid out in a courtyard style, which would be set back c. 186m from the public road. The proposed live / work units would be c.6.3m in height and have floor areas of c. 88m² and would be finished

in a white render finish. The proposed 2 bed dwelling for the landowner would have a height of c. 6.8m and a floor area of c. 118.4m² with a white render finish.

- 9.4.3 The proposed development is not a standard residential development in the open countryside. Nor is it a commercial development. The application documentation refers to work/live artist units, lived in on a temporary basis. I consider this to fall under policy SICCDP-01, which states that it is Council policy to assist, where feasible, in the provision and extension of social, community and cultural facilities and amenities within the county in a low carbon climate resilient and environmentally sustainable manner to serve individual communities throughout the county.
- 9.4.4 Further, I note policy SICCDP-24 which states that it is Council policy to support and facilitate the establishment of co-working/ remote working hubs and creative hubs as either standalone facilities themselves or ancillary to public buildings, libraries and community centres or in towns and village centres as appropriate.
- 9.4.4 In addition to the above, I am satisfied that the proposed live / work units would not have any impact on the amenity of the surrounding area. I have come to this conclusion having regard to the set back of the units from the public road and the single storey, limited height design of the structures.
- 9.4.5 I note that the Planning Authority nor the appellant raised the principle of the development as an area of concern.
- 9.4.6 In their appeal, the appellant states that the Coimisiún need not involve the provisions of section 37(2)(a) of the Planning and Development Act 2000, as amended as the proposed development is not a material contravention of the policy. I agree. I consider the non-compliance with one single policy of a comprehensive County Development Plan does not represent a material contravention. I am satisfied that should the Coimisiún decide to grant permission, they need not invoke the provisions of section 37 of the Planning and Development Act 2000, as amended.

Wastewater Treatment

- 9.4.4 A site suitability assessment has been carried out, and it is noted that the site would be served by an onsite wastewater treatment system comprising of a Secondary Wastewater Treatment System (Molloy Environmental Systems Chieftain SBR septic tank 6,000 litre tank and a 75m² secondary polishing filter).

- 9.4.5 The Site Characterisation Form was prepared in accordance with the EPA Code of Practice, Domestic Wastewater Treatment Systems (2021). The underlying aquifer is categorised on the GSI maps and EPA Maps as LI 'Locally Important Aquifer - Bedrock which is Moderately Productive only in Local Zones. The groundwater in this area is classified as 'High Vulnerability' which is 'Groundwater here has natural characteristics that make it highly vulnerable to contamination by human activities.
- 9.4.6 During the site investigations a trial hole was dug to a depth of 2.15m, and bedrock and a water table were not encountered. The topsoil encountered comprised was classified as a fine loamy silt up to 150mm massive silt / clay to 650mm and a sandy silt granular with occasional cobbles and gravel lenses between 650mm and 2.150m.
- 9.4.7 The results of the subsurface percolation test for subsoil returned a percolation value of 7.42 minutes per 25mm. This value indicate that the site is suitable for the secondary treatment and soil polishing filter proposed.
- 9.4.8 I have considered the proposal in light of the setbacks set out in Table 6.2 of the EPA Guidelines and I am satisfied that all setbacks can be achieved. Notwithstanding this, I note that the proposed tank is and percolation area are c.1m from the internal road and this is below the set back of 4m as set out in Table 6.2 of the EPA Guidelines. While this is the case, this matter could be dealt with by way of condition requiring that the wastewater treatment facility achieves all of the setbacks set out in Table 6.2 of the EPA Guidelines.
- 9.4.9 Having considered the above, I am satisfied that wastewater treatment would comply with the EPA Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) 2021.

9.5 Impact on Natural Environment

Background

- 9.5.4 An updated NIS / AA screening submitted with the appeal. However, upon inspection of updated NIS / AA screening document it was noted that the NPWS published new Conservation Objectives Series for the Mongan Bog SPA (Site Code: 004017). In light of this, the Coimisiún requested that the applicant provide an updated AA Screening Report / Natura Impact Statement and Hydrology Impact Assessment by way of Further Information.

9.5.5 The applicant responded to this request on 2nd July 2025, and it was decided that revised statutory notices were required. The notices were published on 12th August 2025 and the final date for observations on foot of the revised notice was 15th September 2025. I make the Coimisiún aware that no submissions with respect to the updated statutory notices were received.

Updated AA Screening Report / Natura Impact Statement

9.5.6 The Planning Authority's single reason for refusal refers to the need to protect habitats and species listed in the Annexes of the EU Habitats Directive (92/43/EEC) (as amended) and the Birds Directive (2009/147/EC), the Wildlife Acts 1976 (as amended) and the Flora Protection Orders. The reason for refusal states that the proposed development would contravene materially policy BLP-02 of the *Offaly County Development Plan 2021-2027*.

9.5.7 In the interest of completeness, I outline the process of the issue through the Planning Authority as follows: The DAU commented on the original application with the AA Screening Report / NIS, noting the following:

- Waterbody adjoining the subject site has a WFD status of 'moderate', at risk of not meeting its WFD objectives
- Connectivity between the subject site and nearby Special Protection Areas (SPA) Mongan Bog SPA (Site Code: 004017), circa 1.3km from the site and Middle Shannon Callows SPA (Site Code: 004096), circa 2.6 km from the site) has not been ruled out,
- scientific evidence has not been provided to rule out ex-situ Special Conservation Interest (SCI) bird use of the site,
- regional abstraction of groundwater may affect fen groundwater levels. The Department considers that impacts of abstraction of groundwater to service the development at operational stage must be assessed, in combination with other developments, on the ability to achieve this conservation objective based on the stated Conservation Objective attribute and target. The DAU noted that this may require assessment of groundwater recharge and the impact of pesticide use under the solar array,

- impact of drainage associated with the proposed development (i.e. associated with roads and the proposed buildings and solar panels) on surface and groundwater flow must be assessed,
- noting that the Glebe Stream provides a pathway for non-native species to spread from the development site to Fin Lough SAC, further information on landscaping is required to rule out impact on the CO's of the site,
- the long-term maintenance of a suitably sized natural riparian buffer zone and appropriate horticultural planting within the proposed development site may be required to address the potential for the development to affect Fin Lough through run off of pollutants, spread of invasive species,
- assess the ecological importance of the hedgerow along the eastern boundary of the site,
- impact of landscape planting must be assessed, including
- the impact of any screens to vegetation to shield the area from lighting as outlined in the Bat Survey Report and proposals to screen the proposed ground-mounted solar panels.

9.5.8 The Planning Authority noted this submission and requested the applicant to address the matters (and other raised by other departments and prescribed bodies) by way of a request for further information. The applicant responded in September 2024. In response to the specific issues raised by the DAU, the applicant responded as follows:

- Notes that the watercourse is called the Blackwater (Shannonbridge)_020, EPA name: Glebe 25, EPA number: 25G91. The River Waterbody WFD Status 2016-2021 for this watercourse is 'Moderate'. The watercourse is listed as 'At Risk' under the WFD Risk 3rd Cycle.
- Notes that the application site has been significantly reduced in size, to 1.1ha,
- States that following information received from the NPWS:
 - there is no evidence suggesting that Greenland White-fronted Goose use the lands within or directly adjacent to the proposed site,
 - that the site does not provide any suitable Corncrake habitat,

