



**Development**

Construction of 38 houses and all associated site works (previously granted under 22/459).

**Location**

Sixmilebridge TD, Sixmilebridge, Co. Clare.

**Planning Authority**

Clare County Council

**Planning Authority Reg. Ref.**

2560243

**Applicant(s)**

Ahaclare Developments Ltd.

**Type of Application**

Permission

**Planning Authority Decision**

Refusal

**Type of Appeal**

First Party

**Appellant(s)**

Ahaclare Developments Ltd.

**Observer(s)**

None

**Date of Site Inspection**

31<sup>st</sup> October 2025

**Inspector**

Ciara McGuinness

## 1.0 Site Location and Description

- 1.1. The appeal site is located on the southern edge of the village of Sixmilebridge in south-eastern County Clare. The site is c.0.6km from the centre of Sixmilebridge. The site forms part of a larger development site with a newly completed/under construction housing development on the lands to the south and west. The site is bound to the north by existing well-established residential development and to the east by the Rosemangher Road. The site is a greenfield site but currently provides a construction access from the Rosemangher Road and a construction compound area for adjoining residential development under construction. The wider site is bounded to the south by the Limerick to Ennis railway line and to the north-west by the R471 Regional Route (Shannon Road). The site is rectangular in shape and extends over an area of 1.87 hectares. There are existing hedgerows along the sites northern, western and southern boundary.
- 1.2. The historical and proposed development on the overall landholding can be explained by the consideration of the lands as follows;
  - Permission was originally granted for 60 no. units on the wider site (6.1 hectare) under PA Reg Ref 22/459. Under this permission 14 no. units were completed in the southeastern part of the site.
  - A subsequent application was made and permitted (under PA Reg Ref 24/60448) to alter part of approved housing development to increase densities on the site. The altered layout which related to the western part of the site (1.58ha), resulted in a total of 55 no. units on the landholding. Although the site was zoned Strategic Residential Reserve at the time of this application, this application was permitted on the basis that the overall numbers of houses did not exceed that as originally permitted on site.
  - The proposed development relates to the remainder of the site (1.87ha), located to the northeast of the landholding.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of 38 no. semi-detached houses, comprising 20 no. 3 bedroom semi-detached units (House Type D) and 18 no. 4

bedroom semi-detached units (House Type E). House Type D has a stated floor area of 119sqm, and House Type E has a stated floor area of 140sqm. Each House will be provided with 2 no. parking spaces. Two areas of communal open space of are proposed measuring 1390sqm and 2512 sqm as per the submitted site layout plan. It is proposed to connect services to the existing systems which were granted permission as part of the wider development under PA Reg Ref 22/429 and 24/60448. Wastewater drainage will be to the existing foul network. Surface water drainage will be a new storm drain connection to Ratty River (Owenogarney River).

- 2.2. The planning application was accompanied by a Planning Statement and a Construction and Demolition Waste Management Plan.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority issued notification of a refusal of planning permission on the 26<sup>th</sup> June 2025 for the following reasons;

1. The subject site is located on lands that are zoned as 'Strategic Reserve' as per the Clare County Development Plan 2023-2029, which lands are identified for the long-term sequential expansion of Sixmilebridge. The Planning Authority considers that the proposed development does not meet the criteria or exceptions as set out in the current Clare County Development Plan for the subject zoned lands and therefore the proposal would be premature by reference to the order of priority for development indicated in the Development Plan. The proposed development would also materially contravene the zoning objective of the site for the zoning of land as 'Strategic Reserve' and would be contrary to the proper planning and sustainable development of the area.
2. It is an objective of Clare County Council as set out under CDP 15.3 (European Sites) to afford the highest level of protection to all designated European sites and to require applications that may have significant effects on such sites to submit a Natura Impact Statement (NIS) in accordance with the requirements of the EU Habitats Directive. Having regard to the nature and

scale of the development, and in the absence of a Screening for Appropriate Assessment, it is not possible for the Planning Authority to conclude a finding of no significant effects on nearby European sites. It is therefore considered that the proposed development would materially contravene the provisions of CDP 15.3 (European Sites) of the County Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.

