



An
Coimisiún
Pleanála

Inspector's Report ACP-323502-25

Development	Retention of plant and machinery storage yard and all associated site works.
Location	Lismulbreeda, Darragh, Ennis, Co. Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	2460592
Applicant(s)	McColgan Concrete Limited
Type of Application	Retention and Permission
Planning Authority Decision	Grant Retention and Permission
Type of Appeal	Third Party
Appellant(s)	Miceal and Brigid Neylon.
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 site is located in the townland of Lismulbreeda, Darragh, Co. Clare. Lismulbreeda lies approximately 8km south of Ennis. The site is situated off the L4224 approximately 800m west from the N68 Ennis to Kilrush route. The L4224 provides access to a number of residential properties, farm holdings, a quarry (currently not operating), referenced Clare County Council yard (Cliff quarry depot) and the Ennis Vehicle Testing Centre. The subject site is located to the rear of and northwest of the existing vehicle testing centre.
- 1.2. To the southeast of the site is the recently completed road section, within the wider landholding of the landowner (not the applicant) as outlined in blue on the site location map. An Bord Pleanála granted retention and permission (October 2023) to complete this road under planning register reference 21/598 ABP 314009-22 providing a more direct route from the N68 to the vehicle test centre.
- 1.3. The site has a stated area of 0.42 ha and as set out in the submitted Construction Site Environmental/Waste Management Plan (CEWMP), it comprises a storage area for materials and area to load materials into a mobile floor screed mixing truck (Transmix Truck) for the floor screeding company. On site there are the following as listed in the CEWMP:
- a. Storage on a concrete slab of sand. The sand is lifted from the stockpile into the delivery/mixing truck using a teleporter.
 - b. Storage of hemihydrate powder and cement powder into two separate enclosed horizontal silos. These powders are added to the mixing truck.
 - c. Storage of five steel containers containing floor insulating panels and various tools and equipment for laying floor screeds.
 - d. Parking of an open trailer used to collect sand and deliver it to this site.
- There are no services such as water supply, foul or surface water sewers or electricity on site. Harris fencing borders the site.
- 1.4. An unsurfaced hardcore road along the southern boundary of the provides vehicular access to the lands to the rear of the vehicle testing centre.

2.0 Proposed Development

2.1. Permission is sought to:

(a) retain, for a temporary three-year period, a plant and machinery storage yard which includes hardcore base, storage silos, concrete base, storage containers, fencing and signage and

(b) permission to replace part of existing fencing and instal a 2.4m high weldmesh security fence around the site with double gates at the entrance and to install an open concrete drainage channel at the north-western side of the site to catch surface water run-off from the site. This would drain to a soil trap which would drain through a petrol interceptor which in turn would drain to a soakpit for disposal to ground.

As per the submitted CEWMP and the Planning Statement the maximum traffic is stated to be four traffic movements per day, with a weekly delivery of one load of sand and two loads of cement using articulated trucks. Overnight parking for one truck takes place on the site.

The compound has a single security light that is used only during dark hours when personnel are present. There is no external lighting use on the compound during nighttime.

The storage compound is in use Monday to Friday from 7am to 7pm and Saturday from 7am to 4pm, with no use on Sundays.

No fuel storage or refuelling activities are conducted onsite.

Unsolicited additional information was submitted by the applicant on the 17 January 2025 and on the 25 July 2025 comprising a response to the third-party concerns raised in the submissions and points of clarification.

3.0 Planning Authority Decision

3.1. Decision

On the 30 July 2025 the planning authority granted retention and granted permission subject to five no. conditions. (Please refer to section 3.2.3 for bespoke conditions)

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planner's report dated 29 July 2025 considers the following: -

Referring to section 6.15 of the development plan notes that the applicant has not demonstrated tangible links to this specific rural area or sufficient justification as to why this proposal could not be accommodated on appropriately zoned lands. Notwithstanding they consider the principle to be acceptable given the issues stated with sourcing a suitable alternative location and considered a period of 18 months as appropriate to find an appropriate alternative location.

Have concerns about the visual impact but considers that as the application is for a temporary permission that a temporary solution should also be included to provide visual screening by condition.

Traffic movements in addition to the existing permitted and unauthorised traffic movements in the area result in significant issues for the existing access road to the site. Noting the new access road now completed consider that the potential impacts on adjacent amenities significantly reduce.

Having regard to the nature of the site consider it would not be a suitable habitat for bat foraging but that any external lighting should comply with Bat Conservation Ireland requirements.

Considers the traffic volume increase onto the national road would be relatively limited and that the proposal would not result in a significant intensification of the use of the road junction with the N68. Also notes the recently completed road taking in charge process has commenced.

Notes that it is not proposed to provide toilet facilities at the site and same is acceptable given the nature of the use.

Having regard to the heavy nature of the soil, the historically poor percolation characteristics (refers to planning register reference 17-707) in close proximity to the site and the high-water table it is likely that the surface water

management proposals would not have adequate infiltration of the soil to operate effectively. Alternative surface water management proposals should be required by condition.

Need for EIA excluded at preliminary examination and a screening determination not required.

Screens out the need for Appropriate Assessment in terms of potential for significant effects on the European site network arising from water quality as not likely. Considers the area not suitable for bat foraging and states that the use of bat friendly lights (i.e. general environmental protection measure) would be required.

