



An
Coimisiún
Pleanála

Inspector's Report ACP-323400-25

Development	Construction of 56 houses and all associated site works. The planning application is accompanied by a Natura Impact Statement (NIS).
Location	Quin Gardens, Quin, Co. Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	2460410
Applicant(s)	Harcon Contractors Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Cyril O'Reilly
Observer(s)	None
Date of Site Inspection	13 November 2025
Inspector	Claire McVeigh

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1.0 Site Location and Description

- 1.1. The subject site, stated site area of 2.44ha, is located within the settlement boundary of the village Quin approximately 7km southeast from Ennis, Co. Clare. The subject site is located to the south of the centre of the village and to the west of the L-3148 and a section of the application site extends to lands east of the L-3148, all within the 50km/h zone.
- 1.2. The subject site comprises in the main two fields bounded by hedgerow and fronting the L-3148 is bounded by a combination of both hedgerow/treeline and concrete block wall. The subject site rises from the road level westwards. As stated within the Design Statement submitted with the application the high point of the site is 23m OD in the northwestern corner and the low point of 17.2m OD at the southeastern corner.
- 1.3. To the south of the subject site is a farmyard cluster of buildings and to the north a large detached single storey dwelling. To the eastern side of the L-3148 the area on approach to the village is characterised by large, two storey detached properties set back from the roadway. A pedestrian footpath runs from the new estate of serviced sites 'Na Banracha' on the western edge of the L-3148 towards the entrance to the 'Maigh Dara' estate which then continues into the village from this point.

2.0 Proposed Development

- 2.1. The proposed development as originally submitted comprises the following:
Residential development comprising 56 no. residential units (7 no. detached houses, 46 no. semi-detached houses and 3 no. terrace houses), construction of public footpath to the existing road, ancillary surface car parking, vehicular and pedestrian access to the proposed development, connection to existing public water supply, foul water drainage services including the provision of surface water attenuation and all associated site development and landscape works. A total of 117 car parking spaces.
- 2.2. Following a request for further information the applicant submitted a revised design and a reduction in the total number of units proposed to 50no. units (Drawing ref: No. 100 Rev A – Site Layout Plan), with public open space in the form of a central green

area located on the southern boundary, 108 car parking spaces (including 14 no. visitor parking spaces) and 50 no. bicycle spaces.

- 2.3. I highlight to the Commission that the applicant has submitted a further revised site layout plan in response to the appeal as an option to retain unit no. 5, rotating it rather than removing it, please refer to Architects Drawing Ref. No. 01. Rev B.

3.0 Planning Authority Decision

3.1. Decision

On the 1 August 2025 the planning authority granted permission subject to 23 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Initial report (Signed 15/10/2024 and countersigned 21/10/2024) notes that the proposal site is zoned for residential use (Site R2) in the village of Quin. The need for environmental impact assessment can be excluded at preliminary examination stage and a screening determination is not required. Considers there are a number of issues with regard to the proposed design being suburban in nature and that it would fail to make an attractive approach to the village as required by the site-specific objective, interrelated concerns relate to the proposed layout, natural heritage, surface water management and pedestrian connectivity and requested further information in respect to the following:
 - Revised design, layout and density to address the design of the houses to better reflect vernacular proportions and features, the layout should have a more organic/dispersed layout reflective of this edge of settlement location, the roadside element comprising 3 no. identical detached two storey dwellings fails to integrate with the adjoining properties, concerns that the dwelling on the western side with finished floor levels c.5m higher than the public road to the south of the site will not be adequately screened.

- A response in respect to concerns relating to service provision in Quin i.e. schools and childcare.
- Revised layout to ensure that the hedgerows identified as being of high importance of bat species (Lesser Horseshoe bat as identified in supporting Appropriate Assessment Screening, Natura Impact Statement, Construction and Environmental Management Plan and Bat Survey Report are primarily located within the public areas of the development.
- The application proposes the removal of c. 39 m of the north-south hedgerow which bisects the site as such the applicant requested to address how linkages across the landscape can be created and maintained.
- Landscaping plan sought.
- Revised CEMP to incorporate all mitigation measures arising from the NIS and other ecological assessments submitted with the application.
- Proposed micro pillars to be upsized to midi pillars to allow surge protection to be installed within each of the service pillars. A reassessment of the impact of this change to the lighting plan on bat species is also required. Lighting assessment to also address priority issues such as cumulative and in-combination effects with other developments and applications in the zone of influence.
- Flood risk and hydrological assessment including detailed response to surface water management concerns.
- Longitudinal section of the sight distances at the proposed entrance to identify and address any obstructions to the line of sight.
- Provision of a new footpath network with new surface water drainage network on the roadside connecting to the existing footpath network in the village.
- Revised internal road layout design to include footpath access to proposed units 1 and 2 and indicate all raised crossing points, revised turning bay position, along with updated tracking analysis of all roads, as revised, within the proposed development.

- Revised details of car parking spaces, including EV Parking spaces, and demarcation of same.
 - Review the proposed road levels and proposed finished floor levels of the dwellings to ensure that universal access can be achieved.
 - Archaeological Impact Assessment (AIA) which must include a programme of Archaeological Test Excavation.
 - Pre-connection enquiry process to be undertaken with Uisce Eireann for both water and wastewater connections.
 - Revised phasing proposals required to prevent construction traffic traveling over areas of the site in which houses are completed or occupied.
- Second planner's report (01/08/2025) following receipt of significant further information submitted.
 - The revised design and layout of the development is acceptable and has also been revised to ensure compliance with the recommendations of the bat survey and NIS. Conditions that unit no. 5 is omitted as on approach to the village one of the first views of the development will be towards the rear of unit 5. Units 6 and 7 are better screened by the existing cottage and farm buildings on the adjoining lands to the south. Unit 6 to be reoriented to face in an eastern direction and proposed bin storage area for unit no. 1 to be omitted, noting there is adequate space in the curtilage of the house for bin storage.
 - The proposal is within the 50km/hr speed zone and in accordance with DMURs a 49m line of sight if required at the entrance. The applicant has submitted the required longitudinal section which demonstrates that there are no obstructions to the line of sight within the required distance of the proposed entrance.
 - Considers that a special contribution is a reasonable resolution to achieve the delivery of a new 2m wide footpath (c. 33m between the northern boundary of the site and the end of the public footpath network) to connect

to the existing footpath network in the village. Contribution calculated at €16, 500.

- Parking proposals as revised comply with the requirements of the Clare County Development Plan 2023-2029.
- Insufficient details have been provided in relation to the pedestrian crossing points in the estate, this matter can be addressed by means of a condition.
- Pre-connection enquiry indicates that infrastructure connections can be provided. Uisce Eireann note they cannot guarantee flow for firefighting purposes. Planner notes that all houses are within 46m of a fire hydrant which is in accordance with Technical Guidance Document B GD-B 2024 (shown on 24/130-380 Site Layout Plan). A minimal flow rate of 10l/s must be provided.
- Revised proposal submitted on 9th July 2025 shows the correct point of connection to the public sewer and the potential for a gravity flow to same. On 24th July 2025 further clarification received confirms that no changes to the proposed finished floor levels of the dwelling is necessary to facilitate the revised connection location.
- Revised storm water layout with accompanying section drawings and attenuation system design have been received. It is stated that the revised proposal remains unsatisfactory and will not properly attenuate surface water from the development. However, based on the contour survey site layout and SMH invert levels indicated on the storm water layout there is ample space within the site to accommodate the required attenuation and a suitable difference in levels between the site and the proposed outfall to achieve the required gradient for a successful discharge of surface water. Condition recommended to address same, noting that any alterations to the design of the storm water layout must accord with the calculations of the Flood Risk Assessment.
- Revised phasing proposals are acceptable.
- No further archaeological mitigation measures are necessary.

- On the basis of the plans and particulars submitted in response to the further information request it can be satisfactorily determined that subject to the implementation of the recommended mitigation measures at both construction and operational phases the proposed development will not have a significant adverse effect on European sites.
- Development Contribution (€5,549 x49 units = €271,901) and Bond (€5,000 x 49 units =€245,000).

3.2.2. Other Technical Reports

- *Senior Executive Engineer Killaloe MD:*

Surface water - On the attenuation design, greenfield runoff and surface water storage, the Killaloe MD roads staff do not have the software to review/check calculations, this will need to be reviewed internally by planning or outsourced to review prior to approval of planning. Details of the outfall, drainage channels and flood heights will also need to be ascertained.

We have concerns on the proposed outfall location of the proposed surface water network. The proposed outfall isn't clearly shown where it connects to an outfall. The outfall location is to a flood zone as per map below, in the event of flooding of the Rine river, the surface water network will possibly back up and lead to surface water/flooding issues on site. If granted the applicant will be responsible for ensuring open drainage to the River Rine are left clean and maintained.

Footpaths & Street Lighting

In order for this application to be granted a 2m wide public footpath will be required to connect the proposed development to the village of Quin. Street lighting must also be provided; the provision of a new footpath will also require a new surface water drainage network on the roadside of the new path with associated gullies every 40m. It is of vital importance that if this development proceeds that connectivity linking to the village is part of this application. Further information is required.

Sightlines – The proposed development is just inside the 50km/hr speed limits, the actual speed is higher due to the proximity of the 80km/hr speed

limit. The proposed front boundary walls must be setback further than proposed to give drivers clear vision of vehicles approaching from Quin village.

- *Executive Engineer* (Email dated 28 July 2025) – Comments on surface water attenuation: - *“Given that the outfall from the attenuation tank is at a level of 17.00m AOD (MH15 on Storm Water Layout Plan), this only gives an attenuation volume of 91m³ (20x6.5x0.7m=LxBxH). The applicant should clarify whether it is proposed to use the attenuation tank as a storm water soakpit and if so, site testing should be carried out in accordance with BRE 365. Any proposed soakpit should be designed based on results of site testing. Alternatively, a revised design for the attenuation tank should be provided showing how 442m³ can be provided on site to cater for the 1 in 100 year storm return plus allowance for climate change”.*
- *Transportation and Road Design Office* – A special contribution should be sought for the construction of a footpath from this proposed development to the existing footpath near Quin village, a distance of 180m. Further information should be sought requesting that the site distances and forward visibility be demonstrated. Vehicle tracking output drawings for all proposed roads using a refuse vehicle to demonstrate that movements can take place within the road widths/corner radii. Turning bay and car parking spaces outside house no. 01 house be separated in the design. All signing and lining to be in accordance with ‘The Traffic Signs Manual’.

The proposed development shall not interfere with any roadside drainage or cause any surface water flow out onto the public road during construction or thereafter.

Request a redesign of the EV parking spaces to provide safe access zones to allow clear access for the occupant to connect their vehicle to the charging point.

Dimensions of a parallel parking space should be 6m by 2.4m as per section 4.4.9 of DMURS. House no. 17-19 have stacked car parking spaces and it is recommended that this space is maximised to ensure there is no overhang on the footpath.

Footpath – None is included to the front of house no. 01 & 02. All tactile paving constructed as per the current TII details CC-SCD-05136. Raised crossing points, as referenced in the design statement, should be included in the drawings provided.

Waste – All waste generated and transported off site during construction phase shall be managed in accordance with the relevant provisions of the waste Management Act 1996 and associated amendments and regulations thereof.

- *Estates Team*

Key issues in summary are:

Site layout - recommendations in respect to parking layout and location the private car parking proposed for houses 39-42 to the east and west side of the proposed open space should be dedicated to the relevant houses and any taking in charge application shall not include these spaces.

Roads – A review of proposed finished floor levels at houses 1,2 40 to 9 and 53-56 should be carried out to ensure that all houses comply with Part M of the building regulations.

Surface water – details of the surface water outfall should be requested.

Details of all surface water attenuation/SUDs design for the development should be requested. A condition should be added to any planning permission to require that permeable paving cannot be replaced without the benefit of planning permission. Clarification should also be sought on how future house owners will be made aware of their duties regarding maintenance of these driveways.

