



An
Coimisiún
Pleanála

Inspector's Report

ACP-324062-26

Development

Large Scale Residential development consisting of 300 no. houses; 1 no. creche/childcare facility; landscaping, open space and amenity areas, including a linear amenity walkway, footpaths, cycleways and play areas; 3 no. pedestrian connections to the existing public footpath along the N85, 2 no. pedestrian connections into Ballymacaula View Estate, improvements/upgrades to the pedestrian footpaths along Circular Road including a raised pedestrian crossing and pedestrian footpath provision along part of the Drumbiggle and Cahercalla Roads; all associated infrastructure and services including 1 no. vehicular access onto Circular Road, car and bicycle parking, bin storage, lighting, 3 no. ESB substations, drainage, 1 no. pumping station, boundary treatments. An

Environmental Impact Assessment Report and a Natura Impact Statement has been prepared in respect of the proposed development.

Location Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare

Planning Authority Clare County Council

Planning Authority Reg. Ref. 25/60393

Applicant(s) Glenveagh Homes Limited

Type of Application Permission

Planning Authority Decision Grant Permission

Type of Appeal Third Party

Appellant(s)

- 1) Ballymacaula View Residents Committee
- 2) Fiona Liston
- 3) John Madden
- 4) Michael Duffy

Observer Ennis Golf Club

Date of Site Inspection 1st April 2026

Inspector Ian Campbell

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1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of c. 11.3 Ha., is located in the townlands of Ballymacaula and Keelty, c. 1.6 km from the centre of Ennis¹, Co. Clare. The site, which is within the settlement boundary of the town, is irregular in shape and comprises a grouping of fields bound by hedgerow. Topographical levels across the site vary from c. 10 metres (OD) at the northern end of the appeal site to c. 31 metres (OD) at the south-western part of the appeal site. The site is currently accessed from the Circular Road (R474) via a field gate along the eastern boundary.
- 1.2. The site is bound by Circular Road (R474) and Ennis Golf Club to the east, the N85 (Ennis Western Relief Road) to the west and a housing estate (Ballymacaula View) to the south. The site is adjacent to the junction between Circular Road (R474) and Drumbiggle Road (L-4526). There are a number of detached dwellings along the eastern boundary of the site.
- 1.3. The closest watercourse is the Claureen River which is located to the immediate north of the site.
- 1.4. An area of land to the north-east of the site is indicated as being within the ownership/control of the applicant, as denoted by the blue line boundary. An area of land along the eastern boundary of the site is being left undeveloped to provide a buffer to the golf club and badger setts within the golf club lands.
- 1.5. Power lines run along the eastern boundary of the site and a 10kv power line traverses the site north-south (it is proposed to locate these power lines underground). There are a number of trees and hedgerows within the site.

2.0 Proposed Development

- 2.1. This is an application for a Large-Scale Residential Development (LRD) which consists of the following:
 - the construction of 300 no. houses comprising²;
 - o 14 no. 1 bed houses (4.7%).

¹ Straight line distance to O'Connell Street.

² The unit mix was subsequently revised following a request for Further Information (see para. 4.1.2. below).

- 91 no. 2 bed houses (30.3%).
 - 164 no. 3 bed houses (54.7%).
 - 31 no. 4 bed houses (10.3%).
- 1 no. creche/childcare facility (80 no. child spaces),
 - landscaping, open space and amenity areas, including, a linear amenity walkway; footpaths; cycleways and play areas,
 - 3 no. pedestrian connections to the existing public footpath along the N85,
 - 2 no. pedestrian connections into Ballymacaula View Estate,
 - improvements/upgrades to the pedestrian footpaths along Circular Road, including a raised pedestrian crossing and pedestrian footpath provision along part of the Drumbiggle and Cahercalla Roads,
 - associated infrastructure and services including, 1 no. vehicular access onto Circular Road; car and bicycle parking; bin storage; lighting; 3 no. ESB substations; drainage; 1 no. pumping station; and boundary treatments.

Key statistics for the proposed development³:

Gross Site Area	11.3 Ha.
Net Site Area	8.57 Ha.
Number of houses	300
Density	35 dwellings per hectare (dpha)
Building Height	1 – 3 storeys
Commercial/Childcare	c. 400 sqm/80 no. child spaces
Public Open Space	15%
Car Parking	536
Bicycle Parking	202

³ Following a request for Further Information the unit mix and number of car parking spaces were subsequently amended. The statistics in this table are derived from Table 2-1 of the applicant's EIAR. Car parking was increased to 547 no. spaces.

2.2. The particulars submitted with the planning application/appeal note the following in respect of the proposed development;

- the proposed development will take place over 3 phases and is estimated to take 36 months to complete. *Drawing No. 24150/P/007⁴* indicates the phasing arrangement for the proposal which includes 107 no. units and the creche in phase 1; 128 no. units in phase 2; and 65 no. units in phase 3.
- regarding wastewater drainage:
 - o due to the site's topography, a pumping station is required and will be located at the lowest point in the northern section of the site. Foul water will be pumped through a new rising main to the existing public sewer network, connecting via a new discharge manhole c. 105 metres east of the site entrance.
- regarding stormwater drainage:
 - o the site has been divided into several catchment areas. Stormwater from these catchments will pass through oil/petrol interceptors before flowing by gravity to 6 no. soakaways and 1 no. infiltration basin. The infiltration basin will discharge through a hydro-brake to a bioswale (190 metres long) and will then flow into the Claureen River at a controlled rate, matching the allowable greenfield run-off rate. The stormwater network, including the infiltration basin, has been designed to accommodate a 100-year storm event, plus an additional 20% capacity to account for climate change.

2.3. The application was also accompanied by the following:

- Appropriate Assessment Screening Report (AASR) and Natura Impact Statement (NIS), revised at FI stage.
- Environmental Impact Assessment Report (EIAR), revised at FI stage (see EIAR Addendum Report).
- Planning Report.

⁴ A second phasing drawing was submitted (i.e. *Drawing No. 24150/P/007, Rev. P2*) at FI stage and reflects changes made to the proposal on foot of the FI request. The number of dwellings in each phase remains the same as initially proposed in *Drawing No. 24150/P/007*.

- Architectural Design Statement.
- Universal Design Statement.
- Housing Mix Statement.
- Statement of Consistency.
- Childcare Demand Report.
- Response to LRD Opinion.
- Housing Quality Assessment.
- School Demand Report.
- Design Manual for Urban Road and Streets (DMURS) Report.
- Road Safety Audit (RSA).
- Traffic and Transport Assessment (TTA).
- Construction Traffic Management Plan.
- Drainage Impact Assessment Report.
- Civil Works Design Report.
- Site Specific Flood Risk Assessment (SSFRA).
- Stage 1 Storm Water Audit.
- Landscape Design Strategy.
- Arboricultural Impact Assessment and Tree Protection Plan.
- Photomontage and CGI Booklet.
- Sunlight, Daylight and Shadow Assessment.
- Preliminary Construction Environmental Management Plan (pCEMP).
- Public Lighting Layout and Report.
- Energy Efficiency and Climate Change Adaptation Plan.
- Architectural and Engineering Drawings.
- Resource Waste Management Plan (inc. as appendix to EIAR).
- Operational Waste Management Plan (inc. as appendix to EIAR).

- Bat Fauna Impact Assessment (inc. as appendix to EIAR).
- Letter of Consent from Clare County Council.

3.0 Planning Authorities Pre-Application Opinion

3.1. The Planning Authority (PA) and the applicant convened a meeting under Section 32C of the Planning and Development Act, 2000, as amended, for the proposed Large-Scale Residential Development (LRD) in respect of a development on the 10th day of March 2025.

3.2. Following this meeting, the PA issued an LRD Opinion on the 7th day of April 2025 pursuant to Section 32D (2) of the Planning and Development Act, 2000, as amended. It was the opinion of the PA that the proposed development does not constitute a reasonable basis on which to make an application for permission. In accordance with Section 32D 2 (a) the PA specified the basis for this opinion as follows:

1. The proposed development would contravene materially a development objective indicated in the development plan for the zoning of land (i.e. Objective CDP19.3 'Compliance with Zonings') which are zoned 'Low Density Residential' in the Clare County Development Plan 2023-2029 (CDP).
2. Having regard to the proposed design and layout of the development, which includes primarily terraced town houses and semi-detached units, along with a number of 3 storey dwellings, on lands for which the Low Density Residential zoning intends to provide "primarily detached family dwellings", it is considered that the proposed density of the site would be contrary to the Low Density zoning of the site and would contravene the zoning objective of the Clare County Development Plan 2023-2029. The proposed unit typology and subsequent proposed heights of units would, therefore, be contrary to the Clare County Development Plan 2023-2029 and to the proper planning and sustainable development of the area.

3.3. Issues for the applicant to consider/address when making a future planning application can be summarised as follows:

1. Development Description.
2. Zoning.

3. Density.
4. Housing Mix Justification.
5. Design & Layout.
6. Access & Transport.
7. Parking.
8. Ecology & Environment.
9. Part V.
10. Consents.

3.4. The applicant has submitted a response to the LRD Opinion. The response notes -

- density of 35 dpha is appropriate having regard to the designation of Ennis as a Key Town; the Sustainable Residential Development and Compact Settlement Guidelines 2024; the planning history on the site/in the vicinity; the shortfall in housing delivery in Ennis; and given that the CDP does not prescribe a specific density for 'low density';
- in order to achieve the density range set out in the Sustainable Residential Development and Compact Settlement Guidelines 2024 a mix of housing typology is required;
- the Open Space zoning does not preclude wastewater infrastructure in Open Space. This infrastructure is required to be located at the lowest part of the site;
- pedestrian/cycle infrastructure within the Buffer Space will not affect noise mitigation, visual amenity, biodiversity and the functionality of the buffer. Proposed pedestrian/cycle path has been reduced in width;
- the housing mix has been informed by best practice, planning guidance and market research;
- 3 storey units have been provided at specific locations to create nodal points, and for wayfinding;
- all boundary treatments are identified and Arborist report provided detailing retention and removal of trees;

- cross sectional drawings provided indicate the relationship of proposal relative to adjoining area, and contiguous elevation are also provided;
- dimensioned drawings provided demonstrating compliance with required separation distances;
- sunlight, skylight and shadow assessment provided;
- details provided indicating boundary treatment around pumping station;
- architectural design statement depicts materiality of scheme; details of boundary treatment to houses provided; all open space is overlooked; details of landscaping and play areas provided;
- TTA and RSA prepared. Details of traffic calming provided; continuous footpath provision provided along Drumbiggle Road and Cahercalla Road; it is not practical/feasible to provide a pedestrian crossing at the entrance of the site onto the R474; creche location/design addresses potential queuing; raised pedestrian crossing incorporated into scheme; sightlines indicated; taking in charge map provided; footpaths, inc. widths will comply with relevant guidance;
- drainage will be captured within the site; road gullies will be provided and pump station details provided;
- lighting will comply with recommendations of project ecologist re. bats;
- details of car parking provided, inc. EV charging; and dimensions of spaces. Details of bicycle parking also provided;
- EIAR and NIS prepared;
- measures proposed to address impacts from lighting on bats. Bat survey did not find bat roosts on the site;
- details of SuDS measure provided;
- save for the consent of CCC no other third party consents are required.

4.0 Planning Authority Decision

4.1. Request for Further Information

Prior to the decision of the Planning Authority to GRANT permission for the proposed development, the Planning Authority requested Further Information (FI).

4.1.1. Further Information was requested on the 22nd day of August 2025 as follows:

Item 1: revise unit mix, increasing the number of detached/semi-detached units and reduce the number of townhouses.

Item 2: revise the proposal to consider -

- (a) the provision of street furniture, informal meeting areas and recreational facilities;
- (b) revised planting and landscaping on the open space area adjacent to units 226-228 to avoid the potential for anti-social activity;
- (c) enhanced screening along the western boundary with N85;
- (d) revise boundary treatments to the rear of units 27-32, omitting paladin fencing;
- (e) submit details of retaining wall and boundary treatments to attenuation pond in the northern section of the site;
- (f) confirm the provision of an adequately sized kitchen to cater for 80 no. children within the creche.