3. It is an objective under the provisions of CDP 15.8 'Non Designated Sites and Biodiversity' of the Clare County Development Plan 2023-2029, to ensure the protection and conservation of areas, sites, species, and ecological networks/corridors of biodiversity value outside of designated sites throughout the County and to require an ecological assessment to accompany development proposals likely to impact on such areas or species.

Having regard to the lack of details submitted in terms of the potential for the proposed development to impact on ecology at this location and having particular regard to the identified wetland area and badger activity (amongst other issues) at the site, it is considered that the development would have a negative impact on ecological features on and adjoining the site.

It is therefore considered that the proposed development would materially contravene the provisions of CDP 15.8 of the County Development Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Planner's Report (dated 25/06/2025) notes that at the time when the original application for housing development on this site was submitted under PA Reg Ref 22/459, the site was zoned as Low Density Residential Development. The zoning of the site is now 'Strategic Reserve' and the current application must be assessed de novo. It would not be appropriate to permit the proposed development until such a time as the specific provisions of the site zoning have been addressed, namely the consideration of same in year four of the plan so that other development sites can be

brought forward. Given the specific wording of the zoning objective, the current proposal would materially contravene the development plan and therefore it is recommended to refuse the development on this basis. It is noted two applications in Ennis that were refused by the Commission for similar reasons (Pl. Ref 23/25 and Pl. Ref 21/599.)

The applicants have not submitted an AA screening assessment or an NIS with this application. Given the original application on the applicants lands at this location (Ref P 22/459) was accompanied by a Natura Impact Statement having been first Screened for Appropriate Assessment, the subject application should also have been Screened for Appropriate Assessment by the applicants and a screening assessment should have been submitted with this application. The presence of Lesser Horseshoe bat in the area is noted.

The applicant has not submitted an Ecological Assessment with the current application. It is noted that a Bryophyte rich grassland grading to Marsh (GM1) habitat was recorded on the site during surveys in relation to the previous application on site. The previous NIS also required a specialist badger survey to be completed prior to any hedgerow removal or works within 50m of retained hedgerow to ensure no active setts are present.

An advice note to the applicant is included at the end of the Planner's Report. It is considered that the development as proposed does not provide for an adequate mix in terms of housing types (as required by CDP 5.8 'Housing Mix' of the Clare County Development Plan 2023-2029) and does not provide for a sense of distinctiveness or character within the proposed development. Any new application should address these issues.

### 3.2.2. Other Technical Reports

Taking in Charge Section – Observations are made in relation to site layout, roads/footpaths, surface water, boundary treatments, public lights, water services, landscaping, construction traffic and general comments.

Road Design Office – Comments are made in relation to permeability, road layout and specification, parking and footways.

### 3.3. Prescribed Bodies

Iarnród Éireann - No objection in principle. Condition is recommended in the interest of safety due to the site's location adjacent to the Athenry to Limerick Railway Line.

Department of Housing Local Government and Heritage – Noted that previous archaeological test excavation carried out in relation to the previous application in 2008, identified 5 no. previously unrecorded, sub-surface archaeological features within the development site that would be directly impacted by development.

Archaeological conditions are recommended in relation to excavation and monitoring.

An Taisce – Comments in relation to the retention of hedgerows, pollinator friendly zones, climate action, nature based solutions and permeability.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

**PA Reg Ref 08/646/ABP PL03.231620** – Permission granted for construction of 223 no. houses/ apartments, realignment of proposed relief road and associated site development works.