Footpaths – all footpaths should be minimum 2m in width to allow for infrastructure such as ESB mini pillars, public lighting, water meter plates etc. Location of pedestrian crossing points should be requested and clarification on how a new footpath from the proposed development to the existing village footpath will be provided with drawings of details.

Boundary treatment – boundary details have been provided on the site layout drawing. Existing hedgerows are to be retained as boundaries in some cases. These boundaries should at a minimum be stock proof.

Construction traffic – The houses should be constructed in such a way that does not necessitate construction traffic traveling over areas of the site that have houses completed or occupied.

- Taking in charge report on further information – dated 13 June 2025

Roads

- 70m sightlines provided is adequate for 50km/hr speed zone.
- Footpath outside the development now proposed to connect with path currently being constructed providing connectivity to the village, a contribution for the path may be sought in lieu of the provision of footpath extension.
- Hammerhead turning bays look adequate.
- Road signage and lining acceptable, subject to clarification on pedestrian crossing points and signage related to same.
- No details of pedestrian crossing points.
- 2m footpaths are preferred as opposed to 1.8m wide proposed in the engineering report.

Surface water

- Hydro brake now proposed at outfall which is acceptable.
- Non return valve to mitigate against surcharge which is acceptable.
- Larger attenuation tank being provided with revised calculations.

Public lighting

- Submission appears to adequately cover the estate itself, but no detail provided at the entrance or towards the village to the north.
- *Environmental Assessment Officer* – First report dated 3 October 2024

Highlights the requirements of the NIS associated with the Clare County Development Plan 2023-2029 for the site of proposed development with in zoned R2 in Quin.

The static surveys of the hedgerow on the western boundary of the site clearly indicate the importance of the landscape for Lesser Horseshoe (LSH) Bats (this hedgerow lies outside the red line application boundary). The Northern boundary was equally important. With regard to the hedgerow proposed for partial removal 31 Lesser Horseshoe Bat calls were recorded.

The NIS outlines how deterioration of hedgerow habitat will be prevented through a maintenance regime with cutting back at the base only on a three-yearly rotation. Difficult to see how this would be achieved in a residential development unless a management company or other such mechanism is put in place for which the homeowner would need to subscribe to in perpetuity. In addition, given the proximity of houses 32, 33, 47 and 48 to the northern hedgerow it is difficult to see how they will be maintained and retained without the homeowner removing or placing a fence line to achieve greater space in their back gardens. The overall layout is of a high density for the scale of the site and given its proximity to the hedgerow much of it will be lost over time and/or lighting from each individual house will impact on foraging and commuting routes given the close proximity.

The NIS does not contain any assessment as to the impact of the lighting or the cumulative and in combination effects from either within the application to hand or in combination with other developments and applications within the zone of influence. This is particularly critical given the proximity to two SACs which are designated for Lesser Horseshoe bat a species which is very sensitive to light pollution and avoids brightly lit areas. Note the light spill from an exterior floodlight at the hayshed adjacent to the existing farmhouse and the elevated position relative to the local road may increase light levels generally. This existing pressure needs to be assessed in the context of any new or additional lighting which will form part of the development taking the site-specific conservation objectives, attributes and targets into account.

The CEMP includes a considerable number of best management practices many of which are not applicable on this site without reference to the operation stage within the CEMP to indicate how the hedgerows would be maintained in perpetuity. Mitigation measures included in the NIS are not incorporated into the CEMP.

Further information sought in respect to the hedgerow removal and how linkages across the landscape can be maintained. Clarification sought in respect to the inclusion of the access road link in the southwest corner of the site and confirmation sought on the retention of the hedgerow along the boundary with proposed house numbers 32, 33, 47 and 48.

The applicant should outline the mechanism through which the hedgerow maintenance would be implemented during the operational phase as outlined in the NIS mitigation.

Revised CEMP to include only best management practices that are applicable to this specific site. The CEMP should also outline the mechanism for maintenance. The specific mitigation measures relating to deterioration of hedgerow habitat should be detailed in the CEMP and a clear mechanism of how the operational phase measures in particular will be implemented on site.

- *Environmental Assessment Officer* – second report dated 11 July 2025

Indicates that the CEMP includes for the installation of culverts and instream crossings – this does not appear to be the case in the subject application. The CEMP should only include those measures which are to be implemented on site.

Satisfied once the mitigation measures, as outlined in the NIS, are conditions as part of any grant of permission that there is no risk of adverse effects arising either from construction of operations phases there is not a risk of cumulative or in-combination risks subject to the correct implementation of the associated mitigation measures.

- Public Lighting

The luminaires should be IP66 standard water protection, the Micro Pillars need to be upsized to midi pillar (42cm wide, 22cm deep and 1 m height) to allow surge protection to be installed within each of the service pillars.

The lighting of warm white is accepted given the recording of bats in the area. Request that the luminaire type c is replaced to luminaire type b to reduce the number of different wattages of luminaries within the estate. Lights to be set at ESB Profile U15 for zone A and ESB profile U14 for zone B and they must be reprogrammable for future adjustments to burn profiles.

3.2.3. Conditions

Bespoke conditions are noted below:

- Condition no. 1 as per plans and particulars as received by the planning authority and as amended by the further information received on 30 May 2025 and the additional information received on 9 July 2025 and 24 July 2025.
- Condition no. 2 restriction that all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity.
- Condition no. 3 Social and affordable housing.
- Condition 4 (a) prior to the commencement of development the applicant shall submit proposals for a revised storm water layout providing the required 442m³ of attenuation capacity on the site with hydro brake mechanism to ensure a maximum release rate of 4.7l/s and a suitable gradient from site to outfall, in accordance with the calculations contained in the Flood Risk Assessment Report.
- Condition 5. Prior to the commencement of development, the applicant shall submit revised plans and particulars for the written agreement of the planning authority to address the following:
 - a) Detailed design specification for the proposed pedestrian crossings in the development.
 - b) The removal of proposed unit 5 from the development. The associated land shall be used as open space within the development.

- c) The redesign and/pr reorientation of proposed unit 6 to provide dual frontage to the north and the east.
 - d) The removal of the proposed kerbside bin storage area and associated with proposed unit no. 1.
- Condition no. 6 mitigation measures set out in the Natura Impact Statement and Construction Environmental Management Plan received by the planning authority on 30 May 2025 shall be implemented in full.
 - Condition no. 7 The development shall be open plan and no front boundary walls/ fences shall be expected notwithstanding any 'exempted development' provision.
 - Condition no. 8 The finished floor levels of all permitted dwellings shall be in accordance with the site layout plan: Temporary Entrance and Sightlines drawings (Ref: 24/130-312).
 - Condition no. 23 Special Development Contribution towards the provision of footpath on the L-3148 to facilitate safe pedestrian connectivity from the proposed village centre.

3.3. Prescribed Bodies

- *Department of Housing, Local Government and Heritage* (Development Applications Unit) in submission dated 2 October 2024 recommends that an Archaeological Impact Assessment (AIA) be requested as further information.

In submission dated 14 July 2025 the department acknowledges the findings of the assessment and concurs with the archaeological impact statement conclusion and recommendations.

The department recommend that mitigation measures outlined in the NIS and Construction Environmental Management Plan are made conditions to planning should permission be granted. In addition, as well as the two SACs designated from Lesser Horseshoe bats, the site of the proposed development lies 1 kilometre from Ballykilty Manor and 2 Kilometres from

Drim House, both of which hold significant Lesser horseshoe bat roost. With this in mind the department recommended that all mitigation measures outlined in the bat survey are made conditions to planning should permission be granted.

- *Uisce Éireann* submission dated 22 September 2024 recommends further information in respect to where *Uisce Éireann* does not have a water/wastewater infrastructure within the public road fronting the proposed development mains/sewer extension will be required to cater for the proposed development. At this time a mains/sewer extension is not on the current *Uisce Éireann* Capital Investment Plan. A pre-connection enquiry (PCE) is necessary to determine the feasibility of connection to the public water/wastewater infrastructure.

3.4. Third Party Observations

Ann Crean:

No objection in principle to a housing development at this location.

- Observations made in respect to other developments ongoing and the cumulative impact of traffic generation as a result of the subject application on the narrow road network. Concerns about traffic safety at the proposed entrance.
- Homes should be available for first time buyers who do not qualify for the social or affordable housing schemes.
- Proactive enforcement is required in terms of enforcing planning conditions such as compliance with construction working hours.
- Is there sufficient wastewater/water capacity in place
- Will similar conditions in relation to retention of existing hedgerows be required as is the case with the most recent large development in the Quin Gardens.
- Note the proposal to connect to the public sewer on the public road outside their property. However, there is no sewer in this location and *Uisce Éireann* also noted this. UE in their confirmation of feasibility (CoF) states that a connection is feasible if pumped to the last manhole on the sewer line which

is higher than where the proposed sewer is shown as existing the application site. No pumping station was shown on any of the planning application documents. If there is an intention to connect by gravity within the site to the existing manhole then significant changes would be required to the layout.

- The proposal does not meet with the site-specific objective by reason of the height of the proposed bungalows orientated with rear elevation facing the road and a bin storage unit for house no. 1 visually prominent.
- If planning is granted there should be a condition requiring the dry-stone pigmy wall to have a proper capping.

Cyril O'Reilly and Carol O'Reilly (1st Submission dated 24 September 2024)

- No objection in principle but serious concerns regarding impact of development on their property and other properties adjacent to the site by reason of surface water flooding.
- The land where it is proposed to discharge surface water is liable to flooding every year. An independent hydrological study should be commissioned to take account of the recent planning permissions granted in the locality, future possible surface water discharge and loss of existing permeable areas and future flood scenarios as a result of global warming.
- The open space area should be increased to ensure that adequate area is available for the management of surface water.
- The proposed site entrance is located opposite their entrance at a higher level – no details have been provided to ensure surface water run-off would not affect their property.
- The proposed development does not meet the envisaged criteria of R2 zoning at this visual sensitive gateway by reason that the dwellings with finished floor levels approximately 2m above the road level will have a dominating effect not in character with the existing rural character. Five of the dwellings are orientated with rear elevations facing the public road entrance to the village and screened by a plastered block wall 1.8m high. The design, density and overall layout of the dwellings are not in keeping with the rural nature of the site and will have a detrimental effect on the village.

Cyril O'Reilly and Carol O'Reilly (2nd Submission dated 1 July 2025 following receipt of further information deemed significant)

- Note the flood risk assessment submitted as part of the further information documentation.
- It is proposed to discharge surface water from the proposed housing to land that is liable to flooding.
- Request that the relevant qualified technical personnel or Council's consultants review the documents and take into account future developments in the area which could ultimately discharge to the flood plain and the impacts of global warming and seeks clarification that the technical personnel are entirely satisfied that the proposal will not impact in any way on their property or indeed adjacent properties.
- Note that it is proposed to discharge to ground part of the surface water in the development itself. No details provided of trial holes to determine the feasibility of this proposal. If it is not feasible to discharge part of the surface water as proposed, then this could have an impact on the size of attenuation tanks and volumes of water discharging to the flood plain.
- Concerns regarding the noted required maintenance of drainage channels which are on the flood plain. Would this become the council's responsibility in the future when the development is taken in charge.

Cyril O'Reilly and Carol O' Reilly (3rd Submission dated 14 July 2025 following unsolicited information on the 9 July 2025)

- Surprised that this unsolicited information regarding the sewer connection from the development has now been submitted.
- Noting the revised sewer layout and raise concerns that the sewer design may result in an increase in floor levels. Any further increase could have a significant visual impact.

Jean Dunne, Neil Harrington, Liz Condron & Dav Loughman, Fiona Driscoll, Angles & Justin McAtter, Angles & Bart O'Brien, Orla & Mike Burns, Siobhan Hickey & David Russell, Carmel Fahy, Angela & Chris Kelly, Gerard & Bronagh Quinlivan, Allens, Loretto O'Donnell (residents of Manor View)

- The proposed development along with other estates currently in construction (Maigh Dara 16 houses, Quin Gardens 41 houses) will add an additional 113 houses to the village.
- This development is on a busy road with dangerous s bend.
- The Clare Inn Road (L3148) is in places too narrow for two cars to pass, a section of road directly southwest of the Ballykilty Manor entrance is only 4.75m wide at the narrowest section. Request that Clare County Council review this section of road and increase the width allowing two cars/buses/farm machinery to pass safely.
- The local national school has 301 children enrolled in 11 classrooms - primary school capacity should be considered in respect to the additional demand.