Item 3: revise screening along the western boundary of the site with the N85 to address noise impacts on the dwellings within the scheme.

Item 4: submit the following -

- (i) a full bat survey incorporating up-to-date surveys carried out in all seasons.
- (ii) quantified details of felled, retained and planted hedgerows, treelines and linear features, demonstrating there is no net loss of such features on the site and that full connectivity for bat species, particularly the Lesser Horseshoe Bat, can be achieved. Gapping along all boundaries, particularly along the western boundary, should be addressed.
- (iii) clarity in respect of the lighting levels, noting discrepancies in the EAR and NIS.

- (iv) revise the NIS to assess remaining treatment capacity of the wwtp, taking into account the status of the receiving environment associated with the wwtp, potential for cumulative effects, along with the upgrade works required to facilitate the proposed development.
- (v) confirm whether in-stream works are proposed, and update NIS, EIAR and CEMP accordingly, if necessary.
- (vi) update NIS and EIAR if necessary to incorporate the above.

Item 5: (a) Address the potential for rock breaking on the site, noting reference to bedrock excavation; and (b) submit an updated CEMP in respect of pest control.

Item 6: address the following in respect of road design -

- (i) provide double yellow lines along the access road between the junction with public road and the first ramp.
- (ii) provide an EV charging hub within Phase 1 of the development.
- (iii) the PA does not accept that only 45% of residents would travel by car as their primary mode of transport. To address roadside parking the applicant is requested to increase car parking provision.
- (iv) provide clear design detail and description of the works proposed to address the issues in the RSA.
- (v) the following shall also be reflected in any response to the FI:
 - corner radii to comply with Section 4.3.3 of DMURS.
 - all turning bay dimensions to comply with 'Recommendations for Site Development Works for Housing Areas'.
 - all access ways and parking spaces accessed from turning bays to be removed/relocated.
 - provide traffic calming on long straights where there is more than 70m between junctions. Ensure the raised crossings do not eliminate parking spaces in driveways.
 - clarify the width of the internal road where parallel parking is proposed across from a driveway to ensure adequate spacing maneuvering.

- the proposed crossing on the R474 to connect pedestrians to the new footpath on the Drumbiggle Road should be positioned north of the R474/ Drumbiggle Road Junction as the current location presents a safety risk to pedestrians.
- parallel parking spaces should be a minimum of 6m x 2.4m, and a minimum of 4.8m x 2.4m for perpendicular spaces.
- footpath to the front of the proposed development should be constructed with two number 50mm ducts.
- path widths should a minimum of 2 m and a minimum clear width at pinch points of 1.5 m.
- tactile paving to be constructed as per the current TII detail, 'CC-SCD-05136 (Uncontrolled Pedestrian Crossings)' and located at each pedestrian crossing point.

Item 7: (a) address the potential for visitors/residents to access the site via pedestrian linkages from the N85 while using the hard shoulder as parking; and, (b) provide a raised crossing at the junction of the entrance to the development and associated footpath to the south of the proposed entrance.

Item 8: (a) confirm how it is intended to manage/maintain water, wastewater and playground infrastructure; and, (b) submit details of how future house owners will be made aware of issues regarding the maintenance of permeable driveways.

Item 9 – if necessary, amend NIS, EIAR on foot of the above.

4.1.2. Further information⁵ submitted on the 23rd day of October 2025:

Item 1: the proportion of townhouses has been reduced⁶ (from 53% to 47.6%); the proportion of semi-detached units has been increased (from 37.3% to 42%); and the proportion of detached units has been increased (from 3% to 3.7%). The number of units proposed remained the same.

⁵ The Further Information submitted by the applicant was deemed significant and was readvertised in accordance with Art. 35 of the Planning and Development Regulations, 2001, as amended.

⁶ *Drawing No. 24150/P/025* indicates the locations within the scheme where changes to units have been made.

Item 2:

- (a) the open space design has been revised to provide benches for informal meeting areas; kickabout areas; and dedicated play equipment for children over 10 years of age, including climbing structures and trench play features.
- (b) the landscape proposal for the area of open space adjacent to Units 226–228 has been revised.
- (c) the landscape proposal has been revised to incorporate a continuous 1m wide native hedgerow along the full length of the western boundary, in addition to an increased number of large-specimen trees.
- (d) previously proposed 1.8 m paladin fence to the rear of units 27-32 has been replaced with a concrete post and concrete panel wall.
- (e) confirmation that no retaining wall is proposed at attenuation pond, that the pond is designed as a dry attenuation feature, with gentle side slopes of approximately 1:4. Given the dry nature of the pond and its shallow gradients, no boundary fencing or walling is required.
- (f) the proposed kitchen within the creche building is strictly for preparation purposes only and is therefore adequately sized to cater for the proposed creche.

Item 3: in addition to the existing vegetation, a new native hedgerow has been introduced along the boundary, followed by a woodland planting area containing a dense mix of medium and tall growing species, providing a minimum of approximately 5m of layered vegetation before reaching the communal open spaces, and an even greater distance before the residential units. The planting also contributes to improving the linear features for connectivity for commuting bats. Revised CGIs have been submitted.

Item 4:

- (a) additional bat surveys were carried out during September 2025 and an updated bat report prepared. All surveys were conducted within the active bat season and the transects covered the entire site multiple times during the night. The bat report outlines mitigation measures and concludes that the proposed

development will result in a 'long term/low adverse/not significant/negative' impacts on bats.

(b) a Hedgerow Retention and Removal Plan has been prepared which outlines the existing hedgerows to be retained, reinforced, or removed. The proposed development will result in a total of 10,813 sqm of hedgerows and tree line features, an increase of 6,673 sqm on the 4,140sqm existing hedgerow. There is a net hedgerow loss of approximately 281 m, the proposed new linear planting results in a net gain of 714 m in linear habitat connectivity.

(c) lighting design for the proposed development has been comprehensively reviewed to ensure full alignment between the design specifications and the mitigation measures outlined in both the EIAR and NIS (see updated mitigation measures in the EIAR Addendum Report).

(d) the NIS has been updated and notes that the development will make up <1% of the designed hydraulic design capacity and 3.46% of the hydraulic headroom remaining within the wwtp. The data outlined in Table 3 of the updated NIS demonstrates that Ennis North wwtp retains substantial residual hydraulic and organic capacity. The updated NIS includes an assessment of the potential in-combination effects of permitted and schemes currently undergoing planning within the catchment of the Ennis North wwtp (see Table 4 of the updated NIS). The updated NIS states that the total volume for developments assessed for potential in-combination effects within Ennis North wwtp is 167m³/day. The proposed development 147 m³/day. This gives a combined figure of 314 m³/day. This makes up approximately 7% of the remaining hydraulic headroom, and <5% of the remaining PE headroom. The updated NIS concludes that the development is unlikely to give rise to potential in-combination effects in relation to the Ennis North wwtp.

(e) no in-stream works are proposed. The only works proximate to the Claureen River consist of a proposed bioswale extending east-west toward the watercourse. All construction related to the bioswale adjacent to the river will be undertaken during dry weather under ecological supervision. No cement or structural works will occur within or immediately adjacent to the Claureen River. (See revised drawings, *Typical Site Works Detail Drawing no. 11269-2231* and

revised *Typical SuDS Detail Drawing no. 11269-2236*). The CEMP has also been revised to include clarification and mitigation measures regarding the storm water outfall along the N85 corridor, which discharges to the Claureen River.

(f) the NIS has been updated reflecting the revised assessments. The EIAR has been reviewed and an EIAR Addendum Report prepared outlining any material changes to the EIAR chapters.

Item 5:

(a) the CEMP has been revised to capture the environmental impacts, noise or vibration, and air quality in respect of rock breaking, crushing and/or screening. The noise and vibration and air quality EIAR chapters have been reviewed and updated to take into account rock breaking, crushing, and screening.

(b) the CEMP has been updated to include health and safety and mitigation measures in relation to pest control associated with the construction of the development (see Section 4 and 7.6).

Item 6:

(a) the Proposed Roads Layout drawings (*11269–2212 to 2214*) have been updated to include double yellow line marking. Double yellow markings have also been provided within turning bays to discourage parking within these areas.

(b) an E.V. charging hub consisting of 4 no. E.V. charging spaces has been relocated from Phase 3 to Phase 1 (see Drawing no.'s *24150/P/007* and *24150/P/010*).

(c) the proposed layout has been revised to increase the total number of car parking spaces from 536 no. to 547 no., to provide an additional 11 no. visitors spaces within the development. These additional car spaces bring the total number of visitor parking spaces to 41 no. spaces throughout the site (see *Drawing no. 24150/P/010*).

(d) Tobin's FI Response Letter provides a detailed response to each of the items identified in the RSA, see also engineering roads layout and autotrack drawings (*11269–2212 to 11269-2223*) which address the items raised by the RSA.

(e) (see sub-items i – x below);

(i) all corner radii within the proposed development have been designed in full compliance with the DMURS. Autotrack drawings were also produced and reviewed as part of the RSA.

(ii) all vehicles can safely and effectively manoeuvre within the turning bays provided (see swept path drawings 11269-2215 to 2223). A RSA was carried out confirming that the design of the scheme meets the necessary safety and operational standards, including emergency and service vehicle access.

(iii) all parking facilities have been located outside of designated turning bays to ensure unobstructed vehicle manoeuvrability. To further discourage inappropriate parking within these areas, double yellow line road markings have been proposed on both sides of all turning bays (see updated Proposed Road Layout Drawings 11269–2212 to 2214, which illustrate the location of turning bays and associated road markings).

(iv) the raised pedestrian crossing points within the proposed development have been strategically repositioned to ensure that no designated parking facilities are obstructed. The placement of these crossings has been carefully designed to interrupt any continuous straight sections of road exceeding 70m in length. This approach aligns with best practice guidance for traffic calming and helps to reduce vehicle speeds within the residential area. Further detail indicated on the Proposed Road Layout drawings (11269–2212 to 2214), which illustrate the finalised locations of all raised pedestrian crossings and associated road geometry.

(v) road widths are consistent with the requirements of DMURS. A comprehensive swept path analysis has been carried out for the development which demonstrates that the proposed road layout design is adequate (see drawings 11269-2215 to 2223).

(vi) there are currently no footpaths on the eastern side of the R474 or the western side of Drumbiggle Road in this area, making a crossing at this location impractical. Introducing a crossing here would also require pedestrians to navigate two separate crossings instead of the single, more direct crossing proposed west of the junction in the current design. Additionally, the LRD Opinion issued on 10th day of March (Recommended Opinion 5(f)) does not

raise this matter, instead, it supports the proposed location by recommending the inclusion of a raised crossing.

(vii) parking spaces comply with DMURS. A note has been added to *Drawing No. 24150/P/010* indicating that standard parking spaces are a minimum of 2.4m x 4.8m and all parallel parking spaces are a minimum of 2.4m x 6.0m which comply with the DMURs guidelines.

(vii) *Drawing E-104-15 Spare Ducts* shows 2 no. 50mm ducts to specification CC-SCD-00561 in the footpath to the front of the proposed development.

(ix) all paths comply with the recommendations contained in 'Building for Everyone: A Universal Design Approach and Clare County Council Development Plan 2023 to 2029'.

(x) all tactile paving will be constructed in accordance with the latest and most up to date standards at the time of construction of said tactiles. TII detail CC-SCD-05136 will be referred to at the point of construction.

Item 7:

(a) parking on the existing hard shoulder would involve a longer walking distance than parking within the proposed development, making it unlikely, impractical and unsafe. Should unauthorised parking occur on the hard shoulder, the gate will be locked, with final mitigation measure to be agreed with Clare County Council.

(b) refer to Proposed Road Layout Drawing 11269-2212 which illustrates a raised pedestrian crossing directly at the entrance to the development.

Item 8:

(a) Uisce Éireann will take in charge of the water and wastewater infrastructure (see *Drawing no. 24150/P/008*).

(b) future house owners will be made aware of the duties regarding the maintenance of the permeable paving driveways prior to their occupation of the homes. This is a standard provision on all house purchase/sale agreements.

Item 9: an EIAR Addendum Report has been prepared setting out any changes to the EIAR and the NIS has been updated to take account of the alterations to the proposed development.