- that the proposed site does provide some suitable foraging habitat for Curlew but does not contain any suitable breeding habitat,
- that there were no records of Corncrake or Curlew within or directly adjacent to the proposed site.
- The NPWS data included no records of any of the other SCI species associated with the Middle Shannon Callows SPA; Whooper Swan (*Cygnus cygnus*), Wigeon (*Anas penelope*), Golden Plover (*Pluvialis apricaria*), Lapwing (*Vanellus vanellus*), Black-tailed Godwit (*Limosa limosa*), Black-headed Gull (*Chroicocephalus ridibundus*),
- that no disturbance or displacement related effects to Wigeon or Black-tailed Godwit are considered likely as the subject site consists of grazed and managed improved grasslands
- that the habitats present on site are not typical foraging habitats and so are unlikely to be used by Golden Plover or Lapwing. Therefore, disturbance or displacement related effects are not considered likely
- lack of suitable roosting sites within or directly adjacent to the proposed site means o disturbance or displacement related effects on Black-headed Gull are considered likely
- There is no suitable roosting habitat for Whooper Swan within or adjacent to the site. The landholding does contain some suitable foraging habitat, however, there are no records of Whooper Swan using the fields within the landholding

9.5.9 The DAU commented on the applicant's further information response, as follows:

- while the NIS assesses impacts of the proposed development on water quality, it does not address potential direct, indirect and/or cumulative impacts of hydrological changes post-construction on the QIs at Fin Lough
- DWWTS is considered adequate,
- Riparian buffer should be free from development by reserving a minimum of 10 metres either side of all watercourses (measured from top of bank) with the full

extent of the protection determined on a case-by-case basis by the Council, based on site specific characteristics and sensitivities

- More information on the rain garden is required
- Details are needed on the proposed maintenance of the petrol interceptor which receives runoff from the car parking area.
- With regard to the solar array and associated M+E shed the final orientation and battery supply/storage area need to be clarified. The Further Information (FI) response refers to a reduced scale of battery storage, but this needs further clarification. It is not clear where runoff from such a storage area will be directed
- consideration must be given to proper disposal of artists' materials and other hazardous materials
- landscaping plan must indicate distances to the stream at the southern boundary of the site.

9.5.10 The DAU comment on the further information submission concludes with the statement that while the current proposed development may not have significant effects on surface water and groundwater quantity and quality in the immediate vicinity of the site, any potential contribution over time to cumulative pressures (particularly on groundwater water levels) in Fin Lough are not clear.

9.5.11 In their appeal of the decision of the Planning Authority, the applicant submits an updated AA and NIS (January 2025) and updated Hydrology Impact Assessment (January 2025). The Coimisiún will note that the Conservation Objectives for the Mongan Bog SPA (004017) were updated in April 2025, after the appellant submitted the appeal to the Coimisiún.

9.5.12 In light of the updated Conservation Objectives for the Mongan Bog SPA (004017), the applicants were requested to provide an updated AA Screening Report / Natura Impact Statement. This updated screening report is considered below.

Post Coimisiún FI request AA Screening and NIS

9.5.13 An updated AA Screening Report, prepared by JKW Environmental was received on 2nd July 2025. Table 5.1 of the report identifies 14 Natura 2000 designated sites within 15km of the appeal site. Four sites were identified whereby a potential for likely

significant impacts could not be ruled out in the absence of mitigation measures and therefore further assessment was required. These sites were as follows:

European Site	Distance	Qualifying Interests	Screened in / Out
Fin Lough (Offaly) SAC (Site Code: 000576)	630m to the west	Alkaline fens [7230] Vertigo geyeri (Geyer's Whorl Snail) [1013]	Screened in- Potential pathway for likely significant effects on the SAC due to deterioration of water quality and or groundwater levels via groundwater pathways.
Mongan Bog SAC (Site Code: 000580)	1.2km to the northwest	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	Screened In – Potential pathway for likely significant effects on the SAC due to deterioration of water quality via groundwater pathways.
Mongan Bog SPA (Site Code: 004017)	1.3km northwest	Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]	Potential pathway for likely significant effects on the SAC due to deterioration of water quality and or groundwater levels via groundwater pathways.

Middle Shannon Callow's SPA (004096)	2.6km northwest	Whooper Swan (<i>Cygnus cygnus</i>) [A038] Corncrake (<i>Crex crex</i>) [A122] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Lapwing (<i>Vanellus vanellus</i>) [A142] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wigeon (<i>Mareca penelope</i>) [A855] Wetland and Waterbirds [A999]	Screened In – Due to distance and the location of development inland, this SPA is deemed outside the zone of influence.
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9.3.11 Site specific conservation objective has been prepared for Fin Lough (Offaly) SAC (Site Code: 000576) which is summarised as to maintain the favourable conservation condition of Alkaline fens in Fin Lough (Offaly) SAC and to maintain the favourable conservation condition of Geyer's Whorl Snail in Fin Lough (Offaly) SAC.

9.3.12 Site specific conservation objective has been prepared for Mongan Bog SAC (Site Code: 000580) which is summarised as to restore the favourable conservation condition of Active raised bogs in Mongan Bog SAC. It is noted that the long-term aim

for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in Mongan Bog SAC and that Depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in Mongan Bog SAC.

9.3.13 Site specific conservation objective has been prepared for Mongan Bog SPA (Site Code: 004017) which can be summarised as to restore the Favourable conservation condition of Greenland White-fronted Goose in Mongan Bog SPA.

9.3.14 Site specific conservation objective has been prepared for Middle Shannon Callows SPA (004096) which can be summarised as to maintain the favourable conservation condition of whooper swan in Middle Shannon Callows SPA, to restore the favourable conservation condition of wigeon in Middle Shannon Callows SPA, to maintain the favourable conservation condition of golden plover in Middle Shannon Callows SPA, to restore the favourable conservation condition of lapwing in Middle Shannon Callows SPA, to restore the favourable conservation condition of Black-tailed godwit in Middle Shannon Callows SPA, to restore the favourable conservation condition of black-headed gull in Middle Shannon Callows SPA, to maintain the favourable conservation condition of wetlands in Middle Shannon Callows SPA. It is noted that the status of corncrake as a Species of Conservation Interest for the Middle Shannon Callows SPA is currently under review. The outcome of this review will determine whether a site-specific conservation objective is set for this species.

9.3.15 The following Natura sites were screened out:

- Pilgrim's Road Esker SAC (Site Code: 001776)
- River Shannon Callows SAC (Site Code: 000216)
- Ferbane Bog SAC (Site Code: 000575)
- Carn Bog SAC (Site Code: 002336)
- Moyclare Bog (Site Code: 000581)
- Castlesampson Esker SAC (Site Code: 001625)

- Crosswood Bog SAC (Site Code: 002337)
- Lough Rae SAC (Site Code: 000440)
- River Suck Callows SPA (Site Code: 004097)
- Lough Ree SPA (Site Code: 004064)

9.3.12 These sites were screened out as there is not hydrological connectivity between the appeal site and the Natura 2000 site and there is no potential for likely significant effects on each of the sites when considered in the absence of any mitigation individually or cumulatively with other plans or projects.

Mitigation measures

9.3.13 The NIS set out a large number of mitigation measures for the Storage / Use of materials, plant and equipment, the protection of surface and groundwater, dust control, flora and fauna and the protection of surface and groundwater. I the Coimisiún aware that a full description of the proposed mitigation measures is set out in Appendix 4 below.

Construction phase

9.3.14 I note that the NIS identifies a large number of mitigation measures in relation to the construction phase of the proposed development. In summary, these mitigation measures cover the storage of materials, plant and equipment, buffer zones to watercourses, correct storage of hazardous materials, prevention of fuels and silty water from entering ground water by use of silt fences, cut off drains, silt traps. Soil stripping to occur outside of periods of wet weather, all construction works to be carried out to best practice with standard environmental controls in place, all works to comply with IFI Biosecurity Protocols and Guidance, Trucks leaving with excavated material will be covered, speed limits of 15kmph or less to reduce dust generation, no removal of habitats or movement of construction machinery will occur outside of the development works area / footprint during the construction phase. There shall be no removal of hedgerows or trees within the site. There will be no removal of woody vegetation during the bird breeding season, and no nighttime lighting will be permitted on the site during the construction phase.