Sally O'Neill

- Access and egress from the site onto an already extremely busy road compromises the health and safety of all road users.
- Entrance to the development on a dangerous bend is unacceptable.
- Essential services to support children who will be accommodated in these homes is not available at Quin. Demand on school places is an issue.
- Ground conditions (p.9 of the Civil Design Planning report) have not been carried out.
- Lack of consultation and consideration given to existing residents.

Pat Scanlan and Lorriane Gallagher

- Density not in keeping with the location of the site on the edge of historical village of Quinn.
- Volume of traffic that a housing scheme would contribute to would have serious safety impact on existing residential in this location and wider area.
- The scale and mass of some of the dwellings will have a detrimental impact on the village in wider views, in particular those dwelling adjacent to the Ballykilty Road (L3148).
- Proposed removal of hedgerow will impact on wildlife in the area.
- No details have been submitted for dealing with surface water discharge onto the public road.

Representation made by Cllr. Tony O'Brien. Request that their name is attached to the planning file.

4.0 Planning History

Planning register reference 21-1375 Planning permission refused (December 2022) for construction of a new entrance/exit to public road for future dwelling house and all associated site and ancillary works (Applicant Gerard Scanlan).

Reason for refusal: -

1. The proposal site forms part of a site LDR1 in Quin, the objective for which states *inter alia*:

This is a visually sensitive gateway site, located at the southwest entrance to the village and, as such, the design and layout of future residential development on these lands must create an attractive approach to the village and reflect the rural character of the area.

It is considered that the proposed development, the intended boundary treatments and in particular the consequent impact of same on the access arrangement to the lands to the south and west, facilitates the fragmentation of the wider area of zoned land, constitutes a haphazard and piecemeal approach to access and traffic management and, when considered in the context of the wider works required to achieve required sight distance, would have a negative impact on the visual amenities of the area and the approach to the village of Quinn from the south. The proposed development would therefore contravene the zoning objective for site LDR1 in Quin, impact negatively on the visual amenities of the area and would be contrary to the proper planning and orderly development of the area.

Planning register reference 21-622 Incomplete application.

Planning register reference 17-39 Planning permission refused (August 2017) for the construction of a dwelling house with effluent treatment system and a new entrance from the public road and all associated site works (Applicant Martin Haran).

Reasons for refusal:

1. Having regard to the poor horizontal alignment of the public road fronting the site and to the restricted sightlines available at the entrance in both directions, it is considered that the proposed development would endanger public safety by reason of traffic hazard. The proposed development if permitted would set an undesirable precedent for other similar types of development proposal and would therefore be contrary to the proper planning and sustainable development of the area.
2. The subject site is located on lands partially zoned as 'existing residential' and 'LDR 1' as set out in the Clare County Development Plan 2017-2023. The zoning objective for the lands zoned as 'LDR 1' recognises that the site is a visually sensitive gateway site, whereby the design and layout of any future residential development must create an attractive approach to the village and reflect the rural character of the area. The planning authority considers that the proposed development would contravene materially development objective 'LDR1' as indicated in the development plan, and would represent haphazard and non-integrated development, which would pre-empt comprehensive development and servicing to the adjoining lands should such development be later considered to be desirable or permissible. Furthermore, it is considered that the proposed development by reason of its footprint and siting to the rear of an existing residential property, would seriously injure the amenities and depreciate the value of property in the vicinity. The proposed development would therefore, if permitted seriously injure the visual and residential amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Relevant planning history to the north of the subject site:

Planning register reference 22/816: Permission granted to (1a) demolish existing substandard dwelling house and store, and 1b the provision of 4 no. serviced sites, including site development works, an access road and connection to public services (2) outline permission to construct 4 no. dwelling houses with garages on the above serviced sites at Quingardens, Quin Co. Clare. (applicant Jimal Investments Ltd.)

Planning history to the south of the subject site:

Planning register reference 18/435: Permission granted for an extension to dwelling house at Quin Gardens, Quin, Co. Clare.

Part XI of the Planning and Development Act, 2000 (as amended) and Part VIII of the Planning and Development regulations, 2001 (as amended): File reference 22-8000. Development of flood defence protecting three properties in Quin, Co. Clare. Located on the northeast of the village of Quin.

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029

Quin is a designated large village (Tier 1) settlements in County Clare. The subject site is designated as residential and has a site-specific objective R2.

Development Plan Objective: Core Strategy

CDP 3.1 It is an objective of Clare County Council: To support the delivery of the Core Strategy in accordance with the Table 3.4 Core Strategy Table and the Map 3A Core Strategy.

“While the purpose of the Core Strategy is to identify locations across the county where future development is likely to take place it is not intended that an overly rigid approach to development would be employed by consenting authorities. The growth projections are to be viewed as targets rather than caps or limitations to growth within those individual settlements. Where there is scope within settlements and appropriately zoned land available, planning decisions which may include growth over and above the stated target as set out in the Core Strategy will be considered”.

Large Villages

... The large villages in County Clare, with their attractive character and community infrastructure, provide opportunities for ‘sites for independent development’ and low density ‘cluster’ style residential developments to act as viable alternatives to single housing in the countryside.

Development Plan Objective: Green Infrastructure in Residential Developments CDP5.16

It is an objective of the Development Plan:

- a) To ensure that green areas associated with new residential developments enrich the quality of life of local residents and provide ecologically rich areas that enhance biodiversity and contribute to the green infrastructure network in the County; and
- b) To facilitate and encourage community stakeholders to repurpose underutilised pockets within existing residential areas for the enhancement of biodiversity and green infrastructure.

Development Plan Objective: Biodiversity and Habitat Protection CDP15.12

It is an objective of Clare County Council:

- a) To protect and promote the sustainable management of the natural heritage, flora and fauna of the County both within protected areas and in the general landscape through the promotion of biodiversity, the conservation of natural habitats, the enhancement of new and existing habitats, and through the integration of Green Infrastructure (GI), Blue Infrastructure and ecosystem services including landscape, heritage, biodiversity and management of invasive and alien species into the Development Plan;
- b) To promote the conservation of biodiversity through the protection of sites of biodiversity importance and wildlife corridors, both within and between the designated sites and the wider Plan area;
- c) To support the implementation of the All-Ireland Pollinator Plan, National Biodiversity Action Plan and National Raised Bog SAC Management Plan;
- d) To ensure there is no net loss of potential Lesser Horseshoe Bat feeding habitats, treelines and hedgerows within 2.5km of known roosts;
- e) To implement and monitor the actions as set out in the Clare County Biodiversity Plan; and
- f) To promote biodiversity net gain in any new plans/projects/policies to promote development that leaves biodiversity in a better state than before.

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

It is an objective of Clare County Council:

- a) To ensure development proposals have regard to the requirements of the SFRA and Flood Risk Management Guidelines; and where required are supported by an appropriately detailed hydrological assessment / flood risk assessment.
- b) To ensure that flood risk assessments include consideration of potential impacts of flooding arising from climate change including sea level rise and coastal erosion;
- c) To integrate sustainable water management solutions, prioritising nature based solutions (such as SUDS, nonporous surfacing and green roofs) into development proposals;
- d) To include Natural Water Retention Measures (NWRMS) where appropriate in consultation with the Office of Public Works (OPW) and other relevant stakeholders:
- e) To support investment in the sustainable development of capital works under the Flood Capital Investment Programme and Flood Risk Management Plans developed under the Catchment Flood Risk Assessment and Management (CFRAM) process; and
- f) To ensure that potential future flood information obtained/generated through the Development Management process is used to inform suitable adaptation requirements in line with the Guidelines for Planning Authorities on Flood Risk Management (DoECLG & OPW, 2009).

Development Plan Objective: Floods Directive and CFRAMS CDP2.8

It is an objective of Clare County Council:

- a) To support the implementation of the EU Floods Directive 2007/60/EC to manage flood risks; and
- b) To implement the recommendations of the Catchment Flood Risk Assessment and Management Study (CFRAMS) programme as it relates to

County Clare and to ensure that flood risk management policies and infrastructure are progressively implemented.

Development Plan Objective: Storm Water Management CDP2.11

It is an objective of Clare County Council:

- a) To ensure that adequate storm water infrastructure is in place to accommodate the planned level of growth in the Plan area;
- b) To require all new developments to provide a separate foul and surface water drainage system;
- c) To ensure the implementation of Sustainable Drainage Systems (SuDS) and in particular, to ensure that all storm water generated in a new development is disposed of on-site or is attenuated and treated prior to discharge to an approved storm water system; and
- d) To request the submission of details regarding Surface Water Attenuation Systems that take account of the potential future impact of climate change for multi-unit development applications in the plan area. Development will only be permitted in areas where sufficient surface water capacity exists.

**Volume c Killaloe Municipal District Settlement Plans: Quin (Section 3)
excerpts from:**

Quin is an 18th century village located on the River Rine, dominated by the large and picturesque ruin of the 14th century Franciscan Abbey. The village sits within an area characterised by scattered woodlands, drumlins and fields bounded by mature shelterbelts and stone walls. Quin functions as both a rural village and commuter village for the surrounding towns, namely Ennis, Shannon and Limerick. Quin also has an important tourism function...The village has a number of services and facilities including shops, public houses, community hall, national school, church, playground and HSE consulting rooms.

Housing and Sustainable Communities

Over recent years, while Quin has accommodated residential growth, the village has managed to retain its original layout and character. Future residential growth must be of a scale appropriate to the status of the settlement as a large village. In addition, it shall also consolidate the existing built form, be of appropriate density, high quality and sensitive to the existing village character.

Future challenges centre on access opportunities, traffic congestion along the Main Street, road safety and ensuring that the traditional character of the village continues to be retained.

The future development of housing in Quin shall be closely aligned with the adequate provision of local facilities and services, including school capacity/future expansion plans, other community facilities and recreational/amenity areas. Development proposals for housing shall also ensure that provision is made for pedestrian/cycle connectivity with the village centre.

Given the presence of four Lesser Horseshoe bat roosts surrounding the village of Quin, coupled with the Poulmagordon Cave SAC (a Lesser Horseshoe bat SAC), all residential developments within and surrounding Quin village should adhere to 'Bats in Buildings Guidance Notes for: Planners, Engineers, Architects and Developers' (Bat Conservation Ireland, 2010), and, specifically with respect to lighting in the village, all lighting should be designed in accordance with the Bat Conservation Trust - Bats and artificial lighting in the UK Guidance Note 08/2018.

Any development application should be accompanied by a full bat survey, particularly in relation to the presence of Lesser Horseshoe bats on the site, and a full light spill modelling study to demonstrate that the chosen lighting design would not create any increase in ambient light levels beyond the perimeter of the development footprint.

Development applications must not propose removal of woody vegetation around the perimeter of sites and must address how linkages across the landscape can be maintained. There shall be no significant increase in artificial light intensity adjacent to named roosts or along commuting routes within 2.5km of those roosts. Lesser horseshoe bats are very sensitive to light pollution and will avoid brightly lit areas.

Inappropriate lighting around roosts may cause abandonment, and lighting along commuting routes may cause preferred foraging areas to be abandoned, thus increasing energetic costs for bats (Schofield, 2008). Linear features constitute hedgerows, treelines and stone walls. The existing tree line, hedgerow and mature trees located within the vicinity of the Residential areas to the west of the village should be retained as suitable foraging and commuting habitats for bats. New road infrastructure will be required to provide access to some of the lands zoned for residential development in Quin.

Any proposed development on R2 shall facilitate a new road connecting R2, to Strategic Reserve lands to the north. The road shall be progressed as part of the development of the lands and shall be designed in accordance with the Design Manual for Urban Roads and Streets.