4.1.3. **Unsolicited Further Information submitted on 18th December 2025.**

- Day roost design drawing.

4.2. **Decision**

4.2.1. Clare Council issued Notification of Decision to Grant Permission on the 13th day of January 2026 subject to 27 no. The following conditions are of note:

Condition no. 2: omitted unit no.'s 108 and 109 and provided that car parking be provided on the areas concerned to serve the proposed creche.

Condition no. 8: required specific amendments and updates to be made to the CEMP.

Condition no 26: required that the applicant pay a Special Development Contribution under Section 48 2(c) of the Planning and Development Act, 2000, as amended, towards the provision of pedestrian infrastructure along Drumbiggle Road.

4.3. **Planning Authority Reports**

4.3.1. Planning Reports

The first report of the Planning Officer sets out the planning history of the subject site; provides a summary all internal and external consultee reports and observations; sets out details of the LRD meeting; and describes the proposed development. The initial report of the Planning Officer generally reflects the issues raised in the subsequent request for Further Information. The report also notes the following;

- the proposal is acceptable in terms of density noting the zoning of the site; extant planning permission on the site; the Sustainable Residential Development and Compact Settlements Guidelines 2024; and the legal opinion submitted by the applicant.

- while the PA would not normally permit development within lands zoned 'Buffer Space,' the provision of planting and connecting footpaths is considered acceptable.
- utility infrastructure within the Open Space zoning to the north of the site will be located mainly underground and is considered acceptable.
- the proposed layout has been updated to provide a buffer zone around the badger setts.
- the provision of character areas throughout the scheme is welcome.
- the layout of the scheme is largely acceptable in terms of open spaces, which are adequately overlooked.
- adequate areas of private open space are provided.
- each dwelling meets or exceeds the requirements of the 'Quality Housing for Sustainable Communities Guidelines for Planning Authorities' (2007).
- cycle parking proposals comply with the compact growth⁷ guidelines (2024).
- the location of the 3 no. proposed ESB substations are acceptable.
- materials and finishes are acceptable.
- the PA is satisfied there will be no adverse impacts on the proposed development or the surrounding area in respect of daylight, sunlight or overshadowing.
- the location of the creche to the front of the scheme is considered acceptable.
- rear garden depths are compliant with SPPR 1 of the Sustainable and Compact Settlement Guidelines.
- proposed building heights are generally acceptable.
- there would be no adverse impacts on neighbouring dwellings in respect of overlooking, loss of privacy or overshadowing.
- regarding the connections through Ballymacaula View, the proposal would only permit pedestrian and bicycle movements and would provide permeability

⁷ This appears to refer to the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities.

towards the Lahinch Road and to the north-east along Circular Road. The connections will be placed at existing but blocked up openings in the Ballymacaula View estate and would not create entirely new access points.

- the quantity and quality of the public open space and landscaping proposals are largely acceptable.
- the proposal is acceptable in terms of overall design and layout in the context of urban design.
- the PA are satisfied with the wastewater discharge proposals, subject to design and upgrade works being carried out in accordance with Uisce Éireann's submission.
- the SSFRA report as submitted is considered acceptable. The PA are satisfied that the proposed development is not at risk of flooding and will not increase the risk of flooding at any other location.
- the PA are satisfied that the proposed development would not have any significant effects on architectural, cultural heritage or archaeology. Noting the submission from the DAU a condition requiring a pre-commencement geophysical survey and archaeological test excavation, monitoring and recording is recommended.
- the proposed phasing arrangement for the proposed development is acceptable.

The second report of the Planning Officer notes that the applicant's response to the Further Information request is generally acceptable. The report of the Planning Officer recommends a GRANT of permission consistent with the Notification of Decision which issued.

4.3.2. Other Technical Reports

Taking in Charge/Estates Team: report includes comments on a number of issues including, roads design; footpaths; surface water; and construction traffic. The report recommends specific planning conditions regarding naming and numbering; hours of operation; the requirement for permeable paving to driveways; EV charging provision; and the requirement for a bond.

Housing Section: report notes that Part V proposals have been agreed with the applicant.

Ennis Municipal District: initial report includes comments on a number of issues including, road and footpath widths; requirements for raised pedestrian crossing at site entrance; construction traffic route; potential for parking to occur on the hard shoulder of the N85; measures to prevent haphazard parking at the creche; and taking in charge. The report recommends specific planning conditions in respect of SuDS and the requirement for a condition survey of the local road network. Subsequent report refers to specific requirements/conditions in relation to roads; taking in charge; construction traffic; stormwater; and recommends the inclusion of a Special Development Contribution in relation to the provision of public lighting provision and the improvement of public footpaths from Cahercalla Road to Circular Road. A subsequent e-mail on the file from Ennis Municipal District provides a breakdown of costs for footpath provision.

Waste Enforcement Unit: report recommends conditions, in relation to the implementation of resource and waste management plan, and a condition requiring that waste on the site is managed in accordance with the Waste Management Act, 1996.

Road Design Office: initial report notes the inclusion of cycle infrastructure within the scheme; connectivity throughout the scheme; and the importance of traffic calming within the scheme. Subsequent report notes the applicant's responses to the issues raised in the FI request. Report notes that double yellow lines should be provided on the northern side of the road at the site entrance and that a shortfall in car parking remains, particularly in relation to the creche.

Environmental Assessment Officer: initial report recommends additional bat surveys; confirmation of lighting levels; confirmation of details in relation to the loss of hedgerow on the site in the context of bat habitat; and that the NIS is updated to address potential impacts arising from the Ennis North wwtp on European Sites, an assessment of treatment capacity in the wwtp, and consideration of cumulative impacts. Subsequent report recommends that the mitigation measures in the NIS and EIAR are conditioned to be implemented in full; that the recommendations in the Arborists report are carried out; and that the final CEMP should be updated, to reflect the findings of the Bat Fauna

Assessment Report, to include the provision of bat boxes, and to provide details of who will be responsible for taking in charge the proposed day bat roost.

Environment Section: report notes benefits of SuDS and rainwater harvesting; requirement for oil interceptors and silt traps; the requirement for a hydrobrake at the discharge point onto the Claureen River; and the requirement for dust and noise mitigation during the construction phase.

4.4. **Prescribed Bodies**

Uisce Éireann (UE) – submission notes that the applicant engaged in the pre-connection enquiry process, that a Confirmation of Feasibility (COF) for the proposed development was issued on the 9th day of December 2024 (reference: CDS21003780), and that the CoF confirms the feasibility to connect to Uisce Éireann’s water services, with sufficient network capacity to facilitate the development. The submission also notes that the COF states that the wastewater connection will require minor upgrades at the wwtp, that a Stage 2 Preliminary Business Case commenced in 2021 to provide capacity for future growth and ensure compliance with the WWDA⁸, and that a timeframe for completion of the development as well as phasing are to be provided at connection application stage. The submission further notes that a c. 300 metre network extension is required from the proposed development to the existing UE foul sewer, including a pump station and rising main (as per developer proposal), that connection is to be made to gravity sewer (minimum 300mm), and that 24-hr storage and real time controls to limit pumping as hydraulic issues exist downstream will also be required. UE note that the applicant has submitted finalised designs and was issued of a statement of design acceptance (SODA) on the 18th day of June 2025, and that these designs outline the necessary infrastructure upgrades described in the COF to facilitate connections from the development to the UE water and wastewater networks, to be undertaken by the applicant as self-lay works. UE recommend specific planning conditions, including that the applicant enter into Connection Agreements with UE, and that the development is carried out in accordance with UE’s *Standard Details and Codes of Practice*.

⁸ Waste Water Discharge Authorisation.

Transport Infrastructure Ireland (TII) – initial submission notes that the PA should abide by national policy in respect of national roads (i.e. DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities, 2012); that the development be undertaken in accordance with the traffic assessment submitted, and, that the recommendations of same are incorporated into planning conditions; that the pedestrian accesses to the N85 should be designed/constructed to TII specification; and that TII will not be liable for future costs arising from repairs to the national road and associated drainage infrastructure. Subsequent report notes that the position of TII remains as per their initial submission.

An Taisce – submission (made in respect of FI) notes that the proposal should be assessed with regard to the location of the site and proximity to facilities and public transport; that the PA should have regard to the NTA's guidance in relation to permeability; that lighting design should be informed by best practice; that consultation with Inland Fisheries Ireland may be required to determine if mitigation measures for in-stream works are adequate; that planting should use native species, planting should be monitored, and that wildflower planting should be considered; low carbon measures and practices should be considered, including heat pumps, PV solar etc; and that a community and social infrastructure assessment be undertaken.

Department of Heritage, Local Government and Housing (DoHLGH) – regarding archaeological, the submission recommends pre-construction geophysical testing and test excavation. Regarding nature conservation the submission notes gaps in planting which act as linear features for bats; discrepancies in relation to lighting levels indicated on the site; the requirement for clarity in respect of the net loss of biodiversity/quantification of habitat loss; and clarity regarding in-stream works.

Health Service Executive (HSE), National Environmental Health Service – initial submission provides comments on the contents of the EIAR and recommends that the mitigation measures in the EIAR are implemented; that on-site operations are restricted to specific hours; that dust emissions do not exceed specified limits; that measures are provided to address rodents; and that consideration should be given to the provision of open space for older cohorts. Subsequent submission notes applicant's response to the FI request. Submission does not make any specific recommendations.

Health and Safety Authority (HSA) – no specific comments made in submission.

Gas Networks Ireland – submission does not include any specific comments in relation to the proposed development.

4.5. **Third Party Observations**

The Planning Authority received a number of observations in respect of the initial planning application and subsequent observations in relation to the further information submitted, the issues raised in which may be summarised as follows:

Re. Wastewater:

- Lack of capacity in Ennis North wwtp.
- The wwtp and collection network exhibit persistent issues which are inconsistent with the Wastewater Treatment Directive and the Water Framework Directive (WFD).
- Critical plant upgrade works are only at planning stage (e.g. pump stations and CSO regimes), rendering the proposed development premature.
- Permitting the proposal would contravene the duties placed on public authorities by the Surface Water Regulations.
- Application does not assess impact on European Sites and water bodies.
- Applicant relies on an outdated CoF which lacks detail.
- Proposal is premature pending a current Drainage Area Plan (DAP) and the monitoring of stormwater overflows (SWO's).
- Stormwater is being diverted into an already overloaded Claureen system, rather than the Cahercalla system.
- Significant volume of untreated effluent is being discharged from the SWO's, posing risks to the River Fergus and European Sites.
- Potential for pumping station to fail during power outages.
- The AER's have unexplained variations undermining their reliability as a basis for Appropriate Assessment.

Re. EIA:

- EIAR does not address impacts from wastewater discharges and potential for groundwater contamination and fails to use best available scientific data, such as EPA river quality values and pressures on local water bodies.

Re. AA/Biodiversity:

- AA does not address impacts from wastewater discharges and potential for groundwater contamination and fails to use best available scientific data (inc. that the AER's do not provide daily BOD5 data and maximum average weekly organic loads) or EPA river quality values and pressures on local water bodies.
- Mitigation measures rely on future agreements with Uisce Éireann.
- Concern re. potential impact on protected species and habitats, including Lesser Horseshoe Bat as a result of habitat loss and light pollution.
- NIS does not address rock processing and wastewater impacts.
- Full ecological assessment, including a seasonal bat survey required.
- Protected wildlife located on the site inc. bats, badgers, foxes, and owls.

Re. Rock-Breaking and Construction Processes:

- Rock breaking is likely to be required given site's geology, and has not been adequately addressed. Rock breaking requires a separate consent.
- Concerns re. potential impacts arising from noise associated with rock breaking, and general construction noise.
- Construction should be restricted to working hours.
- Boundary wall between Ballymacaula View and the proposed site could be undermined.
- Absence of slope stability report/ground levels should be lowered to prevent damage to gardens and property within Ballymacaula View.
- Lack of mitigation measures for noise and dust in CEMP.

Re. Waste Management:

- Queries whether there is sufficient licensed capacity for construction waste.
- Concern re. lack of detailed waste destination plans/potential for dumping to occur.

Re. Contravention of CDP:

- Proposed development contravenes CDP policy in respect of wastewater, surface water, biodiversity, and compact growth.