9.3.15 I am satisfied that the implementation of the mitigation measures proposed for the construction phase of the proposed development will ensure that the proposed development will not adversely affect the integrity of European sites in view of the sites' Conservation Objectives.

Operation phase

9.3.15 The NIS identifies a number of mitigation measures in respect of the operational phase of the proposed development. In summary, these mitigation measures include 2m riparian strips along the Glebe Stream, the installation of a wastewater treatment system, a range of SuDS measures (including rainwater harvesting tanks, permeable paving, rain gardens and petrol interceptor), all surface water drainage will pass through a hydrocarbon interceptor before being discharged to the raingarden, a battery storage building will house the battery storage system for the solar array, emergency plans will be implemented to manage risks associated with battery leaks, no pesticides will be used on site.

9.3.16 I am satisfied that the implementation of the mitigation measures proposed for the operation phase of the proposed development will ensure that the proposed development will not adversely affect the integrity of European sites in view of the sites Conservation Objectives.

Cumulative Impacts

9.3.14 I make the Coimisiún aware that I have reviewed the submitted NIS, the Department of Housing, Local Government and Heritage's National Planning Application database and EIA Portal and the Offaly County Council's planning register. I note that while there are a number of applications in the area, the majority of these applications are for new single dwellings, extension to existing houses, various small scale retention applications for existing dwellings and other smaller development types.

9.3.15 I make the Coimisiún aware that Clonfinlough project and Blackwater Bog Rehabilitation Project is located in proximity to the proposal. The project area spans 554 hectares and is of importance to the Fin Lough SAC. The project seeks to stabilise and restore the ecological balance of the site following the cessation of industrial peat production. The NIS notes that the proposed development will not result in any residual adverse effects in combination effects on the integrity or conservation with other plans or projects in the area.

9.3.16 Having considered all of the foregoing, I am satisfied that the subject application will have no cumulative impacts on the protected sites Fin Lough (Offaly) SAC (Site Code: 000576), Mongan Bog SAC (Site Code: 000580), Mongan Bog SPA (Site Code: 004017) and Middle Shannon Callows SPA (004096) or any Natura 2000 site when considered in combination with properly assessed developments.

Appropriate Assessment Conclusion

9.3.17 Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Fin Lough (Offaly) SAC (Site Code: 000576), Mongan Bog SAC (Site Code: 000580), Mongan Bog SPA (Site Code: 004017) and Middle Shannon Callows SPA (004096) or any Natura 2000 site when considered in combination with properly assessed developments.

9.3.18 This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects. Regard has been had in particular to the detailed mitigation proposed for the construction and operation of the proposed farm buildings and structures.

Hydrology Impact Assessment

9.3.19 The aim of the Hydrology Impact Assessment is to assess the hydrology of the proposed development, to examine the effects of the proposed development in the identified hydrological receptors and examine mitigation measures.

9.3.20 This report uses the source-pathway-receptor model to assess any impacts on existing streams, Fin Lough and ground water. In this regard I note that the report includes mitigation measures with regard to the wastewater system, surface water run-off from roofs, permeable paving areas and the private solar farm.

9.3.21 In addition to this, the report includes the updated new Conservation Objectives series for the Mongan Bog SPA (Site Code: 004017).

9.3.22 I note the concerns of the DAU relating to the potential cumulative hydrological impacts of the development on Fin Lough (Offaly) SAC had not been adequately considered in the Hydrology Impact Assessment submitted to the Planning authority during the initial application, in particular whether abstraction at the proposed site, in combination with other developments, would have an impact on the Conservation Objectives of Fin

Lough (Offaly) SAC. I note that this matter has been considered in the Hydrology Impact Assessment submitted with the first party appeal. The report notes that the two existing wells and the well on site are not having a significant effect on the Locally Important Aquifer and in turn the Fin Lough SAC. In addition to this, the Clonmacnoise gravel and sand aquifer is not affected by the well on the subject site and other private wells of dwelling houses in the area along the regional road (R444) and L7014 within the Fin Lough groundwater body are on the Clonmacnoise gravel and sand aquifer.

9.3.23 The report concludes that the proposed development would not cause significant effects on the stream on the southern boundary of the land and in turn the Fin Lough SAC, the wells in the vicinity or the group water scheme well. In addition to this, the recharge of the groundwater aquifer would not be affected by the proposed development.

9.3.24 Having considered the Hydrology Impact Assessment I am satisfied that the proposed development would not have an adverse effect on identified hydrological receptors in the area.

10 Appropriate Assessment

Screening Determination - Finding of likely significant effects

10.1 In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Fin Lough SAC (000576), (SPA) Mongan Bog SAC (Site Code: 00000580), Mongan Bog SPA (004017) and Middle Shannon Callows SPA (Site Code: 004096) in view of the conservation objectives of a number of qualifying interest features of those sites.

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

Natura Impact Statement (NIS)

10.3 In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Fin Lough SAC (000576), (SPA) Mongan Bog SAC (Site Code: 00000580), Mongan Bog SPA (004017) and Middle Shannon Callows SPA (Site Code: 004096) in view of the

conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

10.4 Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Fin Lough SAC (000576), (SPA) Mongan Bog SAC (Site Code: 00000580), Mongan Bog SPA (004017) and Middle Shannon Callows SPA (Site Code: 004096) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

10.5 My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Fin Lough SAC (000576), (SPA) Mongan Bog SAC (Site Code: 00000580), Mongan Bog SPA (004017) and Middle Shannon Callows SPA (Site Code: 004096)

11. Water Framework Directive

11.1 The purpose of the EU Water Framework Directive is an initiative aimed at improving water quality throughout the European Union. The Directive was adopted in 2000 and requires governments to take a new approach to managing all their waters; rivers,

canals, lakes, reservoirs, groundwater, protected areas (including wetlands and other water dependent ecosystems), estuaries (transitional) and coastal waters.

- 11.2 An Coimisiún Pleanála and other statutory authorities cannot grant development consent where a proposed development would give rise to a deterioration in water quality.
- 11.3 The BLACKWATER (SHANNONBRIDGE)_020 IE_SH_25B270200 abuts the appeal site to the south. This waterbody is classification is at risk. This is illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/>).
- 11.4 With respect to ground water the EPA Water Maps (<https://gis.epa.ie/EPAMaps/Water>) identify that the groundwater in this area is classified as 'High Vulnerability' which is 'Groundwater here has natural characteristics that make it highly vulnerable to contamination by human activities'. The appeal site is also classified as 'Locally Important' which is described as 'Bedrock which is Moderately Productive only in Local Zones'
- 11.5 It is noted that the proposed development includes a wastewater system and a soil polishing filter. This system will ensure that no untreated wastewater would enter the groundwater.
- 11.6 I have assessed the proposal, and I 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.

11.7 The reason for this conclusion is as follows:

- The scale of the proposed development,
- The adequate treatment of wastewater within the site
- Mitigation measures with respect to protection of water as set in the Natura Impact Statement.

12 Recommendation

12.1 I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

13 Reasons and Consideration

Having regard to the provisions of the *Offaly County Development Plan 2021-2027* and the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14 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 25th day of September 2024 and by further information received by An Coimisiún Pleanála on 2nd July 2025 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 dwellings described as 'live-work units' shall be used as such and not for any other use including standard residential use without the written approval of the planning authority.

Reason: In the interest of clarity.