R2 Western Edge of the Village

This is a visually sensitive gateway site located at the southwest entrance to the village and, as such, the design and layout of future residential development on these lands must create an attractive approach to the village and reflect the rural character of the area. Development of the site is strictly conditional on achieving a safe road access, as the road has poor horizontal and vertical alignment in the vicinity of the site. Layout and design shall ensure that the residential amenities of existing adjacent houses are protected. The layout of future development on these lands shall provide for future access to the Strategic Residential Reserve lands to the north. It is important that any such access does not have a negative impact on the amenities of the private open space associated with existing houses in the area.

Flooding and Flood Risk

The Strategic Flood Risk Assessment in Volume 10(c) of this plan states that there is a fluvial flood risk upstream and downstream of this settlement, but the risk is limited through the village and is restricted to areas zoned as Buffer Space. A drainage impact assessment will be required to manage surface water associated with future developments.

5.2. **Strategic Flood Risk Assessment (SFRA) (Volume 10c) of the Clare County Development Plan 2023-2029**

In Clare there are a number of Arterial Drainage Schemes; the Fergus at the upper end of the Shannon estuary, Creegh, Coonagh, Owenogarney in Bunratty, and the Bunratty Rineanna. There are also several Drainage Districts; Scariff, Sixmilebridge and Kilkesh, Newmarket, **Quin**, Manus, Fergus, Kilmaley and Inagh.

Drainage Districts - Drainage Districts were carried out by the Commissioners of Public Works under a number of drainage and navigation acts from 1842 to the 1930s to improve land for agriculture and to mitigate flooding. The purpose of the schemes was to improve land for agriculture, by lowering water levels during the growing season to reduce waterlogging on the land beside watercourses known as callows. Local authorities are charged with responsibility to maintain Drainage Districts. The Arterial Drainage Act, 1945 contains a number of provisions for the management of Drainage Districts in Part III and Part VIII of the act.

The presence and functionality of flood management infrastructure should be addressed in site specific flood risk assessments (Section 3.2 of the SFRA).

Shannon CFRAM study OPW Area – Modelling is ‘best of breed’ and outputs will allow informed decisions to be made on zoning objectives. Design water levels will inform decisions relating to raising land and setting finished floor levels. Quinn as an AFA (Area for Further Assessment) was subject to detailed examination under the Shannon CFRAM study.

5.3. **National Policy and Guidelines**

- *National Planning Framework First Revision (April 2025).*

National Policy Objective 7 Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

National Policy Objective 11 Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and

serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

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

Rural towns and villages with a population of 1,500 persons or less offer services to a wide rural hinterland. These settlements are not identified for significant population growth under the NPF and should grow at a limited pace that is appropriate to the service and employment function of the settlement, and the availability and capacity of infrastructure to support further development. Planning authorities should look to promote and support housing that would offer an alternative, including serviced sites, to persons who might otherwise construct rural one-off housing in the surrounding countryside in rural towns and villages.

The key priorities for compact growth in Rural Towns and Villages in order of priority are to:

- (a) strengthen the existing urban core through the adaptation, re-use and intensification of existing building stock,
- (b) realise opportunities for infill and backland development, and
- (c) provide for sequential and sustainable housing development at the edge of the settlement at suitable locations that are closest to the urban core and are integrated into or can be integrated into the existing built-up footprint of the settlement and can be serviced by necessary supporting infrastructure.

- *Planning System and Flood Risk Management Guidelines for Planning Authorities*

The core objectives of the Guidelines are to:

- Avoid inappropriate development in areas at risk of flooding;
- Avoid new developments increasing flood risk elsewhere, including that which may arise from surface water run-off;
- Ensure effective management of residual risks for development permitted in floodplains;

- Avoid unnecessary restriction of national, regional or local economic and social growth;
- Improve the understanding of flood risk among relevant stakeholders; and
- Ensure that the requirements of EU and national law in relation to the natural environment and nature conservation are complied with at all stages of flood risk management.

5.4. **Natural Heritage Designations**

The subject site lies:

- c. 1km from Poulmagordon Cave (Quin) SAC [Site code: 000064], Proposed Natural Heritage Areas: Poulmagordon.
- c. 2km from Old Domestic Building (Keevagh) SAC [Site Code:002010], Proposed Natural Heritage Areas: Old Domestic Building (Keevagh).
- c. 1.9km from Lower River Shannon SAC [Site Code: 002165], and
- c. 3km from the River Shannon and River Fergus Estuaries SPA [Site Code:004077].
- C. 4km from the Proposed Natural Heritage Areas: Fergus Estuary and Inner Shann, North Shore (Site Code: 002048).
- C. 4km from the Proposed Natural Heritage Areas: Dromoland Lough (Site Code: 001008).

The site of the proposed development lies 1 kilometre from Ballykilty Manor and 2 kilometres from Drim House both of which hold significant Lesser Horseshoe bat roosts (as per DAU submission).

6.0 **Environmental Impact Assessment (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.

It has been concluded that there is potential for significant effects on a European site(s) and an Appropriate Assessment has been undertaken having regard to the documentation on file including the NIS. The preliminary examination carried out for environmental impact assessment (Appendix 2), has addressed the characteristics of the proposed development, its location and the types and characteristics of potential impacts has also had regard to the mitigation measures proposed in respect of protecting the foraging and commuting routes provided by the hedgerows on the subject site and water quality. On this basis I am satisfied that there is no potential for significant effects on biodiversity and water quality or any other environmental factor, or any requirement, therefore, for environmental impact assessment. Impacts on European sites can be addressed under Appropriate Assessment, which I have addressed in Section 9.0 and Appendix 3 of my report.

7.0 The Appeal

7.1. Grounds of Appeal

The appeal is made by third party Cyril O'Reilly; in summary the grounds of appeal are as follows:

- Serious concerns regarding the impact of the development as proposed on their property and other properties adjacent to the application site in respect to increased risk of flooding.
- The land where it is proposed to discharge surface water is liable to flooding every year and this does not appear to have been given full consideration in the assessment for the management of surface water.
- Highlight the report from the Senior Executive Engineers Killaloe Municipal District (see section 3.2 of my report).
- Given concerns raised by the SEE the planning permission should be refused or a decision deferred on the application until an independent hydrological study is commissioned by the local authority to take account of the impact that

the proposed development would have on the flood zone, future possible surface water discharged from adjacent zoned lands and loss of permeable areas, and regard to the national and international concerns regarding global warming and the history of flooding in the area.

- In support of the grounds of appeal I note the photographs attached of flood lands of the south and east of their property in 2022-2023, with reference map and position of the appellant's property indicated. The appellant's outline that since 1994 having moved into their home they have witnessed extensive flooding on the lands to the southeast and northeast of the property, with the most extreme cases occurring in 2009 and 2015. No flooding has occurred at their property to date.
- The appellant is seeking assurance that flooding will not become an issue as a result of the additional surface water discharge into an existing flood zone if planning permission is granted for this proposed development and future developments.
- Attached copy of Shannon CFRAM study map (dated June 2016) for Quin with the appellants family home indicated and the flood zone where it is proposed to discharge surface water to.

7.2. Applicant Response

- Refers to the site-specific flood risk assessment prepared by Flood Risk Ireland and submitted as part of the subject planning application.
- Note Condition no. 4 (a) and have submitted a report and drawings prepared by Garland Consulting Engineers to comply with this condition.
- Request that the Commission consider the option of keeping and rotating unit 5 to face the road, rather than omitting it as per condition 5 (b). Revised site plan attached – Architects Drawing Ref NO. 01 Rev B.

7.3. Planning Authority Response

- Initial response (letter dated 9th September 2025) The planning authority has reviewed the grounds for appeal and considers that all matters raised have been fully assessed in the planner's report associated with the planning application. Request that An Coimisiún Pleanála uphold the council's decision.
- Second response (letter dated 3rd October 2025) following the receipt of the applicant's response to appeal, as follows: *"The submitted design rationale, design calculations, proposed stormwater network layout and attenuation capacity are generally acceptable to the planning authority. However, in the interest of clarity, it is recommended that the proposed stormwater layout plan be overlain with the permitted site layout plan, to ensure that the proposed layout is achievable in the context of the permitted roads and parking layout, and the retention of hedgerow and vegetation required as part of the agreed appropriate assessment mitigation measures"*.

7.4. Observations

- None.

7.5. Further Responses

- The appellant has submitted a response to the submission made by the applicant to the appeal, following its circulation under section 131 of the Planning and Development Act, 2000 (as amended), including the submission of a location map dated October 2025 and Flood report dated 2022 Knocknagoug, Quin. The appellant states the following issues:
 - Refer again to the comments made by the Senior Executive Engineer's (SEE) report (Killaloe Municipal District) which raises concerns with the proposal of discharging additional water to the flood zone in Quin. Furthermore, the SEE states that it is important that the planning department to review the flood zones and mapping within the village of Quin.

- The site-specific flood risk assessment (SSFRA) refers to historical reports and prediction of future flooding but there is no mention of flooding of homes that took place in Knocknagoug, Quin in 2009 and 2015 which is located less than 1km from their property.
- As a result of flooding in Knocknagoug Clare County Council received planning permission under P.R. 228000 for flood risk defences for two homes and this work has now been completed. (Attached flood report includes photographs, maps and reports relative to the flooding that took place).
- Of the opinion that planning permission should be refused or a decision on the application deferred until an independent hydrological study is commissioned by the local authority.

8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s 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
- Surface water management and flood risk
- Design and layout

8.2. I highlight to the Commission the applicant has submitted revised drawings indicating the retention and reorientation of proposed unit no. 5, therefore proposing a total of 50no. units.

- Site Layout Drg. Sheet no. 01 Revision B
- Stormwater layout plan Drg. No. H1319-DR-GAR-CE-020 Rev 1
- Stormwater Long sections Drg. NO. H1319-DR-GAR-CE-021 Rev 1

I shall address same within section 8.4 'Surface Water Management and Flood Risk' and 8.5 'Design and layout' of my report.

8.3. *Principle of development*

- 8.3.1. The subject site is zoned residential in which is described as: - *“Residential use shall be taken to primarily include the use of land for domestic dwellings. It may also provide for a range of other uses particularly those that have the potential to foster the development of new residential communities e.g. schools, crèches and open spaces”*. The subject site has a site-specific objective R2 (as contained in Volume 3c of the development plan) which seeks that the design and layout of future residential development on these lands creates an attractive approach to the village and reflects the rural character of the area (as detailed in section 5.1 of my report).
- 8.3.2. The planner’s initial report identifies that this application in conjunction with developments currently under construction in the village of Quin¹ are close to meeting the housing and population targets for the settlements as set out in the Core Strategy (Table 3.4). I note for the Commission that Table 3.4 Core Strategy Table of the Clare County Development Plan 2023-2029 indicates a housing unit target of 60 units (including unmet population²) based on a density range of 20-15 units per ha. Noting that some of the developments underway relate to permitted development under the previous plan and the flexibility provided for within the current plan (section 3.4.2 Core Strategy Statement which states that *“Where there is scope within settlements and appropriately zoned land available planning decision which may include growth over and above the stated target as set out in the Core Strategy will be considered”*) the planner’s report concludes that the development on this site is acceptable in principle.
- 8.3.3. Whilst I am also satisfied that the principle of residential development is in generally accordance with the R2 zoning objective of the plan, I do have concerns with respect to the proposed density of dwellings on the subject site given the constraints of the subject lands having regard to the important function that the hedgerows play as

¹ P22/59 (granted on 22/12/2022 for 36no units), P22/1039 (granted on 05/10/2023 for 16no. units) and P22/816 (granted on 14/01/2023 for 4no. serviced sites).

² The Core Strategy provides for an additional 2,000 persons/1260 units distributed across the county to meet the housing unmet needs of the additional population arising from the humanitarian response to persons arriving in Ireland fleeing conflict in Ukraine, which is not represented in the NPF population projections.

established commuting routes and foraging areas for Lesser Horseshoe Bats and given the underlying rock at or near the surface and the potential Karst nature of the bedrock necessitating the use of attenuation tanks and proposals to discharge surface water to an existing drainage channel on lands identified as part of the Drainage District in Quin. These constraints in my opinion are interrelated to the proposed density and ultimately the site's capacity in respect to providing (soft and hard) infrastructure to appropriately manage surface water. I shall assess same in section 8.4 of my report.