Re. Density:

- Proposal exceeds density norms/lacks supporting infrastructure.
- Proposal is overdevelopment.
- The proposal conflicts with Objective COM6 of the CDP.

Re. Traffic & Access:

- Concerns re. increase in traffic volume, congestion and traffic safety.
- Poor visibility at site entrance.
- Lack of public transport in area.
- Single access to serve a large development is not appropriate.
- Traffic study undertaken during quiet period.
- Proposal does not provide sufficient car parking, which will lead in overspill parking in the adjoining area.
- Need for management of traffic between proposal and Ennis Golf Club/proposal could affect golf club member's safety and traffic could affect the operations of the golf club.

Re. Pedestrian Access/Wider Connectivity Issues:

- Opposition to proposed pedestrian access at houses 22–24 (i.e. safety concerns; implications for management of estate and liability issues; amenity consideration; and propensity for antisocial behaviour). Access is not justified, or DMURS compliant. Concerns re. the use of Ballymacaula View's privately maintained green spaces and that parking will be used by residents of proposed development.
- Site is remote from centre of Ennis.

Re. Procedural Issues:

- Site notice not located at appropriate location.
- Works proposed extend beyond application site.
- Lack of consultation with community.

Re. Water Supply:

- Concerns re. pressure of water supply in area, which is already under strain.

Re. Open Space:

- The proposal does not provide sufficient open space.

5.0 Planning History

Appeal Site (relevant/recent):

ABP. Ref. 314448-22 – Permission GRANTED on the 18th day of April 2023 for a Strategic Housing Development (SHD) for 289 no. residential units and a creche. This permission was the subject of a Judicial Review⁹. The proceedings were subsequently dismissed.

PA. Ref. 18/811 & ABP. Ref. 306088-19 - Permission GRANTED on the 2nd day of December 2020 for 99 no. residential units and a creche. This permission has expired.

Lands to South of Appeal Site (relevant/recent):

PA. Ref. 17/237 & ABP. Ref. 300590-18 – Permission GRANTED on the 29th day of May 2018 for 42 no. residential units. This permission has been implemented.

6.0 Policy Context

6.1. National Policy

6.1.1. National Planning Framework¹⁰

The following National Policy Objectives (NPOs) are of relevance to the proposed development;

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.

⁹ Duffy – v – An Bord Pleanála and Ors [2025] IEHC 715.

¹⁰ First Revision 2025

National Policy Objective 12: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 22: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.

National Policy Objective 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

6.1.2. **Delivering Home, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness**

This is the Government's housing plan to 2030. The Plan aims to deliver 300,000 new homes by 2030, while strengthening communities and infrastructure, and integrating housing with infrastructure and public services.

6.1.3. **Climate Action Plan, 2025**

The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead to meeting Ireland's national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

6.1.4. **National Biodiversity Action Plan (NBAP) 2023-2030**

Ireland's 4th NBAP sets the biodiversity agenda for the period 2023 – 2030. The NBAP has a list of Objectives which promotes biodiversity as follows:

Objective 1 Adopt a whole of government, whole of society approach to biodiversity.

Objective 2 Meet urgent conservation and restoration needs.

Objective 3 Secure nature's contribution to people.

Objective 4 Enhance the evidence base for action on biodiversity.

6.2. Regional Policy

6.2.1. Regional Spatial and Economic Strategy (Southern Regional Assembly) 2020 – 2032

The RSES notes that the NPF projects that the population of the Region will grow by 380,000 to almost 2 million by 2040 and that this will require up to 86,000 new homes by 2026 and 125,000 by 2031 (see Section 3.2).

Ennis is identified as a 'Key Town' in the RSES. Key Towns are noted as being large population scale urban centres functioning as self-sustaining regional drivers. Section 3.5 notes that Key Towns will be the focus for significant population growth (more than 30%) by 2040.

6.3. National Planning Guidelines/Section 28 Guidelines

Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Sustainable Residential Development in Urban Areas Guidelines, (2009)¹¹.
- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021).
- Urban Development and Building Height Guidelines, Guidelines for Planning Authorities (2018).

¹¹ Appendix 7 of the CDP refers to the Sustainable Residential Development in Urban Areas Guidelines, 2009 in the context of 'Plans, Policies and Guidelines which the Development Plan must have regard to'. The CDP (see page 452) also states that in the assessment of urban residential development proposals, the Planning Authority will promote increased density compliant with the Sustainable Residential Development in Urban Areas Guidelines, 2009.

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities (2010).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Quality Housing for Sustainable Communities, (2007).
- Childcare Facilities, Guidelines for Planning Authorities, (2001).

Other National Guidance:

- Design Manual for Urban Roads and Streets (2019).

6.4. Local Planning Policy

6.4.1. Clare County Development Plan 2023-2029

The Clare County Development Plan 2023-2029¹² is the relevant Development Plan for the area.

The majority of the appeal site is zoned¹³ 'Low Residential Development'. A small area comprising the northern tip of the appeal site is zoned 'Open Space'. A strip along the western boundary of the appeal site with the N85 is zoned 'Buffer Space'. The area of the appeal site comprising the public road (R474 and Drumbiggle Road) is not subject to a specific land use zoning.

Relevant Sections/Objectives of the Development Plan

Volume 1 (Written Statement) -

Chapter 2 'Climate Action':

- Objective CDP 2.6 (Flood Risk Assessment and Management)
- Objective CDP 2.11 (Storm Water Management)

¹² At the time of writing this report Variation No. 1 to the CDP was on public display. This variation includes the incorporation of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024, into the CDP. The closing date for observations to this variation is the 7th of April 2026.

¹³ See Vol 3 (a) page 114.

Chapter 3 ‘Core Strategy’¹⁴:

- Table 3.1 (Settlement Hierarchy), Ennis is identified as a Key Town.
- Table 3.4 (Core Strategy Table)¹⁵
- Objective 3.1 (Core Strategy)

Chapter 4 ‘Urban & Rural Settlement Strategy’:

- Objective CDP 4.1 (Ennis)

Chapter 5 ‘Housing’:

- Objective CDP 5.8 (Housing Mix)
- Objective CDP 5.11 (Lifelong Housing)
- Objective CDP 5.12 (Accommodation for People with Disabilities)

Chapter 11 ‘Physical Infrastructure, Environment and Energy’:

- Objective CDP 11.18 (Design Manual for Urban Roads and Streets (DMURS) and Transition Zones to Towns and Villages on National Roads)
- Objective CDP 11.35 (Waste Management)
- Objective CDP 11.38 (Construction & Demolition Waste)
- Objective CDP 11.40 (Noise Pollution)
- Objective CDP 11.42 (Light Pollution)

Chapter 14 ‘Landscape’:

- Objective CDP 14.2 (Settled Landscapes)
- Map 14A (Landscape Designations)

Chapter 15 ‘Natural Heritage and Green Infrastructure’:

- Objective CDP 15.8 (Non-Designated Sites & Biodiversity)
- Objective CDP 15.12 (Biodiversity & Habitat Protection)
- Objective CDP 15.19 (Woodlands, Trees & Hedgerows)

¹⁴ Page 58 of Chapter 3 ‘Core Strategy’ states that within the life of the Development Plan, an ‘Ennis and Environs’ Local Area Plan will be prepared.

¹⁵ Ennis has a population target of 2,480 for the CDP period of 2023 – 2029 and a housing target during the same period of 1,550.

Chapter 18 'Design & Placemaking':

- Objective CDP 18.2 (Achieving Quality in the Public Realm)
- Objective CDP 18.4 (Universal Design)

Appendix 1 (Development Management Guidelines) -

In respect of Urban Residential Development –

Space Around Buildings – 'All proposals for residential development shall provide for acceptable separation distances between buildings to avoid negative effects of close proximity such as excessive overlooking, overbearance and overshadowing. A minimum of 1 metre separation distance shall be included between the side walls of adjacent buildings and greater distances are appropriate for buildings over multiple floors'.

Rear Garden Length – 'Normally, a rear garden depth of 11m will be required. This is a minimum depth and larger distances may be required depending on the nature and scale of the subject development. In the case of high density, infill developments or for housing for the older people, shorter garden lengths may be permitted if there are no overlooking issues. In deciding the appropriate length, site conditions such as landscape features, hedgerows and mature trees should be carefully considered'.

Boundary Treatments – 'Generally, boundary walls shall be between 1.8 metres and 2 metres high and shall be provided along the rear garden boundary of each dwelling and along both side boundaries extending from the rear boundary to the front building line of the dwelling. The finish of the walls shall be consistent with the external finishes of the dwelling house or of a sympathetic material. Proposals for alternative boundary treatments such as planting combined with appropriate fencing will also be considered favourably if it can be demonstrated that it will enhance the development'.

Open Space in Residential Areas – 'Each green space in residential developments shall have at least one native oak tree, or other naturalised tree species of similar stature and lifespan integrated into the agreed planting/landscaping scheme. In the preparation of a design and layout of a proposed development the applicant/developer should also have regard to

Section 5.2.14 Green Infrastructure within Residential Developments of Volume 1 of this Plan’.

Street Lighting – ‘External lighting shall be provided in accordance with guidelines contained in Recommendations for Site Development Works in Housing Areas published by DoEHLG and any subsequent publication or successor to this document. Street lighting proposals shall have regard to Bat Conservation Ireland; Guidance Notes for: Planners, engineers, architects and developers (Bats and Lighting) together with Bat Conservation Trust; Bats and artificial lighting in the UK, Bats and the Built Environment – Guidance Note 08/18’.

Sustainable Mobility – ‘Permeability and accessibility will be encouraged within developments to reduce car dependence and to promote active travel. Where appropriate integration with adjacent lands is possible through the provision of vehicular, pedestrian and cycle way opportunities, this should be proposed within a development. Development proposals for housing developments comprising 10 units or more shall be accompanied by a Transport and Mobility Statement outlining how convenient pedestrian and cyclist connectivity to the surrounding community has been integrated into the design and layout of the proposed development. Issues such as the provision for bus access (e.g. safe school bus pick up/drop off area) should also be addressed in the statement’.

Lifetime Adaptability – ‘The design of new housing developments must be based on the principles of universal design and lifetime adaptability. All new residential buildings must provide a ground floor low level access shower and toilet to ensure adaptability to future needs. Both internal and external layout and design must be adaptable to the varying and changing needs of occupiers during their lifetime’.

Section A1.4.4 requires a design statement for developments in excess of 3 dwellings or >300m².

Section A1.5 requires the incorporation of Sustainable Urban Drainage Systems (SuDS).

Section A1.6.3 (Table A3 – Bicycle and Vehicle Parking Standards). Section A1. 6.3 also provides that new residential development should accommodate

at least one car parking space equipped with an EV charging point for every five car parking spaces being provided for the associated development.

Appendix 2 (Indicative Land Use Zoning Matrix)

Volume 2 (Maps)

Settlement Flood Map – Ennis Municipal District

Volume 3 (a) - Ennis Municipal District Settlement Plans

Objective V3 (a) 1 (Settlement Plan Objective)

Section 2.5.2. (New Housing in Cahircalla More) - The appeal site is located within the Cahircalla More neighbourhood. Section 2.5.2. (Vol. 3 a of the CDP) states in relation to Cahircalla More, that *'development proposals on the residential sites in the Cahircalla More neighbourhood listed below must be informed by bat surveys and must ensure that there is no loss of habitat for the Lesser Horseshoe bat. Any habitat loss must be offset by additional landscape planting to ensure connectivity across the landscape. All development proposals, including lighting proposals, must be informed by the results of the bat survey. A landscape management plan must also be prepared to protect and enhance the existing hedgerows and wildlife features. This landscape management plan shall be informed by an ecological assessment'*.

The appeal site is identified as 'LDR7' in the CDP (see Vol.3 a). The CDP states that *'this site has the benefit of planning permission. Should future applications be made residential development on this site will be required to incorporate a buffer of sufficient width between the proposed development and the N85 to protect residential amenity'*.

Appendix 1, Volume 3 (a) (Serviced Land Assessment)

The 'Ennis 2040 – Economic and Spatial Strategy' is a long-term strategy for the sustainable development of the 'Key Town' and addresses the measures required to manage economic, infrastructural, environmental and physical challenges, including transportation, demographic and population change, retail vitality and viability, availability of modern office and employment accommodation, environmental considerations and Town Centre accessibility.