Does not consider that a special contribution would be required towards the upgrade of the L4224 taking into account the completion of new road and the temporary nature of the permission.

Notes that the application had been originally lodged in November 2024 and placed on an extension of time in which the storage compound continued to operate. Considers it reasonable to allow only a further 18 months retention permission.

- An extension of time was sought 30 January 2025 and approved in respect to the decision on the subject application up to and including the 31 July 2025. Please see section 2.0 for details with respect to unsolicited further information received.

3.2.2. Other Technical Reports

- Road Design Office – Following a site visit on 15/01/2025 and a review of the planning file the RDO can confirm that they have no comment.
- West Clare Municipal District (Kilrush LEA) – The storage yard for a busy civil engineering firm will create additional HGV movements on the L-4224 local primary road. The applicant should contribute 15% of the cost of upgrading and resurfacing the L-4224 local primary road by way of a special planning development contribution. Development contribution calculation of €32, 500.

3.2.3. Conditions

- Condition no. 1 (a) The development shall be retained for a temporary period of 18 months from the date of this permission and in accordance with the drawings and particulars as received by the planning authority on the 28 November 2024 and the additional information received on the 17 January 2025 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

(b) This permission is granted on a temporary basis of 18 months from the date of this permission. On expiry of that period the proposed development shall be removed from the site, and the site reinstated, unless a further permission is granted for the continuation of the development.

(c) The proposal site shall only be used for the temporary storage of plant and machinery associated with the applicant's business.

Reason: In the interest of clarity and to define the scope of this permission.

- Condition 2 development contribution of €3, 564.
- Condition 3 provision of cash security of €50,000 for the satisfactory reinstatement of the site upon the expiry of the 18-month period of this permission.
- Condition no. 4 hours of operation limited to 07:00 to 19:00 Monday to Friday and from 07:00 to 16:00 on Saturdays. No operation on Sundays or Bank Holidays.
- Condition 5 (a) a surface water management plan for the proposed development which discharges to an adjacent watercourse. A hydrocarbon interceptor shall be installed prior to discharge to the outfall.

(b) Details of all external lighting on the site. The lighting shall be kept to a minimum and shall be in accordance with Bat Conservation Ireland Guidelines.

(c) Revised drawings and particulars which provide temporary visual screening along the northwestern and northeastern boundaries of the site.

3.3. Prescribed Bodies

Transport Infrastructure Ireland - Requests that the planning authority has regard to the provisions of official policy for development proposals as follows: proposal impacting national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network to TII's Code of engineering practice for works on, near, or adjacent the Luas light rail system.

3.4. Third Party Observations

Matthew and Mary Lyons - No requirement for McColgan Concrete Limited to be located at the subject site, adding to the already high volume of commercial traffic and associated noise/dust on the L4224 road passing their property.

Michael and Brigid Neylon – Farming in Lismulbreeda since 1982 and built their home in 2000. Traffic flow was slow and easy going to the quarry which operated at the end of the cul-de-sac road. Traffic and pedestrian safety concerns, noise issues, light intrusion from the front and rear of their property, the road (L4224) is uneven and riddled with potholes, track record of unauthorised development and development not complying with planning conditions, quality of life has deteriorated and escalation of the businesses has been observed and the number of unauthorised developments and planning developments operating outside of planning conditions adds up to an industrial level of operation on a road not designed for this level of activity, Breendon's quarry has been used in the last two years to stockpile road plannings which has involved intense haulage (noise/dust impacts). Excerpts of planning decisions and planner's report included to evidence why the lands are not suitable for development. Concerns about the creation of increased traffic from existing accesses to national roads to which speed limits are greater than 60kph (section 2.5 of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) referred to.

4.0 Planning History

I highlight for the Commission that a concurrent appeal ACP 323503-25 (Planning register reference 2460591) is under assessment for the lands immediately adjoining

the subject site, and also within the same overall landholding of landowner Oliver Haugh (not the applicant of the subject application).

Subject site:

No planning history associated with the subject site.

Enforcement Notice Reference UD21-125 (Issued 30 May 2022).

Other relevant planning applications within the wider landholding of Oliver Haugh (within the blue line):

Site to the south/east

P17/707 Permission was refused (January 2018) for the erection of a machinery storage area, canteen, office, parts storage area, toilets and for permission to develop yard, erect boundary fence, new site entrance and connect to proposed foul sewer treatment system. Applicant M & S Boland Civil Engineering Ltd – landowner Oliver Haugh, Haugh Haulage Ltd.