- 3 All mitigation measures outlined in the plans and particulars, including the AA Screening / Natura Impact Statement dated June 2025, Hydrological Impact Assessment dated June 2025 and the Preliminary Construction Environmental Management Plan (CEMP), shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health

- 4 Prior to the commencement of development, the developer shall submit for the written approval of the Planning Authority, a Hedgerow Ecological Significance Appraisal in accordance with The Heritage Council's Hedgerow Appraisal System. Root Protection Areas should be calculated as outlined in the NRAs 'Guidelines for the Protection and Preservation of Trees, Hedgerows and Scrub Prior to, During and Post Construction of National Road Schemes.' The appraisal shall include any required mitigation and compensation measures to avoid impacts on it, where required.

Reason: To comply with policy BLP-24 of the Offaly County Development Plan.

- 5 Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to

storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

6. Prior to the commencement of development, the developer shall submit for the written approval of the Planning Authority drawings showing that that the layout of the Wastewater Treatment system fully complies with the EPA Guidance *'The Environmental Protection Agency Code of Practice Domestic Wastewater Treatment Systems (Population Equivalent ≤10) to the satisfaction of the Local Authority'*

Reason: In the interest of public health

7. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

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

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

9. The landscaping scheme submitted with the planning application, as amended at further information stage shall be carried out in full. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced

within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

- 10 (a) A plan containing details for the management of waste and, in particular, recyclable materials and hazardous materials within the development, including the provision of facilities for the storage, separation and collection of all waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Ronan Murphy
Planning Inspector

17 June 2026

Form 1 EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321738-25		
Proposed Development Summary	Refurbishment/provision of an access road and gateway from the public road; refurbishment of an existing cottage; provision of 4 dwelling units and all other ancillary site works.		
Development Address	Clonfinlough, Co. Offaly		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
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		10(b)(i) construction of more than 500 dwelling units	Proceed to Q3.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		10(b)(i) construction of more than 500 dwelling units	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No		Pre-screening determination conclusion remains as above (Q1 to Q4)	

Inspector: _____ Date: 09/05/2025

Form 2 EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321738-25
Proposed Development Summary	Refurbishment/provision of an access road and gateway from the public road; refurbishment of an existing cottage; provision of 4 dwelling units and all other ancillary site works.
Development Address	Clonfinlough, Co. Offaly
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. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	Proposed development of four dwellings and the refurbishment of an existing cottage 73.8sq.m. of 505.5 sq.m. on a greenfield site of 1.1ha proposal includes a ground-mounted solar array consisting of six sets of ten photovoltaic panels positioned in two rows of three arrays
Location of development (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 zones, nature reserves, European sites, densely populated areas,	Greenfield site in an unzoned rural area, the Glebe Stream runs along the southern boundary of the site which flows into Fin Lough, a designated Special Area of Conservation (SAC).

landscapes, sites of historic, cultural or archaeological significance).		
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).		No impacts likely
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	
There is no real likelihood of significant effects on the environment.	EIA is not required.	

Inspector:

Date: 17 June 2026

Appendix 3 - AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Case file: ABP-321738-25	
Brief description of project	Refurbishment of existing derelict cottage, construction of four dwellings, solar array on a site of 8.8ha
Brief description of development site characteristics and potential impact mechanisms	Subject greenfield site is located approx. 640m to the east of Fin Lough (Offaly) SAC and is hydrologically and hydro geologically connected to it.
Screening report	Yes
Natura Impact Statement	Yes
Relevant submissions	DAU submission to the Planning Authority on the 11/03/2024 and 22/11/2024
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	
Four European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that the applicant included a greater number of European sites in their initial screening consideration with sites within 15km of the development site considered. There is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.	

European Site (code)	Qualifying interests (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Fin Lough Offaly SAC (000576)	Habitats: [7230] Alkaline Fens Species: [1013] Geyer's Whorl Snail (<i>Vertigo geyeri</i>) Fin Lough (Offaly) SAC National Parks & Wildlife Service Feb2019	c.640m	The Glebe stream which flows to the south of the Site provides a surface water pathway connecting the Site and the SAC. The subject site lies within the same groundwater body GWDTE-Fin as the SAC.	Y
Mongan Bog SAC (000580)	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150] Mongan Bog SAC National Parks & Wildlife Service April 2016	c.1.2km	There are no surface water pathways connecting the Site and the SAC. However, the SAC is partially located within the same groundwater body as the Site.	Y
Mongan Bog SPA (004017)	Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Mongan Bog SPA National Parks & Wildlife Service April 2025	1.3km	potential for ex-situ disturbance/displacement related effects to Greenland White-fronted Goose which may use the areas immediately surrounding the Site. There is no surface water pathway connecting the Site and the SPA. No potential for indirect effects on the SPA via surface water pathways was identified	Y

Middle Shannon Callows SPA (004096)	Whooper Swan (Cygnus cygnus) [A038] Wigeon (Anas penelope) [A050] Corncrake (Crex crex) [A122] Golden Plover (Pluvialis apricaria) [A140] Lapwing (Vanellus vanellus) [A142] Black-tailed Godwit (Limosa limosa) [A156] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wetland and Waterbirds [A999] Middle Shannon Callows SPA National Parks & Wildlife Service Nov 2022	2.6km	Site is located within the core foraging range from night roost during winter season for Whooper Swan of less than 5km (SNH,2016). Taking a precautionary approach there is the potential for ex situ disturbance/displacement related effects to Whooper Swan which may use the areas immediately surrounding the Site.	Y
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

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

Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Fin Lough Offaly SAC (000576)	Potential pathway for likely significant effects on the SAC.	Possibility to undermine the conservation objective due to deterioration of water quality via surface water and groundwater pathways

Likelihood of significant effects from proposed development: Yes	Potential for changes to groundwater levels within the SAC	possibility to undermine the conservation objective due to abstraction of water and changes to drainage patterns,
Mongan Bog SAC (000580) Likelihood of significant effects from proposed development: Yes	potential pathway for likely significant effects on the SAC	possibility to undermine the conservation objective due to deterioration of water quality and or groundwater levels via groundwater pathways,
Mongan Bog SPA (004017) Likelihood of significant effects from proposed development: Yes	There is no surface water pathway connecting the Site and the SPA. No potential for indirect effects on the SPA via surface water pathways identified	potential for ex-situ disturbance/displacement related effects to Greenland White-fronted Goose which may use the areas immediately surrounding the Site.
Middle Shannon Callows SPA (004096) Likelihood of significant effects from proposed development: Yes	Site is located within the core foraging range from night roost during winter season for Whooper Swan of less than 5km (SNH,2016).	potential for ex situ disturbance/displacement related effects to Whooper Swan which may use the areas immediately surrounding the Site.

Step 4 Conclude if the proposed development could result in likely significant effects on a European site.

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on the Fin Lough SAC (000576), (SPA) Mongan Bog SAC (Site Code: 00000580), Mongan Bog SPA (004017) and Middle Shannon Callows SPA (Site Code: 004096)

I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

Screening Determination

Finding of likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Fin Lough SAC (000576), (SPA) Mongan Bog SPA (Site Code: 004017), Mongan Bog SPA (004017) and Middle Shannon Callows SPA (Site Code: 004096), in view of the conservation objectives of a number of qualifying interest features of those sites.

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

Appendix 4 - Appropriate Assessment - AA Determination

Appropriate Assessment

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

Taking account of the preceding screening determination at appendix 3 of my report, the following is an appropriate assessment of the implications of the proposed development of four dwellings and retention of an existing derelict cottage in view of the relevant conservation objectives of the Fin Lough SAC (000576), (SPA) Mongan Bog SAC (Site Code: 00000580), Mongan Bog SPA (004017) and Middle Shannon Callows SPA (Site Code: 004096), based on the scientific information provided by the applicant.