8.3.4. Separately I shall address issues relating to the site-specific objective in respect to design and layout (including density) in section 8.5 of my report and, include in this assessment the applicant's response to the appeal requesting that unit no. 5 is retained and to omit the planning authority's condition no. 5 to remove unit no. 5 and redesign/reorientation of unit no. 6 to provide dual frontage.

8.3.5. I note for the commission that the appellant states that they have no objection in principle to a housing development at this location.

8.4. *Surface water management and flood risk*

8.4.1. By way of context in County Clare Quin village was one of the areas identified as Areas for Further Assessment (AFA) under the CFRAM (Catchment Flood Risk Assessment and Management Study) and was subject to detailed flood risk analysis. Table 3-2 Flood defence infrastructure (as contained in the Strategic Flood Risk Assessment (SFRA) of the development plan outlines the work package of 'Minor Works Schemes' at Quin. The target standard of protection is 1% AEP, and the stage for these works are identified as being at Stage 3 – detailed design, construction and tender at the time of the plan adoption. As already set out in section 5.2 of my report there is a Drainage District in Quin, carried out by the Commissioners of Public Works to improve land for agriculture and to mitigate flooding. The proposed development seeks to discharge surface water into one of the land drains within the Drainage District.

8.4.2. The SSFRA clearly demonstrates that the lands to the west of the L-3148 that form part of the principal site area are located within Flood Zone C and it is stated that there is no record of any pluvial or fluvial flood event recorded within the boundary of the proposed development site or on its access roadway. I highlight to the

Commission that the proposed surface water outfall is located to the eastern side of the L-3148 as per Figure 18 of the submitted SSFRA and please also refer to Figure 19 for downstream view of the surface water discharge drain.

- 8.4.3. The appellant is seriously concerned that the proposed discharge of surface water from the scheme onto lands, liable to flooding, would potentially result in increased flood risk to their property and to adjoining properties. In a supplementary submission received 1 October 2025 the appellant has included a flooding report (*Malachy Walsh and Partners Engineering and Environmental Consultants*) prepared for Clare County Council's Part 8 application for a flood defence wall to the rear of three properties in the northwest of Quin village (Knocknagoug). The appellant highlights that the SSFRA prepared for the subject application does not include references to the historical flooding events of 2009 and 2015 at these properties located in Knocknagoug to the northwest of Quin.
- 8.4.4. I would concur with the appellant that the submitted SSFRA does not reference the historical flooding of homes that took place in Knocknagoug. The submitted flooding report prepared by *Malachy Walsh & Partners* does corroborate the SSFRA in that they also state that past flood events as registered on the floodmaps.ie site mapping show only one location of flood event. My search of <https://www.floodinfo.ie/map/floodmaps/> as on 20 November 2025 also found only one past flood event (Flood Summary ID-5222). It could be argued that a more comprehensive search of planning history in the area undertaken by the applicant would have discovered these past events and included these within the SSFRA. I am of the opinion that the omission of such historical events and details of the flood defence works at Knocknagoug from the SSFRA are, on balance, not a fundamental gap in information with respect to my consideration of the SSFRA submitted with the application given the location of the subject site relative to Knocknagoug and taking into account the guidance in '*The Planning System and Flood Risk Management Guidelines for Planning Authorities*' which state the presence of flood protection structures should be ignored in determining flood zones because areas protected by flood defences still carry a residual risk of flooding from overtopping or breach of defences.
- 8.4.5. I have reviewed and assessed the submitted Flooding Report in terms of the additional past flood events, the mitigation measures and potential impact of the

flood defence on flooding elsewhere in Quin. The content within the submitted supplementary submission by the appellant does not materially alter my considerations with respect to the proposals for surface water management within the subject application. On this basis I do not consider it necessary for the supplementary information to be circulated further to the first party.

- 8.4.6. The submitted site-specific flood risk assessment, as updated and received on 30 May 2025 as part of the further information response, states that the site is not part of lands benefiting from a drainage scheme. I highlight to the Commission, that the application red line boundary as presented in the SSFRA in some of the figures contained within does not match that of the application drawings by reason that the proposed surface water drainage extends directly into the lands east of the L-3148 onto lands benefiting from a drainage scheme i.e. 'benefitting lands'. However, I note that Figure 10 includes the accurate red line boundary and that section 5.3 of the SSFRA does take into consideration the Drainage Scheme in their calculations with respect to possible adverse flood impacts due to the proposed development. As such I consider that the SSFRA sufficiently addresses the presence and functionality of flood management infrastructure of this Drainage Scheme in Quin (see Section 3.2 of the SFRA for Clare County Development Plan 2023-29).
- 8.4.7. The submitted SSFRA calculates the existing greenfield potential mean annual surface water run-off as 11 litres per second. It further states that the discharge rate is being limited to 4.7 litres per second as this represents a maximum discharge rate of 2 litre per second per hectare as specified by the Greater Dublin Strategic Drainage Strategy (GDSDS) and by the Clare County Development Plan. This is stated as being a reduction in the runoff rate from the existing greenfield site by 6.3 litres.
- 8.4.8. At the initial assessment the planning authority raised concerns that the attenuation proposed was significantly undersized and that insufficient details regarding the proposed discharge point were provided. By way of further information an attenuation tank of 442m³ was proposed. Notwithstanding, the planner's report notes that calculating the volume of the tank from the invert of the incoming pipe to the invert of the attenuation tank would provide a tank capacity of only 403m³. The planner's report highlights that it is unclear to them why *"the applicant has successively failed to provide a design proposal for a properly functioning surface*

water attenuation and discharge system.” To address this shortfall in tank capacity the planning authority attached condition no. 4 (a) requiring revised proposals for the storm water layout providing the required 442m³ of attenuation capacity on the site with a hydrobrake mechanism to ensure a maximum release rate of 4.71/s and a suitable gradient from site to outfall in accordance with the calculations contained in the Flood Risk Assessment Report.

- 8.4.9. As part of their response to the appeal the applicant has submitted a submission prepared by *Garland Consulting Engineers* to demonstrate compliance with Condition 4 (a). It is stated in this submission that “*In carrying out the design and simulation of a series of winter and summer storms to meet the design requirements, the system requires two attenuation tanks with volumes of 850m³ and 250m³ to achieve compliance during the critical 2160-minute winter and 2880-minute summer events*”. It is acknowledged in this submission by Garland that the new hydraulic calculations are in excess of the 442m³ noted in the planning condition as the figure of 442m³ was based on previously submitted TEDDS software and the new calculations are created using the Causeway Flow model.
- 8.4.10. Notwithstanding the foregoing I note separately that there are references made to the use of Causeway Flow modelling within the submitted OBB Consulting Engineers Civil Design Planning Report section 7.0 (received 30 May 2025) and, as such, there appears to be conflicting details in the information provided and I consider there to be a lack of clarity in terms of the evidence base from which the surface water management proposals are based.
- 8.4.11. I highlight to the Commission that the new calculations represent a fundamental change to the surface water management proposals to that as proposed in the first round of analysis and conditioned by the planning authority based on the submitted SSFRA. The new proposals represent an approximate 60% increase in attenuation capacity over that proposed in the application, proposed in two separate attenuation tanks rather than one. I am of the view that given the significant difference in information provided at application and in response to the appeal and the lack of clarity in terms of the method of hydraulic modelling there is a resultant lack of certainty in respect to proposals that surface water as a result of this proposed development would not increase flood risk elsewhere. On this basis I recommend that a refusal of permission is warranted.

8.4.12. In addition, the effects of such a fundamental change are unknown in terms of the impact of same on the overall layout, impact on the design and usability of the proposed public open spaces, the construction impacts of such a large attenuation tanks within an area with rock at or near the surface and the impacts on the hedgerows to be preserved on site. I shall address further the issue with respect to the ecologically important hedgerow in section 8.5 of my report.

8.5. *Design and layout*

8.5.1. As outlined in section 3.2 of my report the proposed development was revised following a request for further information. Given the importance of the hedgerows identified on site and the site-specific objective in respect to this visually sensitive gateway site I consider it appropriate to focus my assessment on the revised scheme and amended layout, which was advertised as significant further information.

8.5.2. The proposed development, as revised following a request for further information, now proposes 50 no. dwellings on the subject site which results in a density of approximately 22 units per hectare. As already noted above the Core Strategy as contained in Table 3.4 indicates that a density range of between 20-15 dwelling units per hectares would be appropriate in delivering the target of 60 units within Quin on lands zoned.

8.5.3. The '*Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities*' (referred to herein as Compact Settlement Guidelines) sets out that rural towns and villages of <1500 population should grow at a limited pace that is appropriate to the service and employment function of the settlement, and the availability and capacity of infrastructure to support further development. The proposed density at approximately 22 units per hectare does exceed the indicative density contained within the development plan for Quinn (20/15 units per hectare Table 3.4 of the development plan), this increase in density may be considered broadly acceptable taking into account the key priorities for compact growth in rural towns and villages. Nevertheless, it must be demonstrated that the density of development responds in a positive way to the established context and evidenced there is capacity of infrastructure to support further development.

- 8.5.4. Therefore, on review of the planning authority planner's report and their comprehensive assessment of the proposed development of both the initial scheme (56 no. units) and the as revised scheme (50 no. units) following request for further information, and having undertaken my own review I am broadly in agreement in respect to the acceptability of the overall layout and design of the proposed development as revised and its compliance with the standards contained in Appendix 1 Development Management Guidelines A4.4 for residential development, the Best Practice Guidelines as per 'Quality Housing for Sustainable Communities (February 2007) and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities in respect to housing mix, housing floor areas, floor areas including storage spaces and area of private amenity space.
- 8.5.5. I would also concur with the planning authority that proposed unit no. 5 should be omitted as its orientation and constrained position at the entrance does not respond positively to the established character of the large, detached units with generous front garden set back from the road within the immediate environs. The applicant has submitted a revised site layout plan in response to the appeal to illustrate Unit 5 rotated as an option for the Commission to consider (Site Layout Plan Dwg. No. 01 Rev B). I am of the view that that this option does not resolve the issue sufficiently and would result in an uneasy relationship between the back of unit 5 as proposed and unit no. 6. I am therefore of the opinion that with the omission of unit no. 5 the proposed units no. 6 and no. 7 could be repositioned further to the east on the site to the east to provide greater set back from the hedgerow (please see further assessment of impact on the hedgerow below) and allow for the redesign and/or reorientation of proposed unit 6 to provide dual frontage to the north and the east. In addition, I consider that to soften the visual impact of the new housing within the most western field on approach to the village I consider that the side elevations of units no. 19, 18 and 8 should be entirely faced in the selected stone. These matters could be addressed by way of condition in the event that the Commission is minded to grant permission.
- 8.5.6. Notwithstanding the foregoing I do have concerns in respect to the impact of both the proposed installation of a large attenuation tank (as per the applicant's submitted appeal response documentation) in close proximity to the important hedgerow to be preserved and the proximity of the side boundaries of proposed unit no. 4 and unit

no. 7 to the hedgerow. As already recorded above in section 7.3 of my report the planning authority in their response to the appeal, letter dated 3 October 2025, recommend: -

“...that the proposed stormwater layout plan be overlain with the permitted site layout plan to ensure that the proposed layout is achievable in the context of the permitted roads and parking layout and the retention of hedgerow and vegetation required as part of the agreed Appropriate Assessment mitigation measures”.

I would agree that the information as provided does not sufficiently demonstrate how the increased attenuation tank (Dwg. No. H1319-DR-GAR-CE-020 received by the Commission on 11 September 2025) can be accommodated within the area of proposed open space without potentially resulting in an adverse impact to the hedgerow in this area or the requirement to modify significantly the density of units and/or the site layout to provide adequate separation from same. Separately, I note that the proposed side boundary wall for unit no. 4 is shown to extend into the hedgerow.