6.5. Natural Heritage Designations (most proximate)

- Cahircalla Wood pNHA (Site Code: 001001) – c. 0.75 km south-west.
- Pouladatig Cave pNHA (Site Code: 000037) – c. 1.8 km south-west.
- Pouladatig Cave SAC (Site Code: 000037) – c. 1.8 km south-west.
- Lower River Shannon SAC (Site Code: 002165) – c. 1.5 km north-east.
- Ballyallia Lake pNHA (Site Code: 000014) – c. 3.2 km north-east.
- Ballyallia Lake SAC (Site Code: 000014) – c. 3.2 km north-east.
- Ballyallia Lough SPA (Site Code: 004041) – c. 3.6 km north-east.
- Lough Cleggan pNHA (Site Code: 001331) – c. 3.7 km north.
- River Shannon & River Fergus Estuaries SPA (Site Code: 004077) – c. 3.8 km south-east.
- Fergus Estuary & Inner Shannon, North Shore pNHA (Site Code; 002048) – c. 3.8 km south-east.
- Newpark House (Ennis) pNHA (Site Code: 000061) – c. 3.8 km north-east.
- Toonagh Estate SAC (Site Code: 002247) – c. 5.75 km north.

6.6. Grounds of Appeal

The Commission received 4 no. third party appeals against the decision of Clare County Council to grant permission for the proposed development. The issues raised in each appeal can be summarised as follows:

John Madden:

Re. Connectivity/Accessibility:

- The appeal site is remote from the town centre (c. 50 minute walk) with limited footpath connectivity to the town centre and no public transport available in the area.

Re. Traffic:

- The proposal will create a 'rat-run' through Ballymacaula View, resulting in traffic congestion.
- Sightlines are not achievable.
- Parking will be problematic within the proposal.
- The traffic report prepared for the proposal was carried out during the Easter period.
- The provision of traffic lights will exacerbate traffic congestion in the area.

Re. Noise:

- The proposal will entail the removal of rock from the site, resulting in noise which will be injurious to residents in the area.

Re. Surface Water:

- The topography of the area has changed significantly over the years creating issues for the disposal of surface water.
- The proposed attenuation pond will result in the loss of caves.
- Concerns regarding the ability of the pumping station to function during a power outage.
- The Claureen River is overloaded.

Re. Wastewater:

- Clonroadmore is at capacity and the Francis Street facility is aging.

Re. Anti-social behaviour:

- There is a dearth of facilities in the area and provision of social housing will result in anti-social behaviour. The number of units in the proposal should be reduced.

Fiona Liston:

- Supports principle of proposed development but opposes pedestrians connection into Ballymacaula View for the following reasons;
 - Extent of permeability would be disproportionate relative to the scale of Ballymacaula View, an estate of 41 no. dwellings, and would

compromise residential amenity (through noise, disturbance, litter) and safety.

- The proposed connections will primarily serve residents of the larger development/proposed development at the expense of Ballymacaula View.
- The requirement for 2 no. pedestrians connections through Ballymacaula View has not been demonstrated. Destinations are more conveniently reached via the main proposed vehicular access.
- The proposed walkway to the north of Ballymacaula View is not sufficiently overlooked. Research from Crime Prevention Through Environmental Design (CPTED) emphasises the need for passive surveillance to counter anti-social behaviour.
- The proposed walkway to the north of Ballymacaula View has potential to result in ambiguous ownership as a result of falling between public and private space. Ballymacaula View is privately managed by a residents association who maintain common areas.

Ballymacaula View Residents Committee (signed petition):

Re. Density:

- The National Planning Framework (NPF) advocates the provision of development of a scale appropriate to its location. The density of the proposed development is neither sustainable nor appropriate given its location.
- The site is zoned 'Low Density Residential' under the Clare County Development Plan 2017 – 2023, and Section 19.4 states that development on the lands should be low density, comprising primarily detached dwellings (i.e. 15 dpha).
- The proposal conflicts with the COM6 Zoning Objective for Cahercalla More under the Ennis Settlement Plan (page 19 Vol. 3a of the CDP 2023 – 2029), which designates the site for Low Density Residential Development. Under the CDP low density residential is defined as less than 15 dpha, with medium density 15 – 30 dpha and high density over 30 dpha. The proposal breaches the zoning of the site.

- The appeal site cannot be described as an ‘accessible location’ as it is not a 5 – 6 minute walk from regular public transport. Ennis bus and train station is a 40 – 50 minute walk from the appeal site. The location of the appeal site is intended as a car orientated suburb on the edge of town. The proposal would materially contravene the CDP 2023 – 2029 in relation to housing density and infrastructure, and is out of character and scale with the rural area.
- There is inadequate local services in the vicinity to serve the proposal.

Re. Infrastructure:

- COM6 requires development to be served by adequate infrastructure, i.e. roads and drainage. The road network in the vicinity of the appeal site is substandard and is inadequate for the scale of development proposed. It has not been demonstrated that the necessary upgrades are deliverable in parallel with the proposal. There is inadequate footpath and lighting provision in the area. Footpaths are absent along parts of the Circular Road and Drumbiggie Road. The R474 is not sufficiently wide to provide cycle infrastructure or bus stops. Proposals to upgrade footpaths in the area would require landowner consent.
- There is a lack of public transport in the area.
- The appeal site is remote from services and is located in an area where there is poor pedestrian facilities and poor public transport.
- The proposed development will adversely affect the amenity of the area and is not a sustainable form of development.

Re. Traffic:

- The provision of a single access point to serve the proposal will result in traffic congestion and will create a traffic hazard.

Re. Car Parking:

- There is an under provision of car parking within the scheme. The lack of parking will result in traffic congestion in the area, parking disputes, reduced quality of life for residents, and an overspill of parking into the adjoining area, including Ballymacaula View, with implications for traffic safety.

Re. Connections through Ballymacaula View:

- Consultation has not occurred with the residents of Ballymacaula View in relation to this aspect of the proposal. Access is more conveniently achieved through the existing public road network.
- The connections through Ballymacaula View will primarily benefit the residents of the proposed development who will use the car parking and green spaces within Ballymacaula View.
- The proposed creche may not be constructed, nullifying the justification for the connections through Ballymacaula View on the basis of providing access to the proposed creche.
- Whilst DMURS advocates permeability, this must be balanced with safety, amenity, and the specific characteristics of existing neighbourhoods.
- The proposed connections through Ballymacaula View will affect the character of Ballymacaula View, result in increased noise and disturbance; lead to disputes; issues of liability; increased insurance costs; safety hazards for children in Ballymacaula View; and anti-social behaviour.

Re. Impact from Noise:

- The site was previously a quarry. The assessment with the application does not address noise and vibration. The duration of rock breaking and associated activities is also not specified in the application documentation.

Michael Duffy:

The appeal centres on 3 main grounds – (1) the wwtp is hydraulically overloaded, has operational problems, is not meeting the criteria for SWO, and is a significant pressure impact on the SAC waterbody. (2) the requirement to confirm that there is capacity within a reasonable distance of the site for the certified disposal of C & D waste; and, (3) the requirement for a condition precluding the on-site crushing of rock given that permission for same was not sought and was not assessed in the EIAR or NIS. The appeal is set out/summarised under the following headings;

Re. Wastewater

- Condition No. 15 of the PA's decision, which requires the applicant to enter into a connection agreement for wastewater with Uisce Éireann, is inappropriate having regard to the Development Management Guidelines for Planning Authorities, June 2007. The connection agreement is a private contract and the PA has no role in the contract. Such a condition is *ultra vires*. Condition No. 15 is not necessary, being addressed under condition No. 1; is not relevant to planning, but rather is relevant to environmental matters; is unenforceable; and relates to other codes.
- The reason for Condition No. 15 is to provide adequate water and wastewater facilities and protect existing public infrastructure. The PA has no role in the provision of water or wastewater facilities, or the protection of relevant public infrastructure.
- This condition is not applied to most planning decisions but is included when there is a question as to infrastructure capacity. It is submitted that this is an impermissible delegation of decision maker's duty to assess the application on environmental grounds. If there is deficit or restriction on infrastructure capacity there is absolutely no need for any such condition. There is capacity for water supply and as such no such condition has been attached.
- Any issues regarding capacity should be addressed prior to a decision being made.
- It is submitted that the PA's assessment of Item 4(d) of the FI is request (i.e. wwtp capacity) is inadequate. The 2023 AER is not the only available information for the wwtp. there are also site visit reports.
- The wwtp has consistently failed its ELV's for ammonia for each of the previous 4 years.
- The wwtp discharges to an already impacted river body which is at risk of not achieving its WFD objectives.
- Information on loading at the wwtp in the AER's is not provided as per the Urban Wastewater Treatment Directive. Information in the AER's on PE is quoted with no supporting evidence, and does not give the mass of BOD5 behind the figures.

- There are 7 Emergency Overflows and Stormwater Overflows in the Ennis North Plant and network. The 2023 AER (table 4.1.1) gives an annual discharge at SWO2 of 741,496m³ per annum. This contains an unknown volume of untreated wastewater and is in contravention of Article 4 of the UWWT Directive. None of the other six overflows in the agglomeration are monitored for events or volumes discharged and it is impossible to get any sort of a reasonable estimate for the loading on a WWTP which has 6 unmonitored overflows, along with an annual further overflow of 741,496m³ per annum.
- The upgrades of the Clonroadmore wwtp¹⁶ referred to were *de minimis*. There has never been a review of the licence for this plant, which remains for a PE of 17,000. In January 2024 the EPA required UE to initiate a review of the licence but to date UE have failed to lodge an application for the review. An Coimisiún Pleanála should seek the advice of the EPA regarding the capacity of the wwtp and the network. Upgrades to the Tulla Road Pumping Station, made as part of the upgrades of the Clonroadmore wwtp, have nothing to do with the subject part of the network. Regarding enhancements to preliminary treatment at the Francis Street Pumping Station, screens provide no treatment, but rather protect the pumps and have a secondary role in screening gross matter in SWO discharges. Screens only allow pumps to work without blocking.
- It is submitted that claims that the upgrade of the Clonroadmore wwtp has resulted in improvements to the water quality in the River Fergus are untrue. Wastewater is a pressure on both the River Fergus and groundwater. Groundwater status in the agglomeration is also poor.
- There was no in-combination assessment of other discharges into the SAC from Doora Dump, Clareabbey wwtp or the Roche site further downstream.
- The statement in the NIS, that downstream issues in the River Fergus (i.e. its moderate status) are influenced by the upper catchment and not the wwtp itself, is unsupported.

Uisce Éireann Scoping Response:

¹⁶ Also referred to at Ennis North wwtp.

- Potential impacts which were raised in Uisce Éireann’s (UE) scoping response to the applicant were not identified or assessed in the EIAR or NIS. The UE scoping response notes that the EIAR should consider (i) potential impacts on the assimilative capacity of receiving waters in relation to Uisce Éireann discharge outfalls including changes in dispersion/circulation characteristics; (b) that hydrological/hydrogeological pathways between the applicant’s site and receiving waters should be identified; and (c) that where a development proposes to connect to an Uisce Éireann network and that network either abstracts water from or discharges wastewater to a protected/sensitive area, consideration should be given to whether the integrity of the site/conservation objectives of the site would be compromised. The EIAR, NIS or WFD assessment does not contain information to inform the PA of the actual status of the network and wwtp or the impacts on the assimilative capacity of receiving waters. Reliance on the Uisce Éireann Capacity Register is unacceptable given the highly qualified nature of that register. There is ample scientific information available on the EPA portal for the agglomeration to inform decision makers on the status of the network and wwtp. It is also open at any stage to the decision maker to seek the advice of the EPA if there are any concerns about environmental risks with a proposal.

Uisce Éireann’s Submission to PA:

- It is submitted that UE’s submission to the PA on wastewater is unclear and does not state whether or not there is available capacity in the wastewater network or relevant wwtp.