The information relied upon includes the following:

- Updated AA Screening and Natura Impact Statement (June 2025) prepared by prepared by Katie Neary, Ecologist with JKW Environmental. Reviewed by Jamie Woods of JKW Environmental. Document includes NPWS and Birdwatch Ireland Response.
- Clonfinlough Baseline Bat Survey Report
- Site Characterisation Report
- Archaeological Report
- Landscape Drawings
- Engineering Report
- Response to Further information request
- Hydrological / Hydrogeological Impact Assessment
- Preliminary CEMP

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

Submissions/observations				
None on appeal file. DAU raised issues during the assessment of the application with the Planning Authority				
Fin Lough (Offaly) SAC [000576] Summary of Key issues that could give rise to adverse effects (from screening stage):				
Qualifying Interest features likely to be affected	Conservation Objective	Potential adverse effects	Mitigation measures (summary)	
[7230] Alkaline Fens	To maintain the favourable conservation condition of Alkaline fens in Fin Lough (Offaly) SAC, which is defined by a list of attributes and targets	Potential pathway for likely significant effects on the SAC due to deterioration of water quality via surface water and groundwater pathways, was identified. There is also the potential for changes to groundwater levels within the SAC due to abstraction of water and changes to drainage patterns. water abstraction from the on-site well for potable and non-potable uses has the potential to alter local groundwater flow regimes, which could impact the hydrological balance of	SuDS measures have been integrated to enhance the resilience of the site's hydrology and support natural recharge processes. Rainwater harvesting systems will collect roof runoff for reuse in non-potable applications such as WC flushing and irrigation, reducing reliance on groundwater abstraction and minimizing surface water discharge. All surface water drainage will be passed through a hydrocarbon interceptor before being discharged to the raingarden. A rain garden has been strategically located to intercept and filter surface runoff before infiltration	

		sensitive habitats and species within Fin Lough SAC and Mongan Bog SAC.	Preliminary Construction Environmental Management Plan (CEMP) provides a comprehensive framework of measures. These include maintaining a 20-meter construction buffer from watercourses, installing silt fences, cut-off drains, and sediment traps, and designating bunded storage areas for fuels and hazardous materials. Spill kits and interceptor drip trays will be available to manage accidental releases, while machinery and vehicle maintenance protocols ensure that leaks are prevented. Dust suppression measures, such as watering exposed surfaces and covering trucks, will minimize sediment-laden runoff into watercourses. To prevent the spread of non-native invasive species, a pre-construction survey will identify and map any invasive plant species within the works area. If invasive species are found, an Invasive Species Management Plan will be implemented.	
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			Grass cover will be maintained beneath the proposed solar panels, and a 300mm soil berm will be installed along the southern boundary to prevent surface water scouring and sheet flow. These measures will protect local water quality and reduce the risk of sediment-laden runoff entering hydrological pathways. The dedicated battery storage building, includes a bunded containment area capable of capturing and containing any potential leaks or spills.	
[1013] Geyer's Whorl Snail (<i>Vertigo geyeri</i>)	To maintain the favourable conservation condition of Geyer's Whorl Snail in Fin Lough (Offaly) SAC,	As above	As above	
Mongan Bog SAC [000580] Summary of Key issues that could give rise to adverse effects (from screening stage):				
Qualifying Interest features likely to be affected	Conservation Objective	Potential adverse effects	Mitigation measures (summary)	
Active raised bogs [7110]	To restore the favourable conservation condition of Active raised bogs in Mongan Bog SAC,	The SAC is partially located within the same groundwater body as the Site. Therefore, taking	SuDS measures have been integrated to enhance the resilience of the site's hydrology	

	which is defined by a list of attributes and targets.	a precautionary approach, a potential pathway for likely significant effects on the SAC due to deterioration of water quality and or groundwater levels via groundwater pathways, is identified. The installation and operation of the on-site wastewater treatment system and percolation areas present significant risks if improperly managed or in the event of system failure. Untreated or inadequately treated wastewater discharge could contaminate groundwater, potentially impacting the groundwater quality within the GWDTE-Fin Lough Fen. Water abstraction from the on-site well for potable and non-potable uses has the potential to alter local groundwater flow regimes, which	and support natural recharge processes. Rainwater harvesting systems will collect roof runoff for reuse in non-potable applications such as WC flushing and irrigation, reducing reliance on groundwater abstraction and minimizing surface water discharge. All surface water drainage will be passed through a hydrocarbon interceptor before being discharged to the raingarden. A rain garden has been strategically located to intercept and filter surface runoff before infiltration Preliminary Construction Environmental Management Plan (CEMP) provides a comprehensive framework of measures. These include maintaining a 20-meter	
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		could impact the hydrological balance of sensitive habitats and species within Fin Lough SAC and Mongan Bog SAC. The storage and handling of hazardous substances, including hydrocarbons, during construction and operation phases present risks of accidental spills, potentially contaminating soils and downstream watercourses connected to European sites. General construction activities involving heavy machinery and vehicle movements may result in soil compaction, dust generation, and localised contamination from oils and fuels, further exacerbating the risk of pollutant runoff. The project may also contribute to cumulative impacts on water	construction buffer from watercourses, installing silt fences, cut-off drains, and sediment traps, and designating bunded storage areas for fuels and hazardous materials. Spill kits and interceptor drip trays will be available to manage accidental releases, while machinery and vehicle maintenance protocols ensure that leaks are prevented. Dust suppression measures, such as watering exposed surfaces and covering trucks, will minimize sediment-laden runoff into watercourses. To prevent the spread of non-native invasive species, a pre-construction survey will identify and map any invasive plant species within the works area. If invasive species are found, an Invasive Species	
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		quality and groundwater levels. Specific concerns include drainage alterations from roads, buildings, and solar panels, as well as pesticide use for vegetation management under the solar array.	Management Plan will be implemented. Grass cover will be maintained beneath the proposed solar panels, and a 300mm soil berm will be installed along the southern boundary to prevent surface water scouring and sheet flow. These measures will protect local water quality and reduce the risk of sediment-laden runoff entering hydrological pathways. The dedicated battery storage building, includes a bunded containment area capable of capturing and containing any potential leaks or spills.	
Degraded raised bogs still capable of natural regeneration [7120]	The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation	As above	As above	

	objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in Mongan Bog SAC			
Depressions on peat substrates of the Rhynchosporion [7150]	Depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in Mongan Bog SAC	As above	As above	
River Shannon Callows SAC [000216] Summary of Key issues that could give rise to adverse effects (from screening stage): See Table 5.1 NIS				
Qualifying Interest features likely to be affected	Conservation Objective	Potential adverse effects	Mitigation measures (summary)	
			NIS Section 6	
[6410] Molinia Meadows	To restore the favourable conservation condition of Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) in River Shannon Callows SAC,	a potential pathway for likely significant effects on the SAC due to deterioration of water quality and or groundwater levels via groundwater pathways, is identified. The installation and operation of	SuDS measures have been integrated to enhance the resilience of the site's hydrology and support natural recharge processes. Rainwater harvesting systems will collect roof runoff for reuse in non-potable applications such as WC flushing and irrigation,	