8.5.7. In this respect I consider that it has not been demonstrated that a suitable ecological buffer zone is provided for in order to implement the recommended mitigation measures contained within the NIS between the proposed development works and the hedgerow (running north-south across the site) on both sides of the hedgerow and the side boundaries proposed for units no. 7 and unit no. 4 be appropriately set back from same as already set out above. Given these matters also directly relate to the foraging and commuting habitat of the Lesser Horseshoe Bat I am of the opinion that this issue cannot be addressed by way of condition given that adverse effects on the site integrity of the Poulmagordon Cave (Quin) SAC and the Old Domestic Building (Keevagh) SAC cannot be excluded in view of the conservation objectives of these sites. Please also refer to section 9.0 and Appendix 3 of my report.

8.5.8. On the basis of the information provided with the application and appeal and in the absence of definitive findings and conclusions with regard to the implications of a proposal for the conservation objectives and integrity of a European site the Commission cannot be satisfied that the proposed development individually, or in

combination with other plans or projects would not adversely affect the integrity of Poulmagordon Cave (Quin) SAC and the Old Domestic Building (Keevagh) SAC. In such circumstances the Commission is precluded from granting permission for the proposed development.

9.0 **Appropriate Assessment (AA) and AA Screening**

- 9.1. The proposed residential development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Please see Appendix 3 of this report.
- 9.2. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Poulmagordon Cave (Quin) SAC; The Old Domestic Building (Keevagh) SAC; Lower River Shannon SAC and The River Shannon and River Fergus Estuaries SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.
- 9.3. Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that: -
 - (a) adverse effects on site integrity of the Lower River Shannon SAC and The River Shannon and River Fergus Estuaries SPA 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 in respect to the construction of the surface water outfall which would occur at a drainage ditch leading to the River Rine subject to the implementation and monitoring of all mitigation measures.
 - (b) adverse effects on site integrity of the Poulmagordon Cave (Quin) SAC and The Old Domestic Building (Keevagh) SAC cannot be excluded in view of the conservation objectives of these sites and that a reasonable scientific doubt remains as to the absence of such effects.

9.4. My conclusion is based on the following:

- The proposed development has the potential to adversely impact on foraging and commuting habitats by the significant removal and/or deterioration within 2.5km of the roosts of both Poulmagordon Cave (Quin) SAC and Old Domestic Building (Keevagh) SAC. The evidence as provided in the NIS report does not address or mitigate the provision of surface water attenuation in the form of large capacity tank, as recommended as necessary in the submitted report and drawings by Garland Consulting Engineers on behalf of the applicant in response to the appeal, in close proximity to the ecologically important hedgerow to be preserved.

10.0 Water Framework Directive (WFD)

10.1. The river body Rine_030 (water body code:IE_SH_27R011300) is approximately 400metres south/southeast of the subject site and is assessed as moderate status and identified as being at risk. The transitional water is part of the Fergus Estuary (water body code:IE_SH_060_1100) and is of moderate status. The groundwater body is Kilkishen (IE_SH_G_121) and its status is good.

10.2. The proposed development is detailed in section 2.0 of my report. No water deterioration concerns were raised in the planning appeal.

10.3. I have assessed the proposed housing 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.

10.4. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest water bodies
- Mitigation measures contained with the NIS and CEMP.

10.5. 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.

11.0 Recommendation

I recommend that planning permission is refused for the reasons and considerations as set out in 12.0 below:

12.0 Reasons and Considerations

1. The Commission is not satisfied, on the basis of the information lodged with the planning application and in response to the appeal, that the proposed development would not give rise to a heightened risk of flooding either on the proposed development site itself, or on other lands that which may arise from surface water run-off. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided with the application and appeal and in the absence of definitive findings and conclusions with regard to the implications of a proposal for the conservation objectives and integrity of a European site the Commission cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of Poulmagordon Cave (Quin) SAC and the Old Domestic Building (Keevagh) SAC. In such circumstances, the Commission is precluded from granting permission for the proposed development.

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.

Claire McVeigh

Planning Inspector

21 November 2025

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	323400-25
Proposed Development Summary	Construction of 56 houses and all associated site works. The planning application is accompanied by a Natura Impact Statement (NIS). Revised proposals submitted reducing the proposed number of units to 50.
Development Address	Quin Gardens, Quin, Co. Clare
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	N/A
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

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

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

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	323400-25
Proposed Development Summary	Construction of 56 houses and all associated site works. The planning application is accompanied by a Natura Impact Statement (NIS).
Development Address	Quin Gardens, Quin, Co. Clare
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development comprises the construction of 56 no. residential units, reduced to 50 no. units following request for further information and revised drawings submitted. The proposed development includes ancillary car parking, vehicular and pedestrian access to the L-3148.</p> <p>Revised proposals submitted reducing the proposed number of units to 50.</p> <p>The construction period for the development is expected to last 2 years. The proposed development will involve the following activities:</p> <ul style="list-style-type: none"> • Installation of site welfare facilities • Site clearance in stages and the development of access roads in areas where these roads will later be developed as roads in the development. • Retention and protection of existing hedgerow on site. Development of houses as per Phasing Plan <p>Development of a network of roads, drainage, water supply, services, pathways, play areas and landscaped areas within the site</p> <p>It is proposed to discharge surface water on lands within a Drainage District in Quin.</p> <p>The project due to its size, nature and phasing proposals would not give rise to significant production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance in respect to conclusions reached for EIA Screening purposes.</p> <p>The construction of the proposed development does not have potential to cause significant effects on the environment due to water pollution taking into account the mitigation measures included with the submitted CEMP and the NIS. Notwithstanding, the potential for</p>

	<p>surface water run-off and construction pollution activities has triggered stage 2 AA (Please refer to Appendix 3).</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The subject site is located within the settlement boundary of Quin village and zoned R2 for residential development. The Natura Impact Report undertaken in respect to the Clare County Development Plan 2023-2029 sets out that the removal of hedgerows/treelines could potentially impact on the foraging/commuting /roosting habitat of Lesser Horseshoe bat and /or further development could result in an increase in ambient light levels beyond the site boundary which could impact on foraging/commuting /roosting habitat of Lesser Horseshoe Bats. Potential impact upon SCI birds (ex-situ feeding, nesting was also identified as a potential effect.</p> <p>The subject site has existing hedgerows that provide commuting routes and foraging areas for the Lesser Horseshoe Bat (Bat Survey prepared by <i>Minogue Environmental Consultancy</i>) and this has the potential to have a significant effect on two European sites. The proposed development, as revised proposed to remove approximately 12.6m of hedgerow. An Appropriate Assessment has been undertaken having regard to the documentation on file including the NIS.</p> <p>A site survey was undertaken by <i>Openfield Ecological Surveys</i> in August 2024 which found no alien plant species growing on the development site.</p> <p>It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended.</p> <p>There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.</p>
Conclusion	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>

<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p> <p>Notwithstanding the conclusion in respect of EIA. It has been concluded that there is potential for significant effects on a European site(s) and an Appropriate Assessment has been undertaken having regard to the documentation on file including the NIS. The preliminary examination carried out for environmental impact assessment (contained herein), has addressed the characteristics of the proposed development, its location and the types and characteristics of potential impacts has also had regard to the mitigation measures proposed in respect of preserving the existing hedgerows and protecting water quality. On this basis I am satisfied that there is no potential for significant effects on biodiversity, water quality or any other environmental factor, or any requirement, therefore, for environmental impact assessment. Impacts on European sites can be addressed under Appropriate Assessment, which I have addressed in Section 9.0 and Appendix 3 of my report.</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	<p>N/A</p>
<p>There is a real likelihood of significant effects on the environment.</p>	<p>N/A</p>

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3: Appropriate Assessment

1.0 Appropriate Assessment

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

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement (NIS) and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of the European site.

1.2. Compliance with Article 6(3) of the EU Habitats Directive

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

1.3. Screening the need for Appropriate Assessment

Appropriate Assessment: Screening Determination

(Stage 1, Article 6(3) of Habitats Directive)

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

A Screening report and Natura Impact Statement (NIS) has been prepared by *Openfield Ecological Services* on behalf of the applicant and a revised Natura Impact Statement received on 30 May 2025 taking into account revision made to the proposed scheme following a request for further information.

In addition, I have had regard to the Natura Impact Report (NIR) of the Clare County Development Plan 2023-2029.

The objective information presented in these reports informs this screening determination.

A bat survey was undertaken by *Minogue Environmental Consulting Ltd* (August 2024) and updated Bat Survey (May 2025) responding to the further information request.

A statement of the impact of lighting scheme upon bats has been submitted by *Molloy Consulting Engineers Ltd*.

Description of the proposed development

It is proposed to construct 56 houses and all associated site works. The number of proposed residential units was reduced (50 no. units) following a revised scheme being submitted in response to a request for further information.

A new storm water drainage system is proposed to be construction which would include an attenuation tank. The submitted screening report states that in extreme flood events, run-off will overflow from the site at a controlled rate (2l/s/ha) via a 300mm diameter storm sewer pipe to lands located to the south of the site which are in the applicant's ownership. There is no direct discharge to the River Rine (c.390m to the east and south of the subject site).

A new wastewater connection is proposed. Foul sewerage from Quin leads to the treatment plant for the village operated by Uisce Éireann.

I have provided a detailed description of the development in my report (Section 2.0) and detailed specifications of the proposal are provided in the NIS (and revised NIS) and other planning documents provided by the applicant.

Consultations and submissions

Submissions which raised issues related to screening for appropriate assessment and the AA process generally were received in relation to the proposed housing scheme. A summary of each of these submissions and a response to each, is provided below:

- The department recommend that mitigation measures outlined in the NIS and Construction Environmental Management Plan (CEMP) are made conditions to planning should permission be granted. In addition, as well as the two SACs designated from Lesser Horseshoe bats, the site of the proposed development lies 1 kilometer from Ballykilty Manor and 2 Kilometers from Drim House, both of which hold significant Lesser Horseshoe Bat roost. With this in mind the department recommended that all mitigation measures outlined in the bat survey are made conditions to planning should permission be granted.

I acknowledge the issues related to screening for appropriate assessment and the AA process generally.

European Sites

The development site is not located within or directly adjacent to any Natura 2000 site. The development site lies within the catchment of the River Shannon Estuary.

Figure 1 of the submitted Screening Report for Appropriate Assessment identifies the nearest Natura 2000 sites as including:

- Poulmagordon Cave (Quin) SAC which lies c1km to the east.
- The Old Domestic Building (Keevagh) SAC lies c. 2km to the north-west.
- Lower River Shannon SAC is within 1.9km to the northwest
- The River Shannon and River Fergus Estuaries SPA is located c. 3km to the southwest.

There is no ecological justification for a wider consideration of sites, and I am satisfied that the above listed Natura sites as identified in the submitted AA screening are the only European sites of relevance which could be impacted by the proposed development applying the source-pathway-receptor model.

European Site	Qualifying Interests	Distance	Connections
Poulmagordon Cave (Quin) SAC (Site Code: 000064) Poulmagordon Cave (Quin) SAC National Parks & Wildlife Service	Caves not open to the public [8310] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	c.1km to the east	Yes Habitat (Potential foraging habitat/linear features) removal and fragmentation. Increase in artificial light.
Old Domestic Building (Keevagh) SAC (Site code: 002010)	Rhinolophus hipposideros	c. 2km northwest	Yes

<p>Old Domestic Building (Keevagh) SAC National Parks & Wildlife Service</p>	<p>(Lesser Horseshoe Bat) [1303]</p>		<p>Habitat (Potential foraging habitat/linear features) removal and fragmentation.</p> <p>Increase in artificial light.</p>
<p>Lower River Shannon SAC (Site code: 002165)</p> <p>Lower River Shannon SAC National Parks & Wildlife Service</p>	<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 (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and</p>	<p>C 1.9km to the northwest</p>	<p>Yes,</p> <p>Indirect hydrological connection</p>

	<p>Callitricho-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>		
<p>The River Shannon and River Fergus Estuaries SPA (Site code: 004077)</p> <p>https://www.npws.ie/protected-sites/spa/004077</p>	<p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p>	c. 3km to the southwest.	<p>Yes,</p> <p>Indirect hydrological connection</p>

	<p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p> <p>Shoveler (<i>Spatula clypeata</i>) [A857]</p> <p>Wetland and Waterbirds [A999]</p>		
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Table 1.1

Likely impacts of the project.