Reasons for refusal:

- 1) The site of the proposed development is located on LP-4224 local primary road (cul de sac) which serves a number of dwellings, a commercial vehicle test centre and truck workshop, a quarry, agricultural lands and agricultural sheds. Having regard to the nature and extent of the existing and permitted development, the planning authority considers that the development as proposed at this location would result in additional traffic movements along the local road network. The proposed development would therefore seriously injure the amenities and depreciate the value of property in the vicinity and having regard to the narrow nature of the public road and its poor horizontal and vertical alignment would endanger public safety by reason of traffic hazard.
- 2) Having regard to the proposed commercial use of the development, the elevated and exposed nature of the proposal site, the bulk, scale and massing of the proposed building, the spatial extent of service yard and the machinery parking area, the level of groundwork's proposed, the limited screening on the proposal site, the views available towards the site from the north, the cumulative visual impact when viewed in the context of the existing and

permitted developments in the environs of the site and the sites location on unzoned lands that are at a significant remove from existing designated settlements, the planning authority considers that the proposed development would represent a visually obtrusive feature in the landscape that would be clearly visible when viewed over a wide area, would seriously injure the visual amenities of the area and the character of this rural landscape, would set an undesirable precedent for the principle of other similar type commercial developments in this rural area and would therefore be contrary to the proper planning and sustainable development of the area.

3) The planning authority considers that the existing infilling of lands within the site and use of said lands for the open storage of machinery constitutes both “works” and “development” in accordance with Section 2(1) and 3(1) of the Planning and Development Regulations 2001 (as amended). Having regard to the nature and extent of the existing unauthorised development which has taken place on site to date, it is considered that to permit further development on this site would not be in accordance with the orderly development of the area and would seriously injure the amenities of the area.

4) Having regard to the sites location within a locally important aquifer with extreme groundwater vulnerability, the poor onsite percolation properties, the high water table and ponding issues, the dependency on a foul effluent holding tank and the removal of effluent off-site for treatment and disposal, the planning authority considers that the proposed development, if permitted, would constitute a disorderly form of development , which would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

P18/113 Permission and retention permission refused (May 2018) to retain reclaimed agricultural lands, gravel on said lands and for permission to erect machinery storage area, canteen, office, parts storage area, toilets, to develop yard, erect boundary fence, new site entrance and connect to foul water treatment system. Applicant M & S Boland Civil Engineering Ltd. Landowner Oliver Haugh, Haugh Haulage Ltd.

P08/1895 Permission granted for a truck workshop, office, car parking and ancillary site works, connect to the Lissycasey Group Water Scheme and propriety wastewater treatment system (April 2009) Applicant Haugh Haulage, subject to 14 conditions, conditions of relevance noted:

Condition no. 2 (i) the proposal shall be used as a truck workshop. The use of the site as a truck depot is not permitted by this application. (ii) The proposed facility shall not be used outside the hours of 08.00 to 18:00 hours, Monday – Saturday.

(I note that further information submitted with the application 27/02/2009 confirmed company has 15 trucks in operation and that trucks will only remain on site during maintenance, 2 no. office staff and 2 no. maintenance staff will be employed. With respect to traffic movements 40 loads per day dispatched to the nearby quarry applicant is the main contractor for same).

Condition 5 (b) Prior to the commencement of development the area for the proposed polishing filter shall be fenced off as per site layout plan received on the 27/02/2009.

Condition no. 13 The front, rear and side boundaries of the site shall be mounded and planted in accordance with the details as received on the 27/02/2008.

P09/787 Permission granted to construct an extension to truck workshop previously granted under ref. no. P08/1895 for the purpose of a vehicle test centre (October 2009) Applicant Oliver Haugh, subject to 12 conditions. (now Ennis Vehicle Testing Centre).

Lands to the south of the subject site (lands in ownership by Oliver Haugh, Haugh Haulage Ltd)

P17/18 Retention permission and permission was granted (April 2017) for (a) retain existing concrete strip foundations, hard-core area and associated drainage, (b) permission to complete an agricultural development consisting of machinery/hay storage shed with associated site works at Lismulbreeda, Darragh, Co. Clare. Applicant Oliver Haugh.

P21/1135 Withdrawn application seeking retention of existing use as a workshop to service, repair of vehicles and plant hire machinery and storage of machinery. Applicant Atlantic Plant Hire and Contract Crushing.

Lands to the south and southeast of the subject site

21/598 (An Bord Pleanála 314009-22) permission granted (October 2023) for retention and completion of a road. Road being retained is 310m long and connects the local road L4224 to the private road currently serving private dwellings and commercial properties. The road is to upgrade the access to commercial properties in this area by-passing a winding narrow section of the existing private road. Applicant Ennis Vehicle Centre Limited.

Planning history of other subject sites referred to by the appellant and applicant:

P25/60333 Retention permission refused for a) retention of a hardstanding area for part agricultural use, b) temporary permission for a period of five years for the use of a portion of the hardstanding areas for overflow operations associated with the applicant's haulage business at Clareen Roundabout, including the parking and limited operation of commercial trucks and trailers not in daily use, c) retention of an existing shed for use associated with both agricultural and temporary permission for five years use as ancillary commercial activities, d) retention of imported topsoil for the purpose of completing agricultural land reclamation works. The application includes all ancillary site works.

Reason for refusal:

1. Having regard to the proposed development as outlined by parts a, b and c of the proposed development description, the planning authority are not satisfied that the proposed development by itself and the precedent it would create for other services facilities, would not conflict with the aims of the development plan in relation to economic development for the county and also in relation to rural areas. The planning authority does not consider that the applicant has satisfactorily demonstrated the need of the development, as proposed, in this location for a temporary period, and considers insufficient detail has been provided in respect of the level of agricultural use or proposals to return this land to full agricultural use following the expiry of any permission. The proposed development would therefore be contrary to the provision of the Clare County Development Plan 2023-2029 as outlined in Section 6.21 and policy objective CDP8.2 and would ultimately be contrary to the proper planning and sustainable development of the area.