		the on-site wastewater treatment system and percolation areas present significant risks if improperly managed or in the event of system failure. Untreated or inadequately treated wastewater discharge could contaminate groundwater, potentially impacting the groundwater quality within the GWDTE-Fin Lough Fen. water abstraction from the on-site well for potable and non-potable uses has the potential to alter local groundwater flow regimes, which could impact the hydrological balance of sensitive habitats and species within Fin Lough SAC and Mongan Bog SAC. The storage and handling of hazardous substances, including	reducing reliance on groundwater abstraction and minimizing surface water discharge. All surface water drainage will be passed through a hydrocarbon interceptor before being discharged to the raingarden. A rain garden has been strategically located to intercept and filter surface runoff before infiltration Preliminary Construction Environmental Management Plan (CEMP) provides a comprehensive framework of measures. These include maintaining a 20-meter construction buffer from watercourses, installing silt fences, cut-off drains, and sediment traps, and designating bunded storage areas for fuels and hazardous materials. Spill kits and interceptor drip trays will be available to manage accidental releases, while machinery and vehicle maintenance protocols ensure that leaks are prevented. Dust suppression measures, such as watering exposed surfaces and	
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		hydrocarbons, during construction and operation phases present risks of accidental spills, potentially contaminating soils and downstream watercourses connected to European sites. General construction activities involving heavy machinery and vehicle movements may result in soil compaction, dust generation, and localised contamination from oils and fuels, further exacerbating the risk of pollutant runoff. the project may also contribute to cumulative impacts on water quality and groundwater levels. Specific concerns include drainage alterations from roads, buildings, and solar panels, as well as pesticide use for vegetation management under the solar array.	covering trucks, will minimize sediment-laden runoff into watercourses. To prevent the spread of non-native invasive species, a pre-construction survey will identify and map any invasive plant species within the works area. If invasive species are found, an Invasive Species Management Plan will be implemented. Grass cover will be maintained beneath the proposed solar panels, and a 300mm soil berm will be installed along the southern boundary to prevent surface water scouring and sheet flow. These measures will protect local water quality and reduce the risk of sediment-laden runoff entering hydrological pathways. The dedicated battery storage building, includes a bunded containment area capable of capturing and containing any potential leaks or spills.	
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[6510] Lowland Hay Meadows	To restore the favourable conservation condition of Lowland hay meadows (<i>Alopecurus pratensis</i> , <i>Sanguisorba officinalis</i>) in River Shannon Callows SAC	As above	As above	
[7230] Alkaline Fens	To maintain the favourable conservation condition of Alkaline fens in River Shannon Callows SAC	As above	As above	
[8240] Limestone Pavement*	To maintain the favourable conservation condition of Limestone Pavements* in River Shannon Callows SAC	As above	As above	
[91E0] Alluvial Forests*	To maintain the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>)* in River Shannon Callows SAC	As above	As above	
[1355] Otter (<i>Lutra lutra</i>)	To maintain the favourable conservation condition of Otter (<i>Lutra lutra</i>) in River Shannon Callows SAC,	As above	As above	
Mongan Bog SPA [004017]				

Summary of Key issues that could give rise to adverse effects (from screening stage):			
Qualifying Interest features likely to be affected	Conservation Objective	Potential adverse effects	Mitigation measures (summary)
Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]	To restore the Favourable conservation condition of Greenland White-fronted Goose in Mongan Bog SPA	Risk of project causing disturbance or displacement related effects to SCI species associated with the Mongan Bog SPA and Middle Shannon Callows SPA. Noise, vibration and human presence during construction may lead to disturbance or displacement of SCI species associated with the SPA	Landscape plan incorporates native planting to screen the proposed structures and solar array, reducing visibility to any mobile species.
Middle Shannon Callows SPA [004096]			
Summary of Key issues that could give rise to adverse effects (from screening stage): See			
Qualifying Interest features likely to be affected	Conservation Objective	Potential adverse effects	Mitigation measures (summary)
Whooper Swan (<i>Cygnus cygnus</i>) [A038]	To maintain the favourable conservation condition of	Risk of project causing disturbance or displacement	Landscape plan incorporates native planting to screen the proposed

	whooper swan in Middle Shannon Callows SPA.	related effects to SCI species associated with the Mongan Bog SPA and Middle Shannon Callows SPA. Noise, vibration and human presence during construction may lead to disturbance or displacement of SCI species associated with the SPA	structures and solar array, reducing visibility to any mobile species.	
Wigeon (<i>Anas penelope</i>) [A050]	To restore the favourable conservation condition of wigeon in Middle Shannon Callows SPA	As above	As above	
Corncrake (<i>Crex crex</i>) [A122]	The status of corncrake as a Species of Conservation Interest for the Middle Shannon Callows SPA is currently under review	As above	As above	
Golden Plover (<i>Pluvialis apricaria</i>) [A140]	To maintain the favourable conservation condition of golden plover in Middle Shannon Callows SPA,	As above	As above	
Lapwing (<i>Vanellus vanellus</i>) [A142]	To restore the favourable conservation condition of lapwing in Middle Shannon Callows SPA,	As above	As above	

Black-tailed Godwit (<i>Limosa limosa</i>) [A156]	To restore the favourable conservation condition of Black-tailed godwit in Middle Shannon Callows SPA	As above	As above	
Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]	To restore the favourable conservation condition of black-headed gull in Middle Shannon Callows SPA,	As above	As above	
Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of wetlands in Middle Shannon Callows SPA	As above	As above	
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted AA Screening / NIS has identified the relevant attributes and targets of the Qualifying Interests.				
Assessment of issues that could give rise to adverse effects view of conservation objectives The primary considerations for this project are identified to be the following: risk of the project giving rise to deterioration of water quality within the Fin Lough (Offaly) SAC via surface water pathways; risk of the project giving rise to deterioration and/or changes to groundwater levels within the GWDTE-Fin Lough Fen; risk of the project giving rise to disturbance or displacement related effects to SCI species associated with the Mongan Bog SPA and Middle Shannon Callows SPA. These risks may arise from site clearance and excavation for the construction of houses, access roads, and the solar array, installation of the on-site wastewater treatment system and percolation areas, abstraction of water from the on-site well for the development's potable and non-potable uses, storage and handling of construction materials, including hydrocarbons and other hazardous substances, general construction activities involving heavy machinery and vehicle movements, and landscaping. deterioration of water quality, deterioration and/or changes to groundwater levels The Fin Lough (Offaly) SAC is designated for alkaline fens (7230) and the Geyer's whorl snail (<i>Vertigo geyeri</i>). The proposed development is located entirely outside of and over 600 meters from this SAC. Consequently, no direct effects, such as habitat loss or physical disturbance to the designated habitats or species, will occur. There will be no direct loss of Annex I habitats or supporting habitats for the Annex II species associated with this SAC.				

The Glebe Stream (Blackwater), which flows adjacent to the development site, provides a surface water pathway connecting the site to the SAC. Additionally, the SAC is located within the same groundwater body (GWDTE-Fin Lough Fen) as the development site. These connections present pathways for potential significant effects, including the deterioration of water quality and alterations in groundwater levels.

The abstraction of water from the proposed well, drilled to a depth of 90 meters, is not expected to result in significant changes to groundwater levels or recharge rates within the Fin Lough groundwater body. The site is underlain by a Locally Important Aquifer, which is moderately productive only in local zones. The results of the pumping test (Appendix B of the hydrology report) demonstrated that the daily water requirement for the site (approximately 780 litres/day) can be sustainably met without significant drawdown of the water table. Recovery of water levels in the test well was rapid, and the nearby farmers well showed no significant decline during the pumping test. These findings indicate that water abstraction will not adversely affect the groundwater body supporting the Fin Lough SAC.

The proposed development is located entirely outside of and over 300 meters from the Mongan Bog SAC. There will be no direct effects, such as habitat loss or physical disturbance to the designated habitats or species. Consequently, there will be no direct loss of Annex I habitats or supporting habitats for Annex II species associated with this SAC

Disturbance or displacement

The subject site does not support significant suitable habitat for the Greenland White-fronted Goose, but it is located within the species' core winter foraging range of 5–8 km from its night roosts. Data provided by the NPWS indicated that Mongan Bog was a commonly used site during the 1980s, primarily under conditions of high flooding or disturbance at other feeding grounds. However, there have been no records of Greenland White-fronted Goose between Athlone and Shannonbridge since March 1995/96, and aerial I-WeBS surveys reaffirm that these geese no longer frequent the area. There is no evidence suggesting that Greenland White-fronted Geese use the lands within or directly adjacent to the proposed development site. The improved agricultural field within the landholding is managed and does not provide optimal habitat for the species.