The development lands are not located within or directly adjacent to any Natura 2000 site. There is a hydrological pathway from the development site via surface and wastewater flows to the Fergus Estuary. No roosts of Lesser Horseshoe Bats would be disturbed, either directly or indirectly.

Foraging habitats for Lesser Horseshoe Bats was identified in the Bat Survey along the boundary hedgerows. The initial Bat Survey notes that approximately 40m of internal hedgerow is proposed to be removed and that this will be a *“minor impact at local level”*. Subsequently the amount of hedgerow proposed to be removed has been reduced to 12.6metres in a revised proposal. Revised Bat survey states that this would also be a *“minor impact at local level”*. However, the Appropriate Assessment (AA) screening sets out that the *“Hedgerows are of critical importance for foraging and commuting Lesser Horseshoe Bats and this includes their quality as well as quantity”* and concludes that *“In the absence of any mitigation measures this impact has the potential to result in significant effects to Natura 2000 sites which are designated for Lesser Horseshoe Bat”*. In addition, the AA screening report highlights the conservation objective for both the Poulmagordon Cave (Quin) SAC and the Old Domestic Building (Keevagh) SAC is to avoid any significant increase in light pollution within 2.5km of the roosts. The AA screening report concludes that without mitigation light pollution has the potential to result in significant effects to the Poulmagordon Cave (Quin) SAC and Old Domestic Building (Keevagh) SAC.

The AA Screening report states that there are no water quality conservation objectives for species or habitats in the marine, intertidal zone including for bird populations in the SPA.

It is stated in the AA Screening report that the Quin wastewater treatment plant was recently upgraded and so no significant effects to the Natura Sites, Lower River Shannon SAC/River Shannon and River Fergus Estuaries SPA, are likely to arise from this source. Attenuation measures have been incorporated into the design of the surface water drainage system and the AA Screening report sets out that there would be no changes to the quantity or quality of run-off predicated.

Pollution during construction is identified as potentially having an impact (indirect effect) to birdlife using the SPA. It is concluded in the AA Screening report that effects to the Lower River Shannon SAC and the River Fergus Estuaries cannot be ruled out by taking a precautionary approach.

Likely significant effects on the European sites in view of the conservation objectives

I note that the AA Screening report highlights the species action plan published for the Lesser Horseshoe Bat (NPWS & VWT, 2022) for the period (2022-2026) which includes actions to improve roost status, habitats, connectivity and outreach in favor of the species.

Based on the information provided in the screening report and Natura Impact Statement (NIS) including the revised NIS, 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 the following impacts:

- Removal of hedgerow and habitat deterioration of importance to Lesser Horseshoe Bats for foraging and commuting.
- Light pollution to increase disturbance to Lesser Horseshoe Bats.
- Damage to habitats and sensitive aquatic receptors associated with surface water borne pollutants and increased sedimentation during construction phase.

An examination and analysis of the potential for other plans and/or projects to act in combination with the proposed project to have a significant effect on any European site within its zone of influence is considered on page 22, 23 and 24 of the AA Screening report.

I concur with the applicants' findings that such impacts could be significant when considered on their own and in combination with other projects and plans in relation to habitat loss and pollution related pressures on qualifying interest habitats and species.

Overall Conclusion

Screening determination

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 Poulmagordon Cave (Quin) SAC, Old Domestic Building (Keevagh) SAC, Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA 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.

Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed housing development in view of the relevant conservation objectives of the Poulmagordon Cave (Quin) SAC, Old Domestic Building (Keevagh) SAC, Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA based on scientific information provided by the applicant and considering expert opinion through observations on nature conservation.

The information relied upon includes the following:

- Natura Impact Report (NIR) of Clare County Development Plan 2023-2029.
- Natura Impact Statements prepared by *Openfield Ecological Services*
- Addendum NIS report, prepared and submitted by *Openfield Ecological Services* as further information.
- A bat survey was undertaken by *Minogue Environmental Consulting Ltd* (August 2024) and updated Bat Survey (May 2025) responding to the further information request.
- A statement of the impact of lighting scheme upon bats has been submitted by *Molloy Consulting Engineers Ltd*.
- Submissions made by the Development Applications Unit (DAU) of the Department of Housing, Local Government and Heritage.

Submissions/observations

Submissions which raised issues related to mitigation measures in respect to both the construction and operational phases of the proposed development. A summary of each of these submissions and a response to each, is provided below:

Department of Housing, Heritage and Local Government (Development Applications Unit)

- As well as the two SACs designated from Lesser Horseshoe bats, the site of the proposed development lies 1 kilometre from Ballykilty Manor and 2 Kilometres from Drim House, both of which hold significant Lesser horseshoe bat roost.
- Mitigation measures outlined in the NIS and Construction Environmental Management Plan are made conditions to planning should permission be granted. All mitigation measures outlined in the bat survey are made conditions to planning should permission be granted.

I acknowledge the issues related to the AA process generally.

European sites (A)

In the interests of clarity, I have grouped those sites – Group A relating to the Lesser Horseshow Bat below given the conservation objectives are similar and Group B Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA.

Poulnagordon Cave (Quin) SAC

AND

Old Domestic Building (Keevagh) SAC

Summary of key issues that could give rise to adverse effects:

- (i) Foraging and commuting habitat removal and/or deterioration.**
- (ii) Light pollution resulting in species disturbance**

Qualifying Interest features likely to be affected	Conservation Objectives Targets and Attributes	Potential Adverse effects	Mitigation measures Step 4 (Pages 15-20 inclusive) of the NIS as revised and received on 30 May 2025.
	<p>Maintain population at the roost; no decline in the condition of the winter roost (Poulnagordon Cave SAC) and summer roost (Old Domestic Building (Keevagh) SAC; no decline in the number and condition of auxiliary roosts; no significant decline in the extent of potential of foraging habitat within 2.5km of the roost; no significant loss of linear features within 2.5km of the roost; no significant increase in artificial light intensity adjacent to named roost or along commuting routes within 2.5km of the roost.</p>	<p>Loss of potential of foraging habitat.</p> <p>Lighting along commuting routes may cause preferred foraging areas to be abandoned.</p>	<p>Mitigation by design revision to preserve commuting and foraging habitat for bats, particularly the Lesser Horseshoe bat.</p> <p>An equivalent length of hedgerow to be installed along what is currently a stone wall with minimal natural vegetation.</p> <p>Lighting proposals and controls on light spill.</p> <p>CEMP.</p>

European sites (B)

Lower River Shannon SAC

AND

River Shannon and River Fergus Estuaries SPA

Summary of key issues that could give rise to adverse effects:

(i) Water quality degradation (construction of the surface water outfall)

The submitted NIS (as revised following submission of further information) sets out that the Fergus Estuary is home to Otter, Atlantic Salmon and Lampreys, however, Freshwater Pearl Mussels are not present downstream of the subject lands. It is stated that "*Other habitats and species are coastal/intertidal in nature and are connected to the project via hydrological pathways, however no water quality objectives are set for any of these features of interest*". It is further stated that there is no pathway from the development site to features of interest in freshwater. The submitted NIS sets out only those relevant conservation objectives are as follows: -

Qualifying Interest features likely to be affected	Conservation Objectives Targets and Attributes	Potential Adverse effects	Mitigation measures
			Step 4 (Pages 15-20 inclusive) of the NIS as revised and received 30 May 2025.
Natural Habitat Type			
Sea/River/Brook Lamprey	Maintain river accessibility (no artificial barriers); healthy population structure; healthy density of juveniles; no decline in extent or distribution of spawning beds; >50% of sampling sites positive.	Potential effects to water quality during construction (particularly sediment and other construction pollution). Any impact to invertebrate communities could impact impacts to bird populations which depend on them for food.	Pollution control measures. Application of industry standard controls. CEMP, Supervision and monitoring.
Atlantic Salmon	Maintain river accessibility (no artificial barriers); size of stock measures as 'conservation limit' consistently exceeded; maintain abundance of salmon fry; no significant decline in out-migrating smolt abundance; no decline in the number of spawning beds (redds); water quality at least Q4 at all sites.	As above.	As above.
Otter	No significant decline in distribution; no significant decline in terrestrial/estuarine/freshwater/lake habitat; no significant decline in couching sites or holts; no decline in available fish biomass;	As above.	As above.

Estuaries (Code 1130)	Permanent habitat area stable or increasing (estimated at 24,273 hectares); Conserve the following community types in a natural condition: Intertidal sand to mixed sediment with polychaetes, molluscs and crustaceans community complex; Estuarine subtidal muddy sand to mixed sediment with gammarids community complex; Subtidal sand to mixed sediment with <i>Nucula nucleus</i> community complex; Subtidal sand to mixed sediment with <i>Nephtys</i> spp. community complex; Furoid-dominated intertidal reef community complex; Faunal turf-dominated subtidal reef community; and Anemone-dominated subtidal reef community.	As above.	As above.
Mudflats (Code 1140)	Mudflats (code 1140) Permanent habitat area stable or increasing (estimated at 8,808 hectares); Conserve the following community types in a natural condition: Intertidal sand with <i>Scolelepis squamata</i> and <i>Pontocrates</i> spp. community; and Intertidal sand to mixed sediment with polychaetes, molluscs and crustaceans community complex	As above.	As above.
Large shallow inlets and bays (code: 1160)	The permanent habitat area and distribution of the habitat are stable or increasing; Conserve the following community types in a natural condition: Intertidal sand with <i>Scolelepis squamata</i> and <i>Pontocrates</i> spp. community; Intertidal sand to mixed sediment with polychaetes, molluscs and crustaceans community complex; Subtidal sand to mixed sediment with <i>Nucula nucleus</i> community complex; Subtidal sand to mixed sediment with <i>Nephtys</i> spp. community complex; Furoid-dominated intertidal reef community complex; Mixed subtidal reef community complex; Faunal turf-dominated subtidal reef community; Anemone- dominated subtidal reef community; and <i>Laminaria</i> - dominated community complex.	As above.	As above.
Reefs (code: 1170)	The permanent habitat area and distribution of the habitat are stable or increasing; the biological composition is conserved.	As above	As above

Perennial vegetation of stony bank (code: 1220)	Habitat areas stable or increasing subject to natural variation; no decline in habitat distribution; maintain physical and vegetation structure without any physical obstructions, maintain vegetation structure and composition subject to natural variations.	As above	As above
Salicornia mudflats (1310)	Maintain habitat area and distribution including physical structure (sediment supply, creeks and pans, flooding regime). Maintain vegetation structure as measured by vegetation height, vegetation cover, typical species and subcommunities. Absences of the invasive <i>Spartina anglica</i> .	As above	As above
Atlantic/Mediterranean Salt Meadows (1330/1410)	Maintain habitat area and distribution including physical structure (sediment supply, creeks and pans, flooding regime). Maintain vegetation structure as measured by vegetation height, vegetation cover, typical species and sub-communities. Absences of the invasive <i>Spartina anglica</i> .	As above	As above
Birds (similar for all species)	Birds (similar for all species) Long term population trend stable or increasing; there should be no significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation.	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 NIS and NIS as revised has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects:

Group A (Poulmagordon Cave (Quin) SAC AND Old Domestic Building (Keevagh) SAC)

(i) Foraging and commuting habitat removal and/or deterioration.

The proposed development would result in the removal of grassland with transitional elements of duneland communities within the SAC.

(ii) Light pollution resulting in species disturbance

Increase in light pollution could affect the populations of Lesser Horseshoe Bats that are using the Poulmagordon Cave SAC and the Old Domestic Building (Keevagh) SAC.