**PA Reg Ref 14/245** – Permission refused to Extend the Appropriate Period of Planning Permission P08-646 for a mixed development of 196 dwelling units and creche facility and new road

**PA Reg Ref 22/459** – Permission granted for the construction of a residential development consisting of 60 no. dwelling houses (14 detached, 46 semi-detached), inner relief road including realignment of existing access road to Ashview Drive and new site access on Rossmanagher Road, connection to public utilities together with ancillary site development works. A Natura Impact assessment (NIS) has been submitted with this application

**PA Reg Ref 24/60448** - Permission granted for the development which will consist of alterations to part of approved housing development (P22/459 refers) to include

alteration of site area, relocation of houses 15-29 inclusive, 30-32 inclusive and 52-54 inclusive. The altered layout shall contain a total of 40 no. two storey semi-detached units, 7 no. two storey detached units and 8 no. single storey detached units (55 No. Total), connection to public utilities together with ancillary site development works

## 5.0 Policy Context

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

- 5.1.1. The subject site is located within the settlement boundary of Sixmilebridge and is zoned Strategic Residential Reserve (SR1-Strategic Residential Reserve).
- 5.1.2. Section 19.4 'Nature of Zonings' states the following in relation to lands zoned Strategic Residential Reserve;

*"Strategic Residential Reserve lands have been identified across serviced settlements to facilitate longer term growth needs across the county. These lands comprise infill or contiguous sites or in some cases there is an on-site planning history of residential use. These lands are considered as the most appropriate site for the long-term sequential expansion of the relevant settlement. These Strategic Residential Reserve lands, in general, will not be brought forward for development within this plan period, with the following exceptions:*

- '1. Non-residential development that is considered to be appropriate to the site context.*
- 2. In addition to protecting these lands for the long-term expansion of these settlements, consideration may be given to the development of some of the strategic residential reserve lands before the end of the current plan period. The residential development of such lands will only be considered from the beginning of year four of the Plan (April 2027) in order to give an opportunity for zoned land to be brought forward for development. It will also be a requirement that the proposed 'Strategic Residential Reserve' lands can be serviced and can offer a reasonable substitute in terms of being delivered within the lifetime of the plan and are sequential lands within the settlement with good connectivity and access to services and amenities.*

*In its assessment of such proposals, the Planning Authority must be satisfied that the development of residential zoned land is progressing faster than expected and a shortage of available lands may arise or that residential zoned land is not being brought forward as expected and a shortage may arise which would hinder the delivery of residential units to meet demand during the plan period. The assessment will also be subject to compliance with the Core Strategy, and that the development permitted will not prejudice the future use of the remaining Strategic Residential Reserve lands for the longer-term growth needs of the plan area.”*

#### 5.1.3. Other relevant provisions of the CDP relevant to this assessment are as follows;

**Development Plan Objective: European Sites CDP15.3** It is an objective of Clare County Council:

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

**Development Plan Objective: Non-Designated Sites and Biodiversity CDP15.8**

It is an objective of Clare County Council: a) To ensure the protection and conservation of areas, sites, species and ecological networks/corridors of biodiversity value outside of designated sites throughout the County and to require an ecological assessment to accompany development proposals likely to impact on such areas or species;

## 5.2. Section 28 Ministerial Guidelines

#### 5.2.1. Having considered the nature of the appeal, the receiving environment, and the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines in addition to those considered in the preparation of the current Development Plan is the following:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (Compact Settlement Guidelines) (2024)

### **5.3. Natural Heritage Designations**

Ratty River SAC – c.2.7km to the north of the site

Lower River Shannon SAC – c.3.9km to the south of the site

### **5.4. EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **6.0 The Appeal**

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

The appeal is a first party appeal against Clare County Council's decision to refuse permission. The grounds of appeal can be summarised as follows;

- The refusal is unreasonable given that there is an extant permission on the land in question and an extant permission on the land surrounding the application site which is under construction.
- The application which effectively seeks to amend a previous grant of permission (PA Reg Ref 22/459) is based on revised planning guidance in particular the Compact Settlement Guidelines, in respect of increasing densities on serviced land.
- The development does not constitute a material contravention of the development plan. Given the strategic importance of housing, the Commission is not precluded from granting permission even if the application constitutes a material contravention.
- Reasons 2 and 3 of the refusal are unfair in that the applicant was not given an opportunity during the course of the application to make a full response to

the issues raised and also given the fact that significant environmental studies were enclosed with the original application.