2. Having regard for [sic] the nature and scale of the proposed development, its proximity of European Sites and noting no detail has been provided in respect of the location of lands for the imported top soil to be deposited for the purposes of the completion of land reclamation, it is unclear whether there would be any hydrological connection to any European Sites which may be impacts by the completion of the reclamation works. It is further noted that the development boundary of the application does not include any lands whereby the topsoil could be deposited for land reclamation, and such works are not exempted under section 1(1)(a) of the Planning and Development Act 2000 (as amended) or Article 8C of the Planning and Development Regulations 2001 (as amended). The planning authority therefore considers that the Appropriate Assessment Screening cannot be concluded, and the completion of the reclamation works outlined in part (d) of the proposed development description cannot be carried out under this application. In the absence of sufficient information to make an informed decision the planning authority therefore are precluded from issuing any grant permission for such development described under part (d) of the development.

P25/85 (on appeal ACP 323361-25) Clare County Council refused permission for the construction of a house and all associated site works.

Refusal reason:

1. the Section 28 Ministerial Guidelines “Spatial Planning and National Roads Guidelines for Planning Authorities” (2012) state that the policy of planning authority’s [sic] will be to avoid the generation of increased traffic from existing accesses onto the national road networks at locations where speed limits of greater than 60 kilometres per hour apply. In addition, as per Clare County Development Plan 2023-2029 objectives CDP11.11 “Motorways, National Roads and Strategic Inter-Urban Roads” and CDP 11.13 “Direct Access onto National Roads” the planning authority will safeguard national roads, in line with national policy and will assess development proposals requiring direct access onto the national road network having regard to the exceptions set out in section 11.2.9.3. The proposed development would result in the creation of a new access onto the NS68 national secondary road at a point where the 80 kilometres per hour speed limit applies, would not conform with any of the

specified exceptions, would be contrary to development plan objectives CDP11.13, would on the basis of the available information not achieve the minimum required sightline visibility as set out in Appendix A16.2 of the Clare County Development Plan 2023-2029, would interfere with the free flow of traffic on the public road, would endanger public safety by reason of traffic hazard and therefore would be contrary to the proper planning and sustainable development of the area.

P16/122 Retention Permission for an altered site entrance gravel road and yard as constructed and permission to construct a new storage shed, boundary wall and reinstate site entrance and associated site works at Lismulbreeda, Darragh, Ennis, Co. Clare. Applicant Dermot Custy, Custy Construction Ltd.

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029

The area is located within the designated 'Rural Areas Under Strong Urban Influence' (Map D).

Landscape designation Map C - Working Landscape – Intensively settled and developed areas within settled landscapes or areas with a unique natural resource.

14.3.2.2 Working Landscapes

CDP14.3 Western Corridor Working Landscape

It is an objective of Clare County Council:

- a) To permit development in these areas that will sustain economic activity, and enhance social well-being and quality of life - subject to conformity with all other relevant provisions of the Plan and the availability and protection of resources;
- b) To ensure that selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design, are directed towards minimising visual impact;

c) To ensure that particular regard should be had to avoiding intrusions on scenic routes and on ridges or shorelines. Developments in these areas will be required to demonstrate:

- i. That the site has been selected to avoid visual prominence,
- ii. That site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, public amenities and roads,
- iii. That design of buildings and structures reduces visual impact through careful choice of form, finishes and colours and that any site works seek to reduce the visual impact of the development.

Many areas within the 'Western Corridor Working Landscape' contain ground and surface waters that are sensitive to the risk of pollution and also coincide with areas identified for nature conservation. Applicants for planning permission are advised that rigorous standards will be applied at all stages of the evaluation of site suitability, site design and the design and management of all installations for the interception, storage and treatment of all effluents.

Section 6.15 (Availability of Land and Infrastructure) ...Where proposals may arise for new employment and enterprise development in the open countryside, only where there are strong locational factors that would make the location of the use in towns and villages undesirable would then be considered by the Council on a case-by-case basis. Such proposals would include the development of commercial/industrial related facilities and associated support services in appropriate locations, and any such proposals would be subject to the planning and environmental objectives as set out in this plan.

Development Plan Objective:

Availability of Land and Infrastructure CDP6.14

6.21 Rural Enterprise

...Proposals for other small-scale enterprises in rural areas will be considered on their individual merits, including:

- the nature of the activity;
- where the workforce is likely to be sourced;

- evidence that its scale is appropriate to a rural area;
- evidence that the enterprise would not be viable on industrial or commercial zoned land in towns and villages nearby;
- evidence that a suitable site is available.

CDP 11.13 Development Plan Objective: Direct Access onto National Roads

It is an objective of Clare County Council:

- To safeguard the safety, efficiency and carrying capacity of national primary and secondary roads, including associated national road junctions, within the county in line with national policy;
- To restrict individual accesses, and the intensification of existing access, onto national roads in order to protect the substantial investment in the national road network, to improve carrying capacity, efficiency and safety, and to prevent the premature obsolescence of the network;
- To assess development proposals requiring direct access onto the national road network having regard to the criteria set out in Section 11.2.9.3; and,
- To subject any proposals for greenways, new routes and trails to screening for appropriate assessment and an ecological impact assessment where appropriate to ensure that the design and operation of the proposal is in full compliance with the EU Habitats Directive.