Uisce Éireann Confirmation of Feasibility:

- The CoF is not a basis for an Appropriate Assessment determination or compliance with the WFD. UE does not carry out Appropriate Assessment of connection applications, and therefore if not assessed at the time of the planning application it will not be assessed at a future point in time.
- It is within the competence of UE to assess the capacity in the network, including network pump stations, and the capacity and headroom in the wwtp. If there is capacity for this proposed development it could be ring fenced for this development. There is no reason why a connection agreement cannot form

part of this, or any, planning application. This would allow decision maker to fulfil duties in respect of EIA, AA and WFD assessments.

- The CoF needs to be considered alongside the data appended to the appeal from the EPA portal for the Ennis North wwtp and network and the expert report of Mr. Daniel Owens.

UE Wastewater Capacity Register:

- The Civil Design Report Stage 2, Section 6.4 (Wastewater Discharge) does not address how a (24 hour) pump storage will be released to the gravity tie-in to the network and how this stored loading will impact on live flows in the existing network or from the proposed development. The applicant has not demonstrated that the proposed new rising main or the existing network can accommodate such combined flows.
- It is contended that correspondence from UE is incorrect and misleading, specifically UE state in the CoF that hydraulic issues exist downstream and there is therefore no basis to state that 'no upgrade to any existing UE owned pumping station and rising main are required for the proposed development'.
- Wastewater arising from the proposed development will discharge to a wwtp which is connected to protected site. Stormwater will also discharge to surface waters which have direct connectivity to protected sites, with implications for WFD compliance. No assessment has been undertaken of the cumulative effect of stormwater discharge alongside the discharge of wastewater. This represents a lacunae in the NIS.

S.177V Determination:

- Potential impacts from wastewater discharge due to a lack of capacity in the network and wwtp has not been considered. No consideration of cumulative impact from stormwater discharges and emergency overflows in the network or at the wwtp considered.

WFD:

- No WFD assessment has been carried out by the applicant or the PA.

Duty on Public Authorities:

- Decision makers are required to have regard to a number of Regulations, Act's and Directives, including amongst others, the Habitats Directive, Water Framework Directive, Waste Directive, Surface Water Regulations etc.

Previous SHD application on site (Ref. TA03.314448):

- The previous SHD application was subject to a judicial review on the grounds of wwtp and network capacity. The Court found that there was not the required evidence to refuse permission on the grounds of capacity. Based on the information in this appeal there is now ample evidence to overturn the decision of the PA.
- The need for the EPA to be consulted remains strong. Para 97 of the above referenced case (Duffy v An Bord Pleanála and Others [2025] IEHC 715 concerns an error on the part of the Commission in not requiring the EPA to be notified of the application.

ECJ – Case C – 204/24:

- Case concerned the failure to transpose fully and correctly Directive 2000/60/EC (the Water Framework Directive). Provisions of the Directive outlined and extracts of judgement noted by appellant.

The appeal is accompanied by a number of appendices.

1. UE's response to applicant's scoping request.
2. Extract from DoHLGH correspondence to applicant re. SHD application.
3. UE's response to applicant's scoping request for SHD application.
4. TII response to applicant's scoping request.
5. Extract from UE's Wastewater Treatment Capacity Register for Co. Clare (2 copies).
6. Pre-connection enquiry for 305 units at Golf Links Road, Ennis, Co. Clare.
7. UE's observation to the PA re. PA. Ref. 25/60393.
8. Report (prepared by Mr. Daniel Owens) re. sewer network upstream of Clonroadmore (Ennis North) wwtp. In summation the report concludes that

hydraulic capacity exists in the wwtp during dry periods with low groundwater levels, but that it does not have hydraulic capacity during the winter with high groundwater levels; that in order for a hydraulic assessment to be made a stage 2 DAP would need to be completed along with flow monitoring of overflows at Francis Street wwps; that the overflows operating upstream of the Cloroadmore wwtp do not have flow monitoring therefore the volume and frequency of storm overflows in the network is unknown; that at the only monitoring SWO, in 2022 storm water discharges occurred 133/360 monitored days (458,391 m³ in 2022), meaning that there is no capacity to return storm sewerage to treatment; and that infiltration during winter is likely to result in overflows continuing at the Francis Street wwps and the Clonroadmore wwtp.

9. Applicant's observation to application (PA. Ref. 25/60393).
10. Annual Environmental Reports (Ennis North Agglomeration) 2015, 2016, 2017, 2019, 2020, 2021, 2022, and 2023.
11. Site Visit Reports under taken by EPA (various dates).
12. Correspondence from EPA (Jan 2024) to UE re. notification of its intention to carry out review of licence for wwtp serving Ennis North Agglomeration.
13. Correspondence from UE to EPA (July 2024) re. request from EPA to submit application for review of licence. Correspondence requests additional time to undertake application.
14. Application for waste water discharge licence for Clonroadmore treatment plant.
15. EPA Waste Water Discharge Licence for Ennis North Agglomeration (Ref. D0048-01), issued to CCC 2nd September 2009.
16. Court Judgement C-427/17 (European Commission v Ireland).
17. Court Judgement C-301/10 (European Commission v UK).
18. Court Judgement C-502/15 (European Commission v UK).
19. Urban Waste Water Treatment Directive (91/271/EEC), Procedure and Criteria in relation to Storm Water Overflows (DoE).

20. Pre-Connection Enquiry (re. business connection for 1 no. unit at Turnpike Road, Ennis, Co. Clare).

21. Access to Information request from appellant to UE for details of assessment or pre-connection enquiry CDS21008799 (100 bed nursing home), and especially around the desktop analysis of the capacity currently available in the Irish Water network.

Re. C & D Waste:

- There is a lack of facilities for C&D waste. This issue has not been addressed by the PA in consideration of the proposed development. Suggested condition provided.
- Absence of details on volumes or rock breaking, crushing, screening or volumes of C&D for removal off-site.
- The internal reports do not address whether there is capacity for the disposal of C&D waste at registered facilities within the County, or elsewhere. Under the Waste Act waste should be managed as closely as possible to its source. This is an AA and EIA issue as unauthorised disposal impacts the environment. A S. 177V determination cannot be made without complete information on this matter.
- Difficulties are noted in the EIAR in terms of accurately estimating final materials and construction waste. The possibility of encountering contaminated material on the site is also noted.

Re. Rock breaking/crushing/screening:

- The PA did not address the issue raised by the appellant in his observation to the applicant's FI response in relation to crushing and screening outlined at 7.1.2 of the updated CEMP.
- The PA did not include a condition precluding crushing and screening. Chapter 12 of the EIAR (Addendum) notes potential for exceedances of Construction Noise Thresholds to occur in relation to noise associated with rock breaking and crushing at all noise sensitive locations during phase 1 and 2. The EIAR includes reference to negative, significant to very significant, and temporary effects.

6.7. Applicant Response

None received.

6.8. Planning Authority Response

The Planning Authority have submitted a response to the appeal stating that they have no specific observation to make.

6.9. Observations

1 no. observation from Ennis Golf Club was received in respect of the appeal. Issues raised in the observation can be summarised as follows:

- Reference to submission made to CCC in respect of initial planning application. The position of Ennis Golf Club remains the same.
- Ennis Golf Club had concerns regarding the potential for errant golf balls to reach the proposed development and to address this it agreed with the applicant that a buffer/planted area would be provided between the proposed development and the golf club (this buffer was shown on *Drawing P25-60393* of PA. Ref. 23/9000). The agreement made between Ennis Golf Club and the Glenveagh Homes also provided for the transfer of these lands to Ennis Golf Club upon commencement of development. Based on these agreements Ennis Golf Club has supported planning applications on the appeal site.
- Ennis Golf Club requests that the areas of open space within the proposed development are secured to protect against unauthorised access to the golf club.

7.0 Assessment

7.1. Introduction

- 7.1.1. Having examined the application details and all other documentation on file, including the appeals, the submission from the Planning Authority, the observation to the appeal, and having inspected the site, and having regard to the relevant national, regional and local policy and guidance, I consider the main issues in relation to this appeal can be considered under the following headings:

- Principle of Development
- Density & Unit Typology
- Placemaking & Design
- Impact on Residential Amenity (inc. Rock Breaking)
- Wastewater
- Flooding
- Traffic and Transport
- Planning Conditions

7.2. Principle of Development

- 7.2.1. Zoning - The majority of the appeal site is zoned 'Low Density Residential Development' in the Clare County Development Plan 2023 – 2029 (CDP). A small area to the north of the appeal site is zoned 'Open Space' in the CDP. A strip along the western boundary of the appeal site with the N85 is zoned 'Buffer Space' in the CDP. The area of the appeal site comprising the public road (R474 and Drumbiggle Road) is not subject to a specific land use zoning.
- 7.2.2. The proposed development comprises 300 no. dwellings and a creche on the area of the appeal site zoned 'Low Residential Development'. The area to the north of the appeal site, which is zoned 'Open Space,' accommodates an ESB substation, wastewater pumping station, an attenuation area and a bioswale. The area of the site zoned as 'Buffer Space' accommodates pedestrian/cycle paths and landscaping. The area of the appeal site comprising R474 and Drumbiggle Road accommodates a rising main and footpaths.
- 7.2.3. Appendix 2, Volume 1 (Written Statement) of the CDP sets out an indicative land use zoning matrix. In addition, Section 19.4 (Vol. 1) of the CDP provides a description of the specific land use zonings.
- 7.2.4. 'Low Density Residential Development' is described (at Section 19.4, Vol 1. of the CDP) as consisting of the '*use of lands to accommodate a low density pattern of residential development, primarily detached family dwellings. The underlying priority shall be to ensure that the character of the settlement/area is maintained and further reinforced by a high standard of design. Proposed developments must also be appropriate in scale and nature to the areas in which they are located*'. Under 'Low

Density Residential Development' the use class 'multiple residential units' is 'open to consideration.¹⁷ I note that the Planning Authority are satisfied that the proposed development, as it relates to the residential element of the proposal, accords with the applicable 'Low Density Residential Development' zoning. I similarly consider that the residential element of the proposed development accords with the 'Low Density Residential Development' zoning, noting that the use class 'multiple residential units' is 'open to consideration under this applicable land use zoning. The issue of density and unit typology are addressed separately below at paragraph 7.3.

7.2.5. 'Creche/childcare facility' use class is noted under 'Low Density Residential Development' as 'will not normally be acceptable.' In my view this does not equate to a prohibition, in particular noting reference to 'normally', and therefore this aspect of the proposed development would not represent a material contravention of the CDP in my opinion. This issue has not been raised by the Planning Authority, nor has it been specifically raised in observations to the Planning Authority or raised in the appeal(s)/observation to the Commission. I note that the creche is proposed as part of the scheme and that the provision of childcare facilities is required under Section A1.4.3 (Appendix 1) of the CDP 'Childcare Facilities in Residential Areas', which states that *'new housing schemes will be expected to plan for and include provision for childcare facilities. The level of provision will depend on the particular circumstances but as a guide one childcare facility for a minimum of 20 childcare places per approximately 75 dwellings may be appropriate'*. I also note the provisions of Childcare Facilities: Guidelines for Planning Authorities (2001), which at para. 3.3.1 provides that *'in relation to new housing areas, a standard of one childcare facility providing for a minimum 20 childcare places per approximately 75 dwellings may be appropriate'*. In addition, Objective CDP 10.15 (a) (Childcare Facilities) of the CDP seeks to *'encourage the provision of affordable and accessible childcare and pre-school facilities on well-located sites that are close to the populations they intend to serve'*. Having regard to the foregoing, and to the number of dwellings proposed within the scheme, which is significantly in excess of 75, and also to Childcare Demand Report submitted by the applicant, which identifies a requirements for 50 no. childcare as

¹⁷ Proposed use that will be open to consideration, but subject to particular considerations for example, compatibility with adjoining uses, scale or whether or not the proposal is prejudicial to the amenities of an area or the residential amenities of an adjoining property.

arising from the proposed development, I consider the proposal for a creche on lands zoned under 'Low Density Residential Development' to accord with the CDP.