- The environmental concerns are not credibly given the fact the area of land in question is located directly between an existing housing estate to the north and a housing estate under construction immediately to the south, the latter being part of the overall site belonging to the developer.

## 6.2. **Planning Authority Response**

The Planning Authority in a letter dated 5<sup>th</sup> August stated that it has no observations to make regarding the appeal.

## 6.3. **Observations**

None.

## 6.4. **Further Responses**

None.

# 7.0 **Assessment**

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

- Principle of Development and Land Use Zoning
- Requirement for Assessments

## 7.2. **Principle of Development and Land Use Zoning**

7.2.1. The first reason for refusal cited by the Planning Authority concerns the land-use zoning of the appeal site. The appeal site is zoned 'Strategic Residential Reserve' in the Clare County Development Plan 2023-2029, and the appeal site is identified for the long-term sequential expansion of Sixmilebridge. The refusal reason states that the proposed development does not meet the criteria or exceptions set out in the

Development Plan and that the proposal would be premature by reference to the order of priority for development indicated in the Development Plan. The refusal reason states that the proposed development would materially contravene the zoning objective of the site.

7.2.2. The applicant has set out that the refusal is unreasonable given that there is an extant permission on the site and adjoining lands. The revisions to the proposals on the site are based on revised planning guidance, in particular the Compact Settlement Guidelines, in respect of increasing densities on serviced land. The Planning History of the site is set out in Section 1 and 3 above. I note that the site was zoned as 'Low Density Residential Development' under the previous Clare Development Plan (2017-2023) at the time of the assessment of the original application on the wider lands (PA Reg Ref 22/459). A subsequent application was made and permitted (PA Reg Ref 24/60448) to alter part of approved housing development to increase densities on the site. Although the site was zoned Strategic Residential Reserve under the current County Development Plan (2023-2029) at the time of this application, the Planning Authority have outlined that this application was permitted on the basis that the overall numbers of houses did not exceed that as originally permitted on site.

7.2.3. Section 19.4, Volume 1 of the Clare County Development Plan 2022- 2028 states that residential reserve lands are intended to facilitate longer term growth needs across the county. Section 19.4 provides that Strategic Residential Reserve lands, in general, will not be brought forward for development within this plan period, save for specific exceptions. The first exception is where the proposal concerns non-residential development appropriate to the site context. The second exception states that consideration may be given to the development of some of the strategic residential reserve lands before the end of the current plan period, but will only be considered from the beginning of year four of the Plan (April 2027) in order to give an opportunity for zoned land to be brought forward for development. The Development Plan provides that consideration under this criterion will also be dependent on the lands in question being serviced, sequentially located, connectivity, and access to services and amenities. The Planning Authority must also be satisfied that development of residential zoned land is progressing faster than expected, with potential for a shortage of available lands hindering the delivery of residential units;

compliance with the Core Strategy; and the non-prejudicial nature of the proposal in relation to the remaining Strategic Residential Reserve lands.

- 7.2.4. As the proposed development is for residential development the first criterion provided under Section 19.4 is not relevant. In relation to the second criterion, Section 19.4 is clear in that consideration may only be given to the development of the strategic residential reserve lands from the beginning of year four of the Plan (i.e. April 2027) to allow zoned land to be brought forward for development. The proposal to bring the appeal site forward for development has been made in advance of the fourth year of the Development Plan. Therefore, I agree with the contention of the Planning Authority that the proposed development would materially contravene the land use zoning of the appeal site as set out in the Clare County Development Plan 2023-2029. The reason for refusal should be upheld in my opinion.
- 7.2.5. The applicant considers that given the strategic importance of housing, the Commission is not precluded from granting permission even if the application constitutes a material contravention. I note that in refusing permission for the proposed development, the Planning Authority stated that the proposed development, if granted, would materially contravene the zoning objective of the Development Plan. As such the Commission are constrained by Section 37 (2) (b) of the Planning and Development Act, 2000, as amended, should it wish to grant permission for the proposed development.