5.2. National Guidance – Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012)

2.5 Required Development Plan Policy on Access to National Roads

With regard to access to national roads, all development plans and any relevant local area plans must implement the policy approaches outlined below. Lands adjoining National Roads to which speed limits greater than 60 kph apply: The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kph apply.

This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant

5.3. Natural Heritage Designations

Approximately 2.4 km west /northwest of from Knockanira House Special Area of Conservation (SAC) and approximately 5km southwest from Newhall and Edenvale Complex SAC (Site Code 002091) and pNHA.

Approximately 5.9km to the northwest of the Lower River Shannon SAC (Site Code 002165), pNHA Fergus Estuary and Inner Shannon, North Shore and River Shannon and River Fergus Estuaries SPA (Site Code 004077).

6.0 Environmental Impact Assessment (EIA) Screening

6.1. 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.

7.0 The Appeal

7.1. Grounds of Appeal

One third party appeal has been submitted by Miceal and Brigid Neylon, in summary the grounds of appeal are:

- Concerns about the extent of alleged unauthorised development ongoing in the immediate area. Notes the scheduled court appearances in respect to some of the alleged unauthorised development.
- Road safety issues and construction health & safety practices raised as issues directly with Clare County Council during the completion of the new road (L4224-1).

- There are hundreds of vehicle movements daily on the L4224 and traffic flow is fast and aggressive with the 60kph speed limit being often ignored on the new road layout.
- Believe that the vehicular movements are underestimated in the planning application and concerned that escalation tends to follow once planning is granted.
- Cumulative effect of vehicular movements (nuisance, noise, dust, damage to property) has placed a huge burden on residents.
- Quarry is being used as a reference to gauge/justify traffic flow and volumes - no issue with the quarry operations as previously operation and haulage began after 08:00 and always finished before 18:00.

Point of clarification made in respect to a previous planning submission relating to Ennis Vehicle Test Centre. The appellants state that they did not approach, request in any way, written or orally that the test centre not operate on a Saturday.

7.2. Applicant Response

- Request for dismissal of appeal under Section 138(1)(b)(i) as they consider that the appeal is vexatious and does not engage with the proposed development, rather it focuses on unauthorised development in the wider area, complaints about construction management of the bypass and unrelated planning files (Refs. 2560333 application refused permission in Barefield, Co. Clare and Planning ref 25/85 which relates to a house refused permission accessing onto the N68 at an 80kph speed limit).
- The appellants allege that they are subject to nuisance, noise, dust, stress anxiety and damage to their property. No evidence provided that such impacts arise from the applicant's operations. The appeal ignores a key material change of the completion of the bypass road which is fully operational and taken in charge by the Council (P21/598)/ABP ref. 314009-22) diverts all commercial traffic away from the appellant's property eliminating the traffic issues identified.

- The applicant's operating hours of 07:00-19:00 Monday to Friday and 07:00-16:00 Saturday are only a marginal extension of the hours stated by the appellant as being previously associated with the quarry (08:00-18:00). Given the limited vehicle movements generated by the applicant (four per day plus three weekly deliveries) these hours cannot credibly give rise to significant amenity impacts.
- This application for temporary retention of use is expressly to allow the applicant time to secure a permanent site. Request that the originally requested period of three years would provide sufficient time for the applicant to regularise operations at a new permanent location.
- The proposal sits comfortably within the established character of the area which already accommodates commercial and industrial uses, including Clare County Council's own storage yard, a vehicle testing centre and long-established quarry. Custy's builders' compound was granted retention permission Ref. P16/122 providing a further precedent.

7.3. Planning Authority Response

- The content of the third-party appeal as received is noted. These issues raised were assessed by the planning authority in the consideration of the proposed development. Having regard to the assessment as set out in the planner's report and noting in particular that the new access road is now operational, the planning authority considers it reasonable that the applicant be granted a temporary 18-month conditional planning permission in this instance.

7.4. Observations

- None.

8.0 **Assessment**

8.1. The applicant has requested, in their response to the appeal, that the Commission exercise its power under Section 138(1)(b)(i) of the Planning and Development Act 2000 (as amended) to dismiss the appeal as being vexatious, frivolous and without substance or foundation. Having reviewed the appeal submission I am of the view that the other development within the area, that is the 'alleged other unauthorised developments', referred to by the appellant do sit within the wider landholding, landowner identified as Oliver Haugh on letter of consent to make the application (as included within the area outlined in blue on the application documentation). I am of the opinion that these are of relevance to the proper planning and sustainable development considerations in terms of the cumulative impacts, principally cumulative effects of vehicular movements on residential amenity, the cumulative scale, the visual impact and the contribution the proposed development to be retained makes to those impacts. Therefore, on this basis I am of the opinion that the provisions of section 138 (1) are not applicable in this instance.

8.2. 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
- Traffic impacts and impacts on residential amenity
- Access (New issue)
- Other (New issue)

8.3. **Principle of development**

8.3.1. The subject lands are unzoned within the open countryside in a designated rural area under strong urban influence. The development plan sets out in section 6.15 that where proposals for new employment and enterprise development arise in the open countryside these can be considered only where there are strong locational

factors that would make the location of the use in towns and villages undesirable shall be considered on a case-by-case basis.