7.2.6. 'Open Space' is described at Section 19.4 (Vol 1. Of the CDP) being *'retained as undeveloped open space, mainly for passive open space related activities. The open space/park areas could contain active play facilities such as children's play areas, but these should only be a small component of the overall areas involved'*. The development proposed on the 'Open Space,' zoned lands accommodates an ESB substation, wastewater pumping station, an attenuation area and a bioswale. I note that drainage/utility infrastructure is not included as a specific land use class in the CDP. Appendix 2 of the CDP states that *'the purpose of the land-use zoning matrix is to provide an indication only of the type of developments that may or may not be normally considered or open for consideration on zoned lands. Each proposal submitted to the Council for consideration will be assessed based on its own individual merits'*. This area will comprise a gentle sloping attenuation area (i.e. 1:4) and a modest sized overground ESB sub-station and will be landscaped. I note that the majority of the proposed development on the part of the appeal site zoned 'Open Space' is located underground, save for the ESB sub-station which is modest in scale, and as a result this part of the site will retain an open and undeveloped function and appearance. I therefore consider that this element of the proposed development accords with the 'Open Space' zoning.

7.2.7. The western portion of the appeal site which is zoned 'Buffer Space' accommodates pedestrian/cycle paths and landscaping. 'Open Space' land use class is indicated as 'will not normally be acceptable' under this zoning. Section 19.4, Vol 1 of the CDP describes Buffer Spaces as being *'intended to provide a buffer of undeveloped land for the conservation of biodiversity, visual amenity or green space. Buffer spaces may include natural features such as floodplains, riparian zones, turloughs, valuable biodiversity areas including designated sites, amenity areas, woodlands, hedgerows, green spaces and archaeological features'*. The report of the Planning Officer notes that the 'Buffer Space' zoning at this location fulfils a noise abatement function from the N85, and also provides a linear feature for commuting bats. The report of the Planning Officer noted that whilst development is not normally considered acceptable within lands zoned 'Buffer Space,' in this instance the proposal to locate connected paths in this area is deemed acceptable, noting that the intention of the 'Buffer Space'

is to protect residences from noise from the N85. The CDP refers to open space as 'will not normally be acceptable' within the Buffer Space zoning. I do not consider this to be a prohibition on open space being located within the Buffer Space zoning and, as addressed above Appendix 2 of the CDP states that *'the purpose of the land-use zoning matrix is to provide an indication only of the type of developments that may or may not be normally considered or open for consideration on zoned lands. Each proposal submitted to the Council for consideration will be assessed based on its own individual merits'*. Having regard to the nature and extent of pathways located within the 'Buffer Space' zoned lands and to the biodiversity function of this area I am satisfied that the proposed development, as it relates to the part of the appeal site zoned 'Buffer Space', accords with the applicable land use zoning, and would not represent a material contravention.

7.2.8. Other Designations - the appeal site is identified at 'LDR7' in the CDP. The CDP provides that future applications for residential development on the site are required to incorporate a buffer of sufficient width between the proposed development and the N85 to protect residential amenity. I note that the scheme includes a wide area of trees and hedgerow planting along the western site boundary. This serves an amenity function, acting as a noise buffer for houses within the scheme from traffic noise on the N85 and also acts as a wildlife corridor, in particular for bats, satisfying the requirements in respect of LDR7.

7.2.9. Section 2.5.2, Vol. 3 (a) of the CDP provides that *'development proposals on the residential sites in the Cahircalla More neighbourhood must be informed by bat surveys and must ensure that there is no loss of habitat for the Lesser Horseshoe bat. Any habitat loss must be offset by additional landscape planting to ensure connectivity across the landscape. All development proposals, including lighting proposals, must be informed by the results of the bat survey. A landscape management plan must also be prepared to protect and enhance the existing hedgerows and wildlife features. This landscape management plan shall be informed by an ecological assessment'*. The applicant has submitted a Bat Fauna Assessment Report with the planning application/appeal which assesses potential impacts on bats, including Lesser Horseshoe Bats. I also note that the proposal provides for a net increase in trees/hedgerow on the site and that the lighting plan for the site has been designed to consider impacts on bats. Additionally, the landscape plan/strategy for the proposal is

informed by ecological considerations. I am satisfied that the requirements of the CDP, as set out at Section 2.5.2, Vol. 3 (a) have been met.

7.3. Density & Unit Typology

7.3.1. Density - One of the appeal submissions states that the density of the proposed development is inappropriate given its location, which the appellant contends is remote from the centre of Ennis, and that development on lands zoned 'Low Density Residential' should be 15 dpha.

7.3.2. The proposed development comprises 300 no. dwellings on a site with a stated developable area of 8.57 ha (see *Drawing No. 24150/P/011*). The resultant net density of the proposed development is 35 dpha¹⁸. I note that in calculating the developable area of the site the applicant has excluded the existing public road network, the areas of land zoned 'Buffer Space' and 'Open Space', part of the road at the site entrance referred to in the legend as a 'major road/street, such as arterial streets and link streets as defined in DMURS', and the lands associated with the proposed creche. I consider that this approach accords with the guidance set out in Appendix B of the Sustainable Residential Development and Compact Settlement Guidelines, 2024 in relation to the differentiation between gross and net density (see Table 1 in said guidelines).

7.3.3. One of the appellants notes that the appropriate density for the appeal site should be 15 dpha. Having reviewed the CDP I note that reference to this figure appears to be based on Table 3.4 (Core Strategy Table), which sets out the population and housing projections, which appears to be based on an assumption of achieving densities across the settlement of Ennis of 15/30 dpha. Table 3.4 does not however ascribe densities, but rather is a basis for calculating population and housing figures. I note that there is no prescribed density range or numerical limit set out in the CDP in respect of the 'Low Density Residential' land use zoning pertaining to the site. The CDP (see page 452) states that '*in the assessment of urban residential development proposals, the Planning Authority will promote increased residential density compliant with the Sustainable Residential Development in Urban Areas Guidelines (2009)*'. Under these guidelines I consider that the site would be analogous with an 'outer suburban

¹⁸ Condition no. 2 of the Notification of the Grant of Permission omitted 2 no. dwelling resulting in a net density of 34.8 dpha.

greenfield site,' with a recommended density range of 35-50 dpha set out in the guidelines, and densities of less than 30 dpha being discouraged. The proposed development, with a density of 35 dpha, is therefore within the lower extent of the range in the guidelines, and therefore I consider that the density of the proposed development complies with the CDP, and the 'Low Density Residential' land use zoning pertaining to the site. The proposed development would not, in my view, represent a material contravention of the CDP, or the zoning objective, in terms of density.

- 7.3.4. Additionally, the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) provides guidance in respect of the density of residential development at different locations/scales. Ennis is a 'Key Town' in the RSES for the Southern Assembly. Table 3.5 (Areas and Density Ranges Key Towns and Large Towns (5,000+ population) provides three density ranges. In my opinion, having regard to the nature of the area within which the appeal site is located, the appeal site would fall under the category of 'Key Town / Large Town – Suburban/Urban Extension' the description of which includes '*suburban areas are the low density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint area that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations of Key Towns and Large Towns, and that densities of up to 80 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8)*'. The density of the proposal, at 35 dpha, therefore accords with the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) in respect of density ranges set out for sites under the Suburban/Urban Extension description for Key Towns.
- 7.3.5. The appellant states that the proposal conflicts with the COM6 Zoning Objective for Cahercalla More. I note that this objective does not relate to the appeal site and is not relevant in the context of the current proposal/appeal.
- 7.3.6. Unit Typology – I note that the description of 'Low Density Residential Development' refers to development 'primarily comprising detached family dwellings'. The proposed unit typology (post FI) comprises 11 no./3.7% detached dwellings. In my opinion this

aspect of the proposed development would represent a **material contravention** of the CDP. I note that the Commission are not precluded from granting permission for the proposed development and may grant permission for the proposal on the basis of Section 37 (2) (a) of the Planning and Development Act, 2000, as amended. In my view, the requirement for development on the appeal site to comprise primarily detached dwellings would significantly reduce density and would be contrary to the delivery of compact development on zoned and serviced land. I consider that permission should be granted noting the location of the appeal site and the density ranges set out in the Sustainable Residential Development in Urban Areas Guidelines (2009), which the CDP states development should be compliant with, and also the density ranges in the Sustainable Residential Development and Compact Settlement Guidelines, 2024.

7.4. **Placemaking & Design**

7.4.1. **Layout & Legibility** – I note that the neither the PA nor appellants have raised any specific concerns in relation to layout or legibility of the proposed scheme. The design rationale for the proposed development is set out in the applicant’s Architectural Design Statement. The statement refers to the desire to create distinctive streetscapes, the requirement to protect biodiversity, to provide for a high degree connectivity and permeability, and to assimilate with the character of the adjoining area. I note that the layout of the proposed development is influenced by the tapered shape of the site, the site’s topography, and by its location between the N85 to the west, and the site’s interface with dwellings on adjacent lands to the east and south. The requirement to provide a buffer along the western boundary of the site and the open space zoning of the lands to the north also influence the scheme’s layout. The layout of the proposal is arranged around 3 no. character areas, with each character area being defined by building design and material finishes. The southern character area, Character Area 3, is characterised by a form of development with a higher density. Character Area 1, to the north of the site, provides for a transition to the part of the site zoned open space. The central part of the site, Character Area 2, is characterised by a large area of public open space, onto which front single storey dwellings. A primary route/road traverses the site from north to south with secondary roads radiating off this primary route. The street hierarchy is primarily reflected in the

width of the road. The scheme comprises groupings of urban blocks fronting onto areas of public open space. A creche is located at the single vehicular entrance serving the scheme. 3 storey buildings are located throughout the scheme acting as nodal points. The design of corner units assists with legibility, wayfinding and helps define character. I am satisfied with the overall layout and legibility of the proposed scheme, which in my opinion responds well to the nature and constraints of the site.

7.4.2. Public Open Space & Landscaping – I note that the neither the PA nor appellants have raised any specific concerns in relation to public open space or landscaping of the proposed scheme, save with the requirement to address gaps in planting and the quantification of tree loss in the connect of habitat for bats raised at FI stage. The proposal provides 15% of the net site area as public open space spread over 4 no. areas, including 1 no. play area. I note that the CDP does not specify a specific quantitative requirement in respect of public open space. I note that the proposal complies with the *Sustainable Residential Development in Urban Areas Guidelines (2009)*¹⁹, which provides that on greenfield site public open space should account for a minimum of 15% of the site area. I also note that the guidance contained in the Sustainable Residential Development and Compact Settlement Guidelines, 2024 refers to public open space provision in the range of 10-15% of the site area. I am therefore satisfied that the quantum of public open space provided is acceptable. The public open space provides both formal and informal recreational areas. Each area of public open space is overlooked by dwellings and is located so as to be easily accessible to residents in all parts of the scheme. The landscape drawings provides details of hard and soft landscaping within each area of public open space, and details of play equipment. I am satisfied that the areas of public open space are appropriately sized, well designed and will enhance the overall amenity of the scheme. Appendix 1 (Development Management Guidelines) of the CDP and also Objective CDP 5.12 (h), sets out specific requirements in respect of open space in residential areas, including that each green space in residential developments shall have at least one native oak tree, or other naturalised tree species of similar stature and lifespan. The applicant has submitted a Landscape Masterplan which indicates tree planting on each area of public open space. The Landscape Design Strategy states that native oak or similar

¹⁹ These Guidelines are referred to in Appendix 7 of the CDP under the heading of 'Plans, Policies, and Guidelines to which the Development Plan must have regard'.

long living tree will be placed in each open space area throughout the site. The proposal therefore accords with the aforementioned requirement.