### **7.3. Requirement for Assessments**

- 7.3.1. The second reason for refusal by the Planning Authority notes that in the absence of a Screening for Appropriate Assessment, it is not possible for the Planning Authority to conclude a finding of no significant effects on nearby European sites and therefore it considered that the proposed development would materially contravene the provisions of Objective CDP 15.3 (European Sites) of the CDP. I have dealt with the issue of Appropriate Assessment separately under Section 8 and Appendix 3 below.
- 7.3.2. The third reason for refusal notes that having regard to the lack of details submitted in terms of the potential for the proposed development to impact on ecology, it is considered that the development would have a negative impact on ecological features on and adjoining the site. It is therefore considered that the proposed

development would materially contravene the provisions of Objective CDP 15.8 of the CDP.

- 7.3.3. I note the Planners Report has set out the findings of the NIS submitted with the previous application (PA Reg Ref 22.459). I note previous survey work at the site identified an area of wet land at the northeastern section of the applicant land holding, which is where the subject site is located. It was also recommended that a specialist badger survey to be completed for the site prior to any hedgerow removal or works within 50m of retained hedgerow to ensure no active setts are present. It is considered that up to date survey work and mitigation measures in terms of avoidance of negative impacts to badgers and to the identified wetland at this site should be provided as part of an ecological assessment.
- 7.3.4. Notwithstanding that the application is for amendments to a previously permitted development, I agree with the position of the Planning Authority that the planning application is deficient in relation to information to allow for a robust determination. I consider that assessment of the proposed development should be informed by the ecological and environmental context of the site through the carrying out of detailed/up-to-date surveys and assessments to get a full understanding of the site. This has not been done. I note that the applicant has not provided any up-to-date information with the appeal but has instead resubmitted the NIS carried out as part of the previous application. I do not consider that it would be appropriate to require new information to be submitted by way of further information having regard to the substantive reason for refusal outlined in Section 7.2. Having regard to the above, I am not satisfied that the proposed development complies with CDP 15.8 of the CDO consider that the third refusal reason should be upheld.

## 8.0 AA Screening

- 8.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone [or in combination with other plans and projects] will give rise to significant effects on Ratty River SAC and Lower River Shannon SAC in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- Potential for disturbance to foraging and commuting Lesser Horseshoe Bats.
- Potential hydrological pathway from the proposed development site to Lower River Shannon SAC and potential for construction-related surface water discharges entering into the River Shannon.

Refer to Appendix 3 for AA Screening Determination.

## 9.0 Water Framework Directive

The subject site is located c. 300m to the west of the Owenogarney River.

The proposed development comprises construction of 38 no. dwelling and all associated works. No water deterioration issues were raised in the application/appeal documentation.

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

The reason for this conclusion is as follows:

- The nature of the development in an urban environment
- Implementation of standard construction measures
- Implementation of SuDS during the operation phase