The habitats within the proposed development site are primarily managed improved grasslands, which do not provide significant suitable habitat for the SCI species associated with the Middle Shannon Callows SPA. The NPWS data request provided information on Corncrake and Curlew within a 5km buffer around the proposed site. The most recent Corncrake record is from 2023 and is approximately 4.5km west of the proposed site. Corncrakes require tall, dense grasslands for nesting. These habitats are often found in traditional hay meadows or untreated pastures where grasses grow to a height of at least 30-60 cm. The proposed site consists of improved agricultural grassland which is regularly grazed by cattle and horses and as such does not provide any suitable Corncrake habitat. The most recent Curlew record was also from 2023 and located in the same habitat as the Corncrake record c. 4.5km west of the proposed site. Curlew's optimal habitat includes wet grasslands and moorlands for breeding, with diverse vegetation and minimal disturbance; wet meadows and improved grasslands for foraging; and coastal mudflats and estuaries for wintering. The proposed site does provide some suitable foraging habitat for Curlew but

does not contain any suitable breeding habitat. There were no records of Corncrake or Curlew within or directly adjacent to the proposed site.

No records were identified for Whooper Swan, Wigeon, Golden Plover, Lapwing, Black-tailed Godwit, or Black-headed Gull within the proposed site or its immediate surroundings. Wigeon and Black-tailed Godwit are winter visitors and are typically found around wetlands foraging in wet grasslands. The habitats on site consist of grazed and managed improved grasslands, as such, it is unlikely that these species use this area for foraging. Thus, no disturbance or displacement related effects to Wigeon or Black-tailed Godwit are considered likely.

Wintering populations of Golden Plover are associated with the Middle Shannon Callows SPA. Foraging habitats include wet grasslands, pastures, and marshes, with low-intensity grazing or traditional farming practices that maintain a mix of short and tall vegetation are ideal for foraging. As such, the habitats present on site are unlikely to be used by Golden Plover for foraging and disturbance or displacement related effects are not considered likely.

There were no records of any other SCI species associated with the Middle Shannon Callows SPA. Whooper Swans, Wigeon, Golden Plover, Lapwing, Black tailed Godwit, or Black Headed Gull.

Mitigation Measures

Construction Phase Control Measures

A Preliminary Construction and Environmental Management Plan (CEMP) has been prepared for the proposed development and is included with the planning application documents. The following best practice mitigation and environmental control measures as outlined in the PCEMP have been incorporated into the proposed development:

Storage / Use of materials, Plant & Equipment

- Materials, plant and equipment shall be stored in a dedicated site compound.
- A buffer of 20m from any watercourse will be established and clearly marked out prior to the commencement of construction activities where possible. The buffer will be maintained during the construction stage and no storage of material or equipment will occur within this buffer.
- Plant and equipment will be parked in areas remote from any sensitive locations e.g. drains and watercourse.
- Re-fuelling of machinery, plant or equipment will be carried out where possible off site or in the designated site compound with spill containment measures.
- Hazardous liquid materials or materials with potential to generate runoff shall be stored in areas remote from any sensitive locations, including watercourses.
- All hazardous liquid materials shall be stored in a bunded area and spill containment measures will be in place.
- All oils, fuels and other hazardous liquid materials shall be clearly labelled and stored in an upright position in an enclosed bunded area within the proposed development site compound. The capacity of the bunded area shall conform with EPA Guidelines – hold 110% of the contents or 110% of the largest container whichever is greater.
- Plant and equipment to be used during works, will be in good working order, fit for purpose, regularly serviced/maintained and have no evidence of leaks or drips.

- No plant used shall cause a public nuisance due to fumes, noise, and leakage or by causing an obstruction.
- All persons working will receive work specific induction in relation to material storage arrangements and actions to be taken in the event of an accidental spillage.

Protection of Surface & Groundwater

- Any material or substance which could cause pollution, including fuels or silty water will be prevented from entering groundwater, surface water drains or watercourses by the appropriate use of temporary installation of silt fences, cut-off drains, silt traps and drainage to vegetated areas where appropriate.
- In order to prevent any potential of watercourse pollution the dwelling and solar array design ensures a minimum 20m buffer from watercourses. The landscape work is to be implemented in tandem with the main building works where possible, further reducing any potential run off to any watercourse onsite.
- As a precautionary measure, the soil stripping will be carried out outside of periods of wet weather. Scheduling of works will avoid insofar as practicable the wetter months of the year. In addition, appropriate run-off control will be installed and maintained for the duration of the construction phase.
- Topsoil and vegetation will be stored separately from subsoil and reinstated promptly to minimize erosion and nutrient loss.
- Stockpiles of soil will be stored well away from the watercourses on site and (if appropriate) ringed with silt fences. The contractor will carry out environmental awareness training as part of the site inductions for all staff.
- The design of the proposed dwellings and solar array has incorporated buffer zones around watercourses in order to protect local water quality and that of downstream designed sites.
- All construction works will be carried out according to best practice with standard environmental controls in place to prevent any damaging run-off from the site (see CIRIA 2001, 2010 & 2015). The construction of the proposed development will be implemented in accordance with the Construction Environmental Management Plan (CEMP) for the proposed development.
- All works will comply with IFI Biosecurity Protocols and Guidance documents on protection of fisheries during construction works in and adjacent to waters.

Where in the event refuelling of vehicles and machinery cannot be undertaken 'off-site' the following precautions will also be installed on fuel delivery pipes:

- Any flexible pipe, tap or valve must be fitted with a lock where it leaves the container and be locked when not in use;
- Flexible delivery pipes must be fitted with manually operated pumps or a valve at the delivery end that closes automatically when not in use;
- Warning notices including "No smoking" and "Close valves when not in use" shall also be displayed;
- Spill kits will be available within each plant/vehicle on site and also located close to identified pollution sources or sensitive receptors (fuel storage areas, etc.);
- Interceptor drip trays (or similar, e.g. plant nappies, – open metal drip trays are not acceptable) will be available in accordance with standard good practice across the construction industry;

- Interceptor drip trays will be positioned under any stationary mobile plant to prevent oil contamination of the ground surface or water. Plant and site vehicles are to be well maintained and any vehicles leaking fluids must be repaired or removed from site immediately. Any servicing operations shall take place over drip trays;
- Areas used to store fuel and oil on the site will be appropriately lined and bunded to prevent the downward percolation of contaminants to natural soils and groundwater.
- Topsoil and vegetation must be stored separately from subsoil and shall be retained and reinstated on all areas of stripped ground as soon as possible to prevent erosion and leaching/loss of nutrients.

Dust Control

- Trucks leaving the site with excavated material will be covered so as to avoid dust emissions along the haulage routes.
- Speed limits on site (15km/h or less) to reduce dust generation and mobilisation. Furthermore, any areas that has the potential to give rise to fugitive dust must be regularly watered, as appropriate, during dry and/or windy conditions. Measures are to include the following:
- Truck spraying and hosing down will be carried out during dry periods and as necessary to control dust.