- 8.3.2. From my site visit I noted that the lands to the rear of the Ennis Vehicle Test Centre are subdivided and in use as separate storage yards with different boundary treatment including some Harris & post and wire fencing, temporary hoarding and mounding of earthen banks. The access route to same is along the southern boundary of the test centre and comprises a hardcore laneway with some large potholes. From my review of the planning history available it appears that no permission has been granted for the lands to the rear of the test centre. In total the area of hardcore infilled agricultural lands is approximately three hectares in area. On review of the aerial imagery the change to the landscape from agricultural lands/green fields in 2009 to date is significant.
- 8.3.3. I have reviewed the submitted Planning Support Statement by the applicant and the key principle stated to underpin the application is that it is a temporary proposed use of the lands as they seek more permanent and appropriate site to relocate. The applicant in their submission acknowledges that they are engaging with auctioneers and large property owners to find a suitable location but have not been successful to date. I note that the location close to Ennis and the accessibility to the road network at Lismulbreeda is put forward as key factors in the selection of this location. Notwithstanding, I would concur with the planner's assessment that the applicant has not demonstrated tangible locational links to this specific rural area or sufficient justification as to why this proposal for a plant and machinery storage yard associated with a floor screeding business could not be accommodated on more appropriately zoned land closer to/edge of the settlement of Ennis.
- 8.3.4. I highlight for the Commission that the lands owned by Oliver Haugh as outlined in blue and shown on Site Location Map extend beyond the subject site to the west and to the east up to the N68 route. Oliver Haugh has provided consent for the applicant McColgan Concrete Limited to make the application. As noted in section 4.0 Planning History previous applications have sought retention for machinery storage and/or plant hire either within or adjoining the landowner's landholding. Previous applications for retention of reclaimed agricultural lands have also been refused within the wider landholding. Such a use has been consistently deemed, by Clare County Council, to be unacceptable as it would result in an intensification of

commercial and industrial activity in this rural area and would result in additional traffic movements along the local road network.

- 8.3.5. As per section 6.15 the application for the commercial related facilities must also be considered in respect to the planning and environmental objectives of the development plan. In this respect I consider that the acceptability of the principle of development shall be determined against the planning and environmental objectives of the development plan, please see following assessment under sections 8.4, 8.5 and 8.6.

8.4. Traffic impacts and impacts on residential amenity.

- 8.4.1. Access to the proposed compound will be addressed in section 8.5 of my report specifically. Nevertheless, for the purposes of context the existing storage compound is accessed via an unsurfaced hardcore road of approximately in length 300m from a local road L4224 which connects to the N68 via a new diagonal link road section granted permission by the Board (ABP-314009-22) on the 3 October 2023 bypassing a section of the L4224 serving the existing residential properties. This new road section has been completed and, as such the traffic movements are to the rear of the appellant's property, albeit at a greater distance, rather than passing the front of their property.
- 8.4.2. The appellant raises concerns in respect of the changed nature of the vehicle movements along the new straight section of access route, being faster and more aggressive, and suggests an underestimation of traffic movements from the proposed plant and machinery storage yard as stated being four vehicle movements per day on average with one sand delivery and two cement deliveries per week. The applicant has put forward as justification that traffic in the area was previously higher during the operational years of the nearby quarry, currently not in operation. No traffic counts/figures of vehicular movements have been supplied by either the applicant or appellant in this regard.
- 8.4.3. I note from the information submitted that the operating hours differ to that of the quarry when operational and differ to that of the permitted operating hours of the vehicle test centre commencing one hour earlier and closing one hour later Monday to Friday and operating from 7am to 4pm on Saturdays. Whereas the vehicle testing

centre is permitted to operate between 08:00 and 18:00 on Saturdays. I highlight to the Commission that the development to be retained and as proposed would result in additional early morning and later evening vehicular movements. I am of the view that it has not been demonstrated sufficiently that the proposed additional vehicular movements in conjunction with those movements associated with the Ennis Vehicle Test Centre, as permitted, and other vehicular movements noting the concurrent appeal under consideration ACP 323503-25 for retention of another plant and machinery storage yard (Neville Civil Works Limited) are such that would not result in a cumulative adverse impact on existing residential amenities within this rural area by reason of increased vehicular movements, noise and dust generation or result in a significant intensification of movements at the existing access onto the N68.

- 8.4.4. It is the policy of the planning authority, as set out in the Clare County Development Plan 2023-2029 for the area, to permit development proposals for employment and enterprise in the open countryside, only where there are strong location factors (section 6.15) and proposals for small scale enterprises in rural areas will be considered on their individual merits, including among other factors the nature of the activity and evidence that its scale is appropriate to a rural area (section 6.21).
- 8.4.5. In the first instance I am of the opinion that the applicant has not demonstrated tangible locational links to this specific rural area or sufficient justification as to why this proposal for a plant and machinery storage yard associated with a floor screeding business could not be accommodated on more appropriately zoned land closer to/edge of the settlement of Ennis. Furthermore, I consider that, the storage yard proposed to be retained including hardcore base, storage silos concrete base, storage containers, fencing and signage taken together with the cumulative impacts of adjoining areas of hardstanding, storage yards and hardcore access route would not be at a scale considered appropriate to a rural area. As such the development to be retained and, as proposed, does not accord with the development plan objective CDP14.3 which seeks to permit development in the Western Corridor Working Landscape that will sustain economic activity and enhance social wellbeing and quality of life. The development to be retained and as proposed, is therefore, contrary to the proper planning and sustainable development of the area.