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

### Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a

temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 10.0 Recommendation

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

## 11.0 Reasons and Considerations

1. Having regard to the Strategic Residential Reserve (SRR) zoning objective on the subject site which precludes the consideration of residential development of such lands until the beginning of year four of the development plan (April 2027), the proposed development of 38 no. residential dwellings would materially contravene the SRR zoning objective outlined in the Clare County Development Plan 2023-2029. The proposed development would, therefore, be contrary to the proper planning and sustainable development.
2. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Commission cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse impacts on the integrity of the Ratty River SAC (002316) and the Lower River Shannon SAC (002165) and River Shannon in view of the site's Conservation Objectives. The likely significant effects cannot be ruled out having regard to the precautionary principle and the lack of information submitted. In such circumstances the Commission is precluded from granting permission.
3. Based on Planning History of the site and the lack of details submitted in terms of the potential for the proposed development to impact on ecology at this location, the Commission is not satisfied that the proposed development, would by itself and the precedent it would set for other similar developments, not result in adverse impact on features of ecological interest. The proposal would therefore be contrary to objective CDP 15.8 of the Clare County Development Plan 2023-2029. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

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Ciara McGuinness  
Planning Inspector

6<sup>th</sup> January 2026

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

<b>Case Reference</b>	323119-25
<b>Proposed Development Summary</b>	Construction of 38 houses and all associated site works.
<b>Development Address</b>	Sixmilebridge TD, Sixmilebridge, Co. Clare.
<b>In all cases check box /or leave blank</b>	
<p><b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b></p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> <li>- The execution of construction works or of other installations or schemes,</li> <li>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</li> </ul>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p>OR</p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Class 10(b)(i) - construction of more than 500 dwellings.</p> <p>The proposed development is for 38 no. dwelling units. The proposed development is below the 500 dwelling threshold.</p>

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

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

## Appendix 2 - Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	323119-25
<b>Proposed Development Summary</b>	Construction of 38 houses and all associated site works.
<b>Development Address</b>	Sixmilebridge TD, Sixmilebridge, Co. Clare.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	The nature and size of the development (38 residential units) is not exceptional in the context of the existing urban environment. The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised constructions impacts will be temporary. The development, by virtue of its type(residential), does not pose a risk of major accident and/or disaster.
<b>Location of development</b>  (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, landscapes, sites of historic, cultural or archaeological significance).	The site is located within the settlement of Sixmilebridge. The application site is not proximate to any protected sites. The nearest European site is 2.7m to the north of the site. It is not considered that the proposed development would be likely to have a significant impact on the European site. Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There is no real likelihood of significant effects on the environment arising from the proposed development. There is no real likelihood of significant cumulative effects having regard to existing or permitted projects.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	Conclusion in respect of EIA

There is no real likelihood of significant effects on the environment.	EIA is not required.  <b>X</b>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.
There is a real likelihood of significant effects on the environment.	EIAR required.

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

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 3 – AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	Sixmilebridge TD, Sixmilebridge, Co. Clare.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The proposed development comprises 38 houses and all associated site works. A detailed description of the proposed development and the planning history of the site is included in Sections 1, 2 and 4 of my report above.</p> <p>The site is a greenfield site but contains a construction access and a construction compound for the adjoining site which is currently being developed.</p> <p>It is proposed to connect services to the existing systems which were granted permission as part of the wider development under PA Reg Ref 22/429 and 24/60448. Wastewater drainage will be to the existing foul network. Surface water drainage will be a new storm drain connection to Ratty River (Owenogarney River) after attenuation.</p>
<b>Screening report</b>	<p>Not submitted by applicant</p> <p>AA Screening Assessment and Determination attached to Planners Report. Determined that Appropriate Assessment is required.</p>
<b>Natura Impact Statement</b>	No
<b>Relevant submissions</b>	N/A
<p>A Natura Impact Statement was undertaken and submitted with the original planning application for development at this location under PA Reg Ref 22/459. Records of the Lesser Horseshoe Bat in the area are noted.</p>	
<p><b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b></p> <p>Two European sites are identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I have only included those sites with any possible ecological connection or pathway in this screening determination.</p>	

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Ratty River SAC (002316)	<a href="#">ConservationObjectives.rdl</a>	2.7km	Record of Lesser Horseshoe Bat in vicinity of the site.	Yes
Lower River Shannon SAC (002165)	<a href="#">Site specific cons obj</a>	3.9km	Indirect surface and ground water connections to Ratty River (Owenogarney) which connects to this SAC to the south	Yes