Mitigation measures and conditions

The DAU of the Department of Housing, Local Government and Heritage (DHLGH) highlighted in their submission, dated 14 July 2025, recommends that all mitigation measures outlined in the NIS and Construction Environmental Management Plan are made conditions to planning should permission be granted. The department recommends, also, that all mitigation measures outlined in the bat survey are made conditions to planning should permission be granted.

I have reviewed the mitigation measures contained in the NIS, as updated by further information and the updated bat survey, and it is stated within the NIS that the mitigation measures contained in the NIS are provided from the bat report.

Therefore, the following mitigation measures are as below:

- Proposed revised development design (as included within the revised site layout plans received in response to further information) to preserve commuting and foraging habitat for bats, particularly the Lesser Horseshoe bat.
- The landscaping plan includes for an equivalent length of hedgerow to be installed along what is currently a stone wall with minimal natural vegetation. The landscaping plan has been reviewed and this planting will include only native species appropriate to this region. Therefore, there will be no net loss of hedgerow. The hedgerow will be managed to be tall and dense in order to provide maximum foraging opportunities for Lesser Horseshoe Bats.
- During the construction phase, and prior to construction commencing, the root zones of hedgerows to be retained will be protected with robust fencing. The fences will be labelled with clearly visible signage to indicate that their purpose is the protection of trees and their root zones. The fence will remain for the entire duration of construction and will be inspected and maintained as required.
- During the operation phase, hedgerows will be maintained in order to maximise their biodiversity value, and so their value as foraging corridors for Lesser Horseshoe Bats. Specifically, this means cutting back at the base only, allowing trees in the centre to grow to full height, thereby producing roughly an 'A' shape. Cutting back for maintenance purposes will happen on a three-yearly rotation. The use of pesticides and herbicides will not occur throughout the development site.

Lighting plan incorporating the mitigation measures set out in the bat report and prevention of light spill to sensitive areas for Lesser Horseshoe Bats, specific measures are: -

- The Outdoor Lighting Scheme, designed for proposed development at Quingardens, Quin, Co. Clare, takes into account best practice, as published by Bat Conservation Ireland and the Institute of Lighting Professionals namely Guidance Note 8: Bats and Artificial Lighting, in respect of mitigation strategies, to minimise the impact of outdoor lighting upon bat populations.
- Within the estate LED type lanterns, of the Warm White type, will be specified, with a Colour Temperature of 3,000K, as is considered least disruptive to the emergence of bats from roosts at dusk, and subsequent movement from habitats to foraging locations.
- 1m tall bollards near the hedge area at the back of the estate minimise light spill compared with lanterns mounted at 6m. The luminaires are to be fitted with a 7-pin photocell preprogrammed to SEA1 dimming/trimming profile U14B.
- LED lanterns do not emit any ultraviolet or infra-red radiation, this again being a desirable feature in relation to impact upon bats, in terms of causing spatial exclusion from artificially lit areas.
- Lanterns are of the fully cut off type with no light output above the horizontal plane. These are to be mounted at 0 degree tilt.
- Light levels will be kept as low as possible by reference to levels specified in EN13201-1 for trafficked roads in residential areas.
- Review of light levels and monitoring of same should form part of the post works compliance.

Group B (Lower River Shannon SAC AND River Shannon and River Fergus Estuaries SPA)

(i) Water quality degradation (construction)

Sediment is acknowledged as among the most important pollutants in river ecosystems while toxic substances can directly affect aquatic life. Sediment and construction pollution can impact upon invertebrate communities in tidal sediments; the integrity of the SAC could be compromised.

Mitigation measures and conditions

Construction will follow guidance from Inland Fisheries Ireland (IFI, 2016) for the protection of fish habitat. This will include the erection of a robust silt curtain (or similar barrier) along all boundaries to prevent the ingress of silt to the River Rine via the drainage ditch to the west. Water leaving the site will pass through an appropriately-sized silt trap or settlement pond so that only silt-free run-off will enter the environment.

No works are to be undertaken at, or near, any water course.

Dangerous substances, such as oils, fuels etc., will be stored in a bunded zone.

Emergency contact numbers for the Local Authority Environment Section, Inland Fisheries Ireland, the Environmental Protection Agency and the National Parks and Wildlife Service will be displayed in a prominent position within the site compound. These agencies will be notified immediately in the event of a pollution incident.

Site personnel will be trained in the importance of preventing pollution and the mitigation measures described here to ensure same. The site manager will be responsible for the implementation of these measures. They will be inspected on at least a daily basis for the duration of works, and a record of these inspections will be maintained. These measures have been compiled in a site-specific Construction and Environmental Management Plan (CEMP) which has been prepared for this development application by *OBB Consulting Engineers*.

Section 2.11.4.1 of this document includes the following pollution prevention measures:

The construction management of the site will take account of the recommendations of the CIRIA guidance to minimise as far as possible the risk of soil, groundwater and surface water contamination.

The guidelines from Inland Fisheries Ireland will also be followed. Site activities considered in the guidance note include the following: • excavation • earthmoving • concreting operations Additional specific guidance is provided in the CIRIA technical guidance on Control of Water Pollution from Linear Construction Projects (Murnane et al 2006). Surface run-off from wheel washing areas can contain pollutants such as: • detergents • oil and fuel • suspended solids • grease Measures, as recommended in the guidance above, that will be implemented to minimise the risk of spills and contamination of soils and waters include: • Careful consideration will be given to the location of any fuel storage facilities. These will be designed in accordance with guidelines produced by CIRIA, and will be fully bunded. • All vehicles and plant will be regularly inspected for fuel, oil and hydraulic fluid leaks. Suitable equipment to deal with spills will be maintained on site. RECEIVED: 30/05/2025 19 • Where at all possible, soil excavation will be completed during dry periods and undertaken with excavators and dump trucks. Topsoil and subsoil will not be mixed together. • Ensure that all areas where liquids are stored or cleaning is carried out are in a designated impermeable area that is isolated from the surrounding area, e.g. by a roll-over bund, raised kerb, ramps or stepped access. • Use collection systems to prevent any contaminated drainage entering

surface water drains, watercourses or groundwater, or draining onto the land. • Minimise the use of cleaning chemicals. • Use trigger-operated spray guns, with automatic water-supply cut-off. • Use settlement lagoons or suitable absorbent material such as flocculent to remove suspended solids such as mud and silt. • Ensure that all staff are trained and follow vehicle cleaning procedures. Post details of the procedures in the work area for easy reference. • The above measures will be implemented, as appropriate along with the following site-specific measures: • Fuel, oil and chemical storage on site will be secure. • Site storage will be on an impervious base within a secondary containment system such as a bund. • A spill kit with sand, earth or commercial products that are approved for the stored materials will be kept close to the storage area. Staff will be trained on how to use spill kits correctly. • Damaged, leaking or empty drums will be removed from site immediately and disposed of via a registered waste disposal contractor. • Mobile plant will be refuelled in a designated area, on an impermeable base away from drains or watercourses. • A wheel wash will be installed for use by all construction vehicles leaving site. • A road sweeper will be used to remove dirt and debris from roads. • Silt traps will be located around the site to collect run off, with settled solids removed regularly and water recycled and reused where possible. • A robust silt curtain will be installed along the western, northern and southern site boundaries and will be installed and maintained in accordance with the manufacturer's specifications. It will remain in place for the full duration of the construction phase. • A bypass petrol interceptor will be installed in the car park drainage network prior to connection to the existing drainage network to prevent any hydrocarbon spills from entering the surrounding drainage network. In addition, the following, site specific measures, are provided in Section 2.7.4 of the CEMP: Site stripping will be kept to a minimum in line with the phasing plan. A project programme will be developed for each phase of the project taking cognisance of the mitigation measures of the NIS. • Site clearance not to be undertaken during wet conditions when rainfall of more than 1mm/hr is forecast within the next 24-hour period. Erosion and sediment traps to be provided as detailed in the CWMP prior to outfall to the Open Drain. These sediment traps will be appropriately sized and located to capture excess run-off from the development site. Under no circumstances will sediment-laden water be allowed to escape to surface water bodies. • Fuels, Lubricants, hydraulic fluid, solvents and oils to be stored in a bunded area, carefully handled and spill kits provided. • Accidental spillages to be immediately contained and contaminated soil removed from site. • In the event of a pollution incident, or a suspected pollution incident, Inland Fisheries Ireland will be notified without delay. • Waste fluids to be collected and removed from site by a suitably licenced contractor. • Dedicated wash down area to be provided for concrete trucks. This will be bunded to prevent escape of wash water to the environment. Wash water which is potentially contaminated with concrete will be stored and treated off-site by a suitably licenced contractor. • The proposed surface discharge manhole (SMH18) WILL BE FORMED USING A PRECAST CONCRETE BASE LAID ON A STONE BED, NO CEMENTIOUS MATERIAL WILL BE UTILISED AT THIS LOCATION • All surface water from the site compound to passthrough an oil/grit trap for the removal of Hydrocarbon and grit prior to discharge.

I am not satisfied that the information provided is adequate to allow for Appropriate Assessment by reason that the evidence as provided in the NIS report does not address or mitigate the provision of surface water attenuation in the form of large capacity tank, as recommended as necessary in the submitted report and drawings by Garland Consulting Engineers on behalf of the applicant in response to the appeal, in close proximity to the ecologically important hedgerow to be preserved.

Therefore, I am not 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.

In-combination effects

I am not satisfied that in-combination effects have been assessed adequately in the NIS.

I am not satisfied that the applicant has demonstrated that no residual adverse 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 this European site.

I highlight that the submitted bat report concludes that:

“The provision of additional woodland habitat along the northern boundary, once established will provide habitat that will compensate for the loss of the 12.6 m of hedgerow at the central part of the site. This does not represent a significant loss of linear habitat for Lesser Horseshoe bats based on the survey results. The project site is located within an agricultural area at the edge of town of Quin and additional foraging habitat in terms of grassland habitat and hedgerows are present in the wider landscape.

Subject to the full and strict implementation of the mitigation measures including post works monitoring of light levels and checks to ensure the additional woodland planting is established successfully, no long-term adverse impacts are identified on local populations of the bat species recorded”.

The applicant in their appeal response have provided new information in respect to the proposed attenuation of surface water in two no. tanks instead of one as per the submitted application. The proposed location for the larger attenuation tank is within proposed public open space and within close proximity to the ecologically important hedgerow.

The evidence as provided in the NIS report does not address or mitigate the provision of surface water attenuation in the form of large capacity tank, as recommended as necessary in the submitted report and drawings by Garland Consulting Engineers on behalf of the applicant in response to the appeal, in close proximity to the ecologically important hedgerow to be preserved. No revised NIS has been submitted in support of the revised surface water attenuation proposals.

Based on the information provided, I am not satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. I am not 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 not satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development may affect the attainment of the Conservation objectives of the:

- Poulmagordon Cave (Quin) SAC.
- The Old Domestic Building (Keevagh) SAC.

Adverse effects on site integrity cannot be excluded, and a reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

The proposed residential development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Please see Appendix 3 of this report.

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Poulmagordon Cave (Quin) SAC; The Old Domestic Building (Keevagh) SAC; Lower River Shannon SAC and The River Shannon and River Fergus Estuaries SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that: -

- (a) adverse effects on site integrity of the Lower River Shannon SAC and The River Shannon and River Fergus Estuaries SPA 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 in respect to the construction of the surface water outfall which would occur at a drainage ditch leading to the River Rine.
- (b) adverse effects on site integrity of the Poulmagordon Cave (Quin) SAC and The Old Domestic Building (Keevagh) SAC cannot be excluded in view of the conservation objectives of these sites and that a reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

The proposed development has the potential to adversely impact on foraging and commuting habitats by the significant removal and/or deterioration of same within 2.5km of the roosts of both Poulmagordon Cave (Quin) SAC and Old Domestic Building (Keevagh) SAC. The evidence as provided in the NIS report does not address or mitigate the provision of surface water attenuation in the form of large capacity tank, as recommended as necessary in the submitted report and drawings by *Garland Consulting Engineers* on behalf of the applicant in response to the appeal, in close proximity to the ecologically important hedgerow to be preserved.