8.5. Access (New Issue)

- 8.5.1. The subject site is accessed off an unsurfaced hardcore laneway running to south of the subject site for approximately 350m from the L4224. This laneway is serving four distinct land parcels created to the rear of the vehicle testing centre. From review of the planning history for the subject site and the wider landholding of the landowner Oliver Haugh it appears that there is no planning permission for the laneway, the areas of hardcore, infilling and mounding and the use of these lands for planting and machinery storage. I have already noted that there is concurrent appeal for a separate plant and machinery storage yard immediately adjacent to the subject site and I refer the Commission to same (Planning register reference 24/60591 ACP 323503-25). The subject site is effectively landlocked as it does not have a permitted access route from the local road to the site.
- 8.5.2. On the basis that there are no permitted access arrangements to the subject site from the L4224 it is considered that the development to be retained and as proposed constitutes inappropriate and haphazard development and would not be acceptable in principle. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 8.5.3. This is a new issue, and the Commission may wish to seek the views of the parties. However, having regard to the other substantive reason for refusal set out below, it may not be considered necessary to pursue the matter.

8.6. Other (New Issue)

- 8.6.1. Separately, I note that the planning authority do raise concerns with respect to the heavy nature of the soil on site and historically poor percolation characteristics in close proximity to the site and consider that it is likely that the surface water management proposals would not have adequate infiltration of the soil to operate effectively. They recommend that alternative surface water management proposals should be required by condition, please refer to condition 5 (a).
- 8.6.2. I am of the opinion that given the concerns raised in respect to effective infiltration, the lack of details supplied to demonstrate same and taking into account the proposal is for the temporary retention of the storage yard, that the surface water proposals should be agreed in advance of any permission of retention. On this basis

I do not consider that retention permission and permission is warranted, however, given the other substantive reasons for refusal set out below I do not consider that a refusal based on this issue is required.

9.0 AA Screening

9.1. Please see Appendix 3. Screening Determination: Finding of no likely significant effects.

9.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site(s) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.3. This determination is based on:

- Nature of works
- Location-distance from nearest European site

10.0 Water Framework Directive (WFD) Screening

10.1. The river body BALLY MACOODA LOUGH STREAM_010 IIE_SH_278010500) is approximately 250 metres northwest of the subject site and is assessed as poor and identified as being at risk. Significant issues identified in the EPA catchment assessment data in respect to nutrients and organic pollutants from agriculture and domestic wastewater treatment systems. The groundwater body is Lissycasey (IE_SH_G_148), and its status is good and not at risk. Having reviewed GSI's ground water data I note that the subject site falls both within the high vulnerability and moderate vulnerability category.

10.2. The proposed development is detailed in section 2.0 of my report. No water deterioration concerns were raised in the planning appeal; however, I note that the planning authority have raised concerns in the planning report about the

effectiveness of the proposed surface water management proposals, please see section 8.6 of my report.

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

The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest water bodies

11.0 Recommendation

I recommend that RETENTION permission and PERMISSION be refused for the following reasons and considerations:

12.0 Reasons and Considerations

1. On the basis that there are no permitted access arrangements to the subject site from the local road, namely the L4224, it is considered that the development to be retained and as proposed constitutes inappropriate and haphazard development and would not be acceptable in principle. The development to be retained and as proposed would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information submitted with the application and appeal it has not been demonstrated sufficiently that the proposed additional vehicular movements in conjunction with those movements associated with the Ennis Vehicle Test Centre, as permitted, and other

vehicular movements are such that would not result in a cumulative adverse impact on existing residential amenities within this rural area by reason of increased vehicular movements, noise and dust generation or result in a significant intensification of movements at the existing access onto the N68 contrary to CDP 11.13 of the Clare County Development Plan. The development to be retained and as proposed would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It is the policy of the planning authority, as set out in the Clare County Development Plan 2023-2029 for the area, to permit development proposals for employment and enterprise in the open countryside, only where there are strong location factors (section 6.15) and proposals for small scale enterprises in rural areas will be considered on their individual merits, including among other factors the nature of the activity and evidence that its scale is appropriate to a rural area (section 6.21). The applicant has not demonstrated tangible locational links to this specific rural area or sufficient justification as to why this proposal for a plant and machinery storage yard associated with a floor screeding business could not be accommodated on more appropriately zoned land closer to/edge of the settlement of Ennis. Furthermore, it is considered that, the storage yard proposed to be retained including hardcore base, storage silos concrete base, storage containers, fencing and signage taken together with the cumulative impacts of adjoining areas of hardstanding, storage yards and hardcore access route would not be at a scale considered appropriate to a rural area. As such the development to be retained and, as proposed, does not accord with the development plan objective CDP14.3 which seeks to permit development in the Western Corridor Working Landscape that will sustain economic activity and enhance social wellbeing and quality of life. The development to be retained and as proposed, is therefore, contrary to the proper planning and sustainable development of the area.