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

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

#### AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 1: Ratty River SAC (002316)</b> Caves not open to the public [8310] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	Direct: none  Indirect: Foraging habitat decline and fragmentation, impact on connectivity and disturbances from loss of connectivity, light pollution and noise	It is noted that there are records of Lesser Horseshoe Bats within the Sixmilebridge area, an impact of sufficient magnitude could undermine the sites conservation objectives.  Possibility of significant effects cannot be ruled out without further analysis and assessment
<b>Likelihood of significant effects from proposed development (alone): Yes</b>		
<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b>		
	Impacts	Effects
<b>Site 2: Lower River Shannon SAC (002165)</b>	Direct: none  Indirect: localized, temporary, low magnitude impacts from dust and	Potential damage to the habitats and freshwater qualifying interest species dependent on water quality, an impact of

<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimii</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p>	<p>construction related emissions to surface water during construction</p>	<p>sufficient magnitude could undermine the sites conservation objectives.</p> <p>Possibility of significant effects cannot be ruled out without further analysis and assessment</p>
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<p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>		
<b>Likelihood of significant effects from proposed development (alone): Yes</b>		
<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b>		
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
<p>It is not possible to exclude the possibility that proposed development alone would result in significant effects on Ratty River SAC and Lower River Shannon SAC from effects associated with water quality impact and disturbance to Lesser Horseshoe Bats foraging and commuting in the area.</p> <p>An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.</p> <p><b>Proceed to AA.</b></p> <p><b>Screening Determination</b></p> <p><b>Significant effects cannot be excluded</b></p> <p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone [or in combination with other plans and projects] will give rise to significant effects on Ratty River SAC and Lower River Shannon SAC in view of the sites conservation objectives. Appropriate Assessment is required.</p> <p>This determination is based on:</p> <ul style="list-style-type: none"> <li>• Potential for disturbance to foraging and commuting Lesser Horseshoe Bats.</li> <li>• Potential hydrological pathway from the proposed development site to Lower River Shannon SAC and potential for construction-related surface water discharges entering into the River Shannon.</li> </ul>		

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

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	323119	Townland, address	Sixmilebridge TD, Sixmilebridge, Co. Clare.
Description of project		Construction of 38 houses and all associated site works (previously granted under 22/459).	
Brief site description, relevant to WFD Screening,		There are no rivers or streams on the site, however there are a number of drainage ditches with the potential to drain to the Owenogarney (Ratty) River. The Ratty River connects to the River Shannon downstream.	
Proposed surface water details		Surface water drainage will connect to the River Ratty after attenuation. System includes hydrocarbon interceptor and hydro brake to limit outfall. Wider surface water network permitted under previous application.	
Proposed water supply source & available capacity		Connection to public mains	

Proposed wastewater treatment system & available capacity, other issues	Connection to existing foul network.					
Others?	Not applicable					
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
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)
Surface Waterbody	300m	IE_SH_270011100 OWENOGARNEY_050	Moderate	Not at Risk	No pressures	Hydrologically Connected via drainage channels on site

Groundwater waterbody	Underlying site	IE_SH_G_229 Tulla-Newmarket on Fergus	Good	Not at risk	No pressures	Free draining soil conditions.
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**Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.**

**CONSTRUCTION PHASE**

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	IE_SH_27001100 OWENOGARNEY_050	Existing drainage ditches, watercourses	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction measures/ Conditions	No	Screened out
3.	Ground	IE_SH_G_229 Tulla-Newmarket on Fergus	Drainage	Spillages	As above	No	Screened out

OPERATIONAL PHASE							
3.	Surface	IE_SH_27001100 OWENOGARNEY_050	None	None	SuDS features incorporated into development	No	Screened out
4.	Ground	IE_SH_G_229 Tulla-Newmarket on Fergus	None	None	None	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						