Flora & Fauna

- No removal of habitats or movement of construction machinery will occur outside of the development works area/footprint during the construction phase, where the works area/footprint will be clearly marked for associated site staff.
- The landscaping plan for the proposed development will be fully implemented. Only native tree and shrub species suited to the locality will be used in the final landscaping plan.
- There shall be no removal of hedgerows or trees within the site.
- A pre-construction survey of the site will be carried out to record any Third Schedule Invasive Plant Species that may be present. If any are located within the works footprint and Invasive Species Management Plan will be prepared and implemented.
- Precautions will be taken to avoid the introduction and / or spread of invasive species to protect the integrity of the Fin Lough SAC. All machinery and equipment will be washed down prior to arrival on site to avoid the spread of invasive species, ensuring all organic material is removed from personal equipment including clothing and footwear, and ensuring all water retaining compartments of machinery and equipment are drained before leaving site.
- In the event that protected fauna are found actively using the site for breeding/roosting (e.g. bird nest, bat roosting) during the construction phase, works will cease immediately and the area will be cordoned off until advice is sought from a suitably qualified/experienced ecologist.
- There will be no removal of woody vegetation during the bird breeding season (1st March to August 31st inclusive).
- No nighttime lighting will be permitted on the site during the construction phase to avoid disturbing nocturnal mammals, such as bats.

Operation Phase Mitigation Protection of Surface & Groundwater • A 2m riparian buffer along the Blackwater / Glebe stream will be fenced with wooden fencing and planted with suitable native species as per the Landscaping Plan to prevent erosion of banks and run off to the stream. • Molloy Environmental Chieftain SBR unit with a 75 m² polishing filter will treat wastewater from the site. The polishing filter provides an additional treatment stage, ensuring that effluent is further purified before percolating into the soil, thus protecting groundwater quality. The filter and WWTP will be maintained following the manufacturer's guidelines, which emphasize ease of use and reliable performance, further ensuring long-term operational efficiency. • A range of SuDS measures have been incorporated to manage and treat surface water runoff before discharge: • Rainwater harvesting tanks will collect water from roofs for non-potable uses such as WC flushing, irrigation, and garden watering. • Permeable paving in parking and access areas will allow infiltration and reduce surface runoff • A rain garden with a capacity for a 100-year storm event, including a 20% climate change allowance, will attenuate surface water. • Petrol interceptors will treat runoff from parking areas before discharge. • All surface water drainage will be passed through a hydrocarbon interceptor before being discharged to the raingarden. A rain garden has been strategically located to intercept and filter surface runoff before infiltration. • Grass cover beneath the panels will be retained and a 300mm soil berm will be installed on the southern boundary to prevent surface water scouring or sheet flow. • A dedicated battery storage building will house the battery storage system for the solar array. The building will incorporate a bunded containment area, designed to capture and contain any potential leaks or spills from the batteries. The bund will be constructed in accordance with best practice guidelines and will have the capacity to hold at least 110% of the total liquid volume within the storage system. • Regular inspections and emergency response plans will be implemented to manage risks associated with battery leaks. • No pesticides will be used on site, manual methods of weed control will be used around all plated areas. I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected species and habitats and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning condition 2 of my Inspectors Report.	
In-combination effects I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated Sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.	
Findings and conclusions	

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of the European sites. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Fin Lough SAC (000576), (SPA) Mongan Bog SAC (Site Code: 00000580), Mongan Bog SPA (004017) and Middle Shannon Callows SPA (Site Code: 004096). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment Conservation objectives of the Fin Lough SAC (000576), (SPA) Mongan Bog SAC (Site Code: 00000580), Mongan Bog SPA (004017) and Middle Shannon Callows SPA (Site Code: 004096). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Fin Lough SAC (000576), (SPA) Mongan Bog SAC (Site Code: 00000580), Mongan Bog SPA (004017) and Middle Shannon Callows SPA (Site Code: 004096) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of Fin Lough SAC (000576), (SPA) Mongan Bog SAC (Site Code: 00000580), Mongan Bog SPA (004017) and Middle Shannon Callows SPA (Site Code: 004096) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.

- Effectiveness of mitigation measures proposed including supervision and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Fin Lough SAC (000576), (SPA) Mongan Bog SAC (Site Code: 00000580), Mongan Bog SPA (004017) and Middle Shannon Callows SPA (Site Code: 004096).

WFD IMPACT ASSESSMENT: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	ABP-321738-25	Townland, address	Clonfinlough, Co. Offaly
Description of project	Refurbishment/provision of an access road and gateway from the public road; retention/refurbishment of an existing cottage; provision of 4 dwelling units and all other ancillary site works.		
Brief site description, relevant to WFD Screening,	Blackwater (shannonbridge) 20 runs along the southern boundary of et site. Connects to the Fin Lough SAC (000576)		
Proposed surface water details	Surface water from proposed dwellings, carpark, solar array		
Proposed water supply source & available capacity	Private well proposed. No capacity in adjoining Clonfinlough Group Water Scheme		
Proposed wastewater treatment system & available capacity, other issues	DWWTs proposed, treatment plant and soil polishing filter		

Others?			n/a			
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)
Blackwater (Shannonbridge) 20 under the River Waterbody WFD Status 2016-2021, runs along southern boundary of site	0	Blackwater Stream (also referred to as Glebe 25 EPA Code 25G91).	The status of this waterbody is described as ‘moderate’ and not ‘good’ for the period 2016-2021	At risk of not meeting its Water Framework Objectives and has been recommended as an Area for Action, specifically as an Area for Protection under the 3rd cycle of the River Basin Management Plan	Sediment Peat	There is a hydrological connection from this waterbody to Fin Lough (Offaly) Special Area of Conservation (SAC) (Site Code: 000576). Bore holes in the vicinity and the bore hole for the Clonfinlough group water scheme.
Groundwater body	Underlying	GWDTE Fin Lough Fen The underlying bedrock aquifer is classified as Locally Important Aquifer - Bedrock which is Moderately	The groundwater vulnerability rating of the subject site is High (H) (www.gsi.ie) The subject site is within the groundwater body of Fin Lough	Not at risk	None	Free draining soils

		Productive only in Local Zones (LI).	fen and the category is “Good”. The Chemical, overall and quantitative status are noted as good. The surrounding groundwater bodies also have ‘Good’ status.				
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.							
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.		Blackwater Stream (also referred to as Glebe 25 EPA Code 25G91). Locally Important Aquifer - Bedrock which is	There is a hydrological connection from this waterbody to Fin Lough (Offaly) Special Area of Conservation (SAC) (Site Code: 000576). The underlying bedrock aquifer that is classified as Locally Important Aquifer - Bedrock which is	surface runoff towards the stream from the catchment of the stream and infiltration into groundwater			Screened out

		Moderately Productive only in Local Zones (LI).	Moderately Productive only in Local Zones (LI). Bore holes in the vicinity and the bore hole for the Clonfinlough group water scheme.	impact on recharge rates			
	Residential	As above	As above	As above	Surface runoff from the cabins and the owner's dwelling is from the roofs and is used in rainwater harvesting. The overflow from the rainwater harvesting tank is taken to the proposed rainwater garden The surface runoff from the carparks with permeable paving are directed through a petrol interceptor onto the rain garden. The other permeable paving areas will slowly infiltrate into the ground. new domestic borehole is 144 m from the wastewater system alongside.	no	Screened out
3.	DWWTS	As above	As above	As above	The site layout shows the distance to the	no	Screened out

					stream is 58 m, EPA guidelines require 10 m from any watercourse		
4.	Surface water run off	As above	As above	As above	Permeable paving. This will ensure the surface runoff will infiltrate gradually into the ground after attenuation in the subgrade as existing surface runoff from green field infiltrate into groundwater.	No	Screened out
	Solar Array	As above	As above	As above	Grass cover to be maintained on the field during operational stage of the solar farm. A buffer strip of minimum 1 m width to be allowed on the perimeter of the site within the fencing. This strip should not be allowed to graze or cut. A bank of 0.3 m high on the South boundary to be provided to retain surface water without flowing directly into the stream. This would act as a barrier on the South boundary stopping any direct runoff from the solar farm into the stream.	No	Screened out