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

Claire McVeigh

Planning Inspector

03 December 2025

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	323502-25
Proposed Development Summary	Retention of plant and machinery storage yard and all associated site works.
Development Address	Lismulbreeda, Darragh, Ennis, 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 type of proposed road development under Article 8 of the Roads Regulations, 1994.	

<p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10. Infrastructure projects (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</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	323502-25
Proposed Development Summary	Retention of plant and machinery storage yard and all associated site works.
Development Address	Lismulbreeda, Darragh, Ennis, 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 development proposed to be retained and as proposed comprises a plant and machinery yard on an area of hardcore base and sections of concrete base (total area stated as 0.42 ha) within an area of open countryside.</p> <p>The project has similar characteristics to a car park and could be considered to fall under Annex II (10)(b) of the EIA Directive.</p> <p>It is proposed to discharge surface water to a soakpit via a new open concrete drainage channel with petrol interceptor.</p> <p>The project due to its size and nature the storage yard 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>Notwithstanding the issues raised by the planning authority in respect to effectiveness of the proposed surface water proposals. The operation of the proposed development to be retained 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 CEWMP.</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,</p>	<p>The subject site is located with the area designated as Western Corridor Working Landscape, as described in section 5.1 of my report as intensively settled and developed areas within settled landscapes or areas with a unique natural resource.</p> <p>The subject site is within 2.5km of the Lesser Horseshoe Bat roost in the designated Knockanira House SAC (Site Code: 002318). Please refer to Section 9.0 and Appendix 3 of my report in respect to Appropriate Assessment.</p>

nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	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.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	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. There is no real likelihood of significant cumulative considerations in respect of EIA having regard to other existing and/or permitted projects in the adjoining area.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	N/A
There is a real likelihood of significant effects on the environment.	N/A

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3: Screening for Appropriate Assessment

Test for likely significant effects

Step 1: Description of the project and local site characteristics	
Brief description of project	Retention of plant and machinery storage yard and all associated site works.
Brief description of development site characteristics and potential impact mechanisms	<p>The subject site comprises former agricultural land that has been infilled with hardcore and concrete bases. Total area stated as 0.42 ha.</p> <p>The site is bordered by adjoining lands that are similarly surfaced and currently in use for the storage of plant and machinery.</p> <p>The site is not located within or directly adjacent to any European Site.</p>
Screening report	N
Natura Impact Statement	N
Relevant submissions	None relating to AA

Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Knockanira House Special Area of	https://www.npws.ie/protected-sites/sac/002318	2.4km west	Within 2.5km of qualifying roost.	Y

Conservation (SAC) (Site Code: 002318)				
Newhall and Edenvale Complex SAC (Site Code 002091)	https://www.npws.ie/protected-sites/sac/002091	5km southwest	N	N
River Shannon and River Fergus Estuaries SPA (Site Code 004077).	River Shannon and River Fergus Estuaries SPA National Parks & Wildlife Service	5.9km northwest	Tentative hydrological	N
Lower River Shannon SAC (Site Code 002165),	https://www.npws.ie/protected-sites/sac/002165	59km northwest	Tentative hydrological	N

¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

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

AA Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*
Qualifying interests	

	Impacts	Effects
<p>Knockanira House Special Area of Conservation (SAC) (Site Code: 002318):</p> <p>[1303] Lesser Horseshoe Bat (Rhinolophus hipposideros)</p> <p>The conservation objective is to restore the favourable conservation condition of Lesser Horseshoe Bat in Knockanira House SAC, which is defined by the following list of attributes including but not limited to:</p> <p>Light pollution (Lux) - No significant increase in artificial light intensity adjacent to named roost or along commuting routes within 2.5km of the roost. See map 2 Lesser horseshoe bats are very sensitive to light pollution and will avoid brightly lit areas. Inappropriate lighting around roosts may cause abandonment; lighting along commuting routes may cause preferred foraging areas to be abandoned, thus increasing energetic</p>	<p>Potential increase in artificial light intensity within 2.5km of the roost. Drawing 7358-03-102 Site Details indicates a metal pole with security lighting to be retained.</p> <p>As per the submitted Planning Support Statement the compound has a single security light that is used only during dark hours when personnel are present until 5pm. There is no external lighting in use on the compound during nighttime.</p>	<p>Lighting along commuting routes may cause preferred foraging areas to be abandoned thus increasing energetic costs for bats (as per the NPWS Conservation Objectives Series dated 24 July 2028).</p>

costs for bats (Schofield, 2008).		
	Likelihood of significant effects from proposed development (alone): N	
	If no, is there likelihood of significant effects occurring in combination with other plans or projects? N	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* N	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on the commuting routes of the Lesser Horseshoe Bat considering that only one security light is on the compound and that the use of same is limited to when personnel are present and not on during nighttime hours.</p> <p>The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p>		
<p>Screening Determination</p> <p>Finding of no likely significant effects</p> <p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site(s) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.</p> <p>This determination is based on:</p> <ul style="list-style-type: none"> • Nature of works • Location-distance from nearest European site and lack of connections 		