7.4.3. Permeability and Connectivity – in addition to the primary site access to the east onto the R474, the proposal provides 3 no. pedestrian connections along the western boundary of the site onto the N85 and 2 no. pedestrian to the south into the adjoining housing estate, Ballymacaula View. I note that two of the appellants have raised concerns in relation to the proposal to connect the proposed development into Ballymacaula View, citing a propensity for anti-social behaviour; amenity concerns; management issues; and noting that there is no rationale for such a connection given the size of the Ballymacaula View and absence of an identifiable desire line/destination. Having visited Ballymacaula View I note that provision is currently in place for pedestrian access at 2 no. locations along the northern boundary of Ballymacaula View. This is also noted in the report of the Planning Officer. These access points are indicated on the site layout plan submitted under PA. Ref. 17/237 & ABP. Ref. 300590-18 and therefore form part of the development under which Ballymacaula View was permitted. In this regard I note that the current proposal seeks to mirror this in its layout by providing for pedestrian connectivity on the northern site, providing pedestrian connections at the 2 no. locations permitted under PA. Ref. 17/237 & ABP. Ref. 300590-18. In my view this approach is appropriate and will facilitate residents of Ballymacaula View with a more direct access route to the proposed creche. I do not share the concerns of the appellants in relation to anti-social behaviour, nor do I consider that the use of the accesses would have a deleterious effect on the amenity of residents within Ballymacaula View, in particular noting that the access points are sufficiently overlooked by dwellings within the scheme. Regarding the proposed pedestrian points onto the N85, I note that the PA raised concerns at FI stage in relation to the potential for visitors to park along the hard shoulder of the N85 and access the site through the pedestrian points. In response the applicant stated that should this become an issue that the gate could be locked. The PA accepted the applicant's response in this regard. I do not consider that the provision of pedestrian access points onto the N85 would give rise to visitors parking on the N85 as parking areas within the development would provide a safer and more convenient location for visitors. Regarding connectivity outside the site, I note that the proposal includes proposed footpaths to augment the existing footpath network in the

area, specifically along the southern side of the R474, Drumbiggle Road and Cahircalla Road. The overall design and layout of the scheme provides for a high degree of permeability, both within the scheme through the network of streets, and with the adjoining area.

- 7.4.4. Building Design, Boundary Treatments and Materiality – with the exception of a proposed security type fencing at the interface with Ballymacaula View, which was subsequently amended on foot of a request for FI, neither the PA or appellant's have raised any specific concerns in relation to boundary treatments, building design or the materiality of the scheme. Regarding building design and material finishes, I have reviewed the design and finishes of the proposed dwellings and the creche and consider that the design and the proposed palette of material finishes is appropriate to the context of the site, assists with the identification of the character area, provides for a degree of visual interest at street level, and is acceptable. The site is not particularly sensitive and the proposal responds to the topography of the site. The applicant has submitted a series of visuals/photomontages of the proposed development from a number of vantage points. Having reviewed the visuals submitted, the cross sections of the appeal site and the elevations of the proposed dwellings, I am satisfied that the proposal will not give rise to significant visual impacts on the wider area/landscape, would assimilate into the adjacent area and is therefore acceptable.
- 7.4.5. Appendix 1 (Development Management Guidelines) of the CDP sets out guidance in respect of boundary treatments in residential areas, including the general requirement for boundary walls to be provided along the rear garden boundary of each dwelling with a height of 1.8 - 2 metres. This section of the CDP however provides for alternative boundary treatments where it can be demonstrated that it will enhance the development. From reviewing the Boundary Treatment Plan submitted with the planning application I note that for the most part rear boundaries comprises 1.8 metre high walls. Rear boundaries serving the bungalows comprise 0.6 metre a brickwork wall with railing mounted atop and hedge. I consider the proposed boundary treatments to comply with the requirements of the CDP in this regard.
- 7.4.6. Appendix 1 (Development Management Guidelines) of the CDP, under the heading of lifetime adaptability states '*all new residential buildings must provide a ground floor low level access shower and toilet to ensure adaptability to future needs*'. Objective CDP 5.12 (b) similarly requires '*all new residential buildings to provide a ground floor,*

low-level-access shower and toilet to ensure adaptability to future needs'. I note that all proposed dwellings are provided with a toilet at ground level. The bungalows also have a shower/bath at ground floor level. This issue was not raised by the PA, the appellants, or in the observation and is therefore a **new issue**. In my opinion, the non-provision of a ground floor shower in the dwellings proposed, would **materially contravene** the Clare County Development Plan 2023-2029, however I note that the Commission may grant permission for the proposed development having regard to Section 37(2)(a) of the Planning and Development Act 2000, as amended. I consider that the proposed development makes appropriate provision for lifetime adaptability through the provision of ground floor showers in the 20 no. bungalows within the scheme which are intended for older people. In addition, I consider that the design and layout of the dwellings has sufficient regard to future adaptability whereby a shower/bath could be provided at a future point in time, if required, and as such the proposed development should be granted.

- 7.4.7. Housing Mix & Internal Accommodation – Objective CPD 5.8 of the CDP requires a mix of house types and sizes. The PA noted concerns in relation to the housing typology of the proposal and Item 1 of the request for Further Information sought an increase in the number of semi-detached and detached units and a reduction in the number of townhouses. The applicant revised the scheme and the revised housing typology proposed comprised 11 no. detached units, 126 no. semi-detached units, 143 no. townhouses and 20 no. accessible bungalows. The revised scheme consists of 14 no. 1 bedroom units, 91 no. 2 bedroom units, 164 no. 3 bedroom units and 31 no. 4 bedroom units. The applicant also submitted a Housing Mix Statement with the planning application/appeal setting out information in relation to the demographic of the local area, existing and permitted housing mix in the area and an analysis of the housing typology required in the area to address demand. Having regard to the Housing Mix Statement and to the proposed unit mix I am satisfied that the unit mix and bedspace mix is acceptable and offers a sufficiently diverse mix of housing options. I note that the Housing Mix Statement indicates a local overprovision of larger unit types and that the provision of 2 and 3 bedroom units will address this. The CDP requirement for residential development on lands zoned low density residential to be comprised of primarily detached dwellings is addressed at paragraph 7.3.6 above. Separately, in relation to internal standards/areas, the applicant has submitted a

Housing Quality Assessment which sets out a schedule of internal accommodation against the provisions contained in Quality Housing for Sustainable Communities, (2007). From reviewing the tables provided I am satisfied that the proposed development accords with the requirements of Quality Housing for Sustainable Communities, (2007).

7.4.8. Separation Distances and Private Open Space - Regarding separation distances, Appendix 1 (Development Management Guidelines) of the CDP provides that normally, a minimum rear garden depth of 11m will be required, but that in specific circumstances, i.e. in the case of high density, infill developments or housing for the older people, shorter garden lengths may be permitted if there are no overlooking issues. Separation distances between dwellings are indicated on the site layout plan submitted with the planning application/appeal and vary depending on the shape and configuration of the individual site/garden. Rear garden depth within the proposal range from c. 5 metres (in the case of the bungalows, which are intended for older people) to 11 metres, with the majority being c. 8 metres, and some up to 14 metres. I note that the CDP provides a degree of latitude in respect of rear garden depth, and I also note that the CDP caters for the circumstances of the site/nature of the development, with the overriding consideration being the avoidance of overlooking. Having reviewed the proposed site layout plan and the separation distances concerned I am satisfied that the rear garden depths/separation distances provided are acceptable and that no overlooking issues occur as a result. I do not consider that the proposed development would represent a material contravention of the CDP, and in particular I note that the CDP requirement for minimum rear garden depth of 11 metres is prefaced with 'normally'. I note that the Sustainable Residential Development in Urban Areas Guidelines (2009)²⁰ provide that '*at the rear of dwellings, there should be adequate separation (traditionally about 22 m between 2-storey dwellings) between opposing first floor windows*'. The Guidelines note '*that such rules should be applied flexibly*'. I also note SPPR1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) which provides for a separation distance of at least 16 metres between opposing (first floor) windows. Having regard to the flexibility provided in the Sustainable Residential Development in Urban Areas

²⁰ These Guidelines are referred to in Appendix 7 of the CDP under the heading of 'Plans, Policies, and Guidelines to which the Development Plan must have regard'.

Guidelines (2009), and to the design and layout of the proposal I consider that the proposed development complies with the Sustainable Residential Development in Urban Areas Guidelines (2009) in respect of separation distances. The applicant has submitted a statement of consistency indicating compliance with SPPR 1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). I am satisfied that the proposal is acceptable in terms of rear garden depth and separation distance, and that it complies with the CDP, the Sustainable Residential Development in Urban Areas Guidelines (2009), and SPPR1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

- 7.4.9. Regarding private amenity space, I note that the CDP does not specify a quantitative requirement for houses. I also note that the Sustainable Residential Development in Urban Areas Guidelines (2009) do not provide a quantitative standard for private open space. I draw the Commission's attention to SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) which provides Minimum Private Open Space Standards for Houses, i.e. ranging from 20 sqm for a 1 bedroom house to 50 sqm for a 4+ bedroom house. SPPR 2 further provides that a further reduction below the minimum standard may be considered acceptable where an equivalent amount of high quality semi-private open space is provided in lieu of the private open space, subject to at least 50 percent of the area being provided as private open space. The proposal provides private open space for each dwelling within the scheme. The area of private open space serving each dwelling varies. The applicant has submitted a statement of consistency indicating compliance with SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

7.5. **Impact on Residential Amenity (inc. Rock Breaking)**

- 7.5.1. Two appeal submissions raise the issue of rock breaking on the site and the potential for noise impacts associated with same. Concerns regarding the proposed connection through to Ballymacaula View and potential impacts on amenity is addressed above at paragraph 7.4.3.
- 7.5.2. I have reviewed the site layout plan for the proposal and note that the scheme provides adequate separation distances between opposing dwellings, and between proposed

dwellings and adjacent property such that no significant overlooking would arise. The applicant has submitted a Sunlight, Daylight and Shadow Assessment which concludes that the proposed development complies with the requirements of 'Site Layout Planning for Daylight and Sunlight a Guide to Good Practice (BR209-2022)'. Having reviewed this assessment I am satisfied that no significant issues arise in respect of sunlight/daylight or overshadowing. Construction phase impacts from the proposed development are addressed and mitigation measures proposed in the CEMP and in the EIAR under a number of chapters, including air, noise and vibration and material assets (traffic and transport).

7.5.3. Regarding rock breaking/crushing activities, and noise in general, I note that Appendix 2 of the EIAR Addendum Report (which updated Chapter 12 'Noise and Vibration' of the EIAR) addressed rock breaking/crushing activity, in addition to other construction noise impacts. Table 12-12 of the EIAR provides potential worst case noise levels (i.e. simultaneous operation within one work area) arising at different stages of the proposal, including rock breaking/crushing which is considered to comprise a form of earthworks, at distances ranging from 10 metres to 100 metres from the noise source. In relation to rock breaking/crushing, exceedances of the adopted Construction Noise Threshold (CNT) of 65 dB LAeq,T are noted at NSLs²¹ during both phase 1 and 2. I note that the duration of these exceedances will be temporary and are scheduled to be carried out at periods considered to be least disruptive, i.e. mid-morning to mid-afternoon during weekdays only. Other potential exceedances are noted in relation to, site clearance, bulk excavation, foundations and road works, and superstructure, compounds and landscaping works. NSL's within 35 metres of works have the potential to experience noise levels in excess of Construction Noise Thresholds (CNTs), however similar to noise from rock breaking and crushing, potential for exceedances are based on conservative modelling, that being simultaneous operation within one work area, when in reality machinery and plant will be spread over the site. I acknowledge that the proposed development will likely result in noise impacts, however having regard to the temporary duration of same, the mitigation measures contained in the EIAR to address noise, and to the proposed hours of operation, including those for rock breaking and crushing, I am satisfied that the proposed development is acceptable from a noise perspective. I recommend that a condition is

²¹ For the most part the NSL's comprises grouping of houses (see Fig. 12.3 of EIAR).

attached in the event of a grant of permission stipulating that noise predictions in Table 12.12 of the updated EIAR are not exceeded, and that rock breaking/crushing is carried out only between the hours of 1000 to 1300 and 1400 to 1600 hours Monday to Friday inclusive, and not at all on Saturdays, Sundays and public holidays. I also recommend that the duration of exceedances of CNT's at the NSL's do not occur more than 10 days/nights over 15 consecutive day/nights, or 40 days over 6 consecutive months, in accordance with DMRB Noise and Vibration (UKHE 2020), and to ensure compliance with this I also recommend that monitoring of noise and vibration during construction phase is monitored. In my opinion this strikes an appropriate balance between facilitating necessary rock breaking/crushing activities and protecting residential amenity, particularly noting the level to which this activity may exceed CNTs.

7.5.4. I note that an appellant contends that permission was not sought for rock breaking. I note that rock breaking is an inherent part of the proposed development, and is not a separate use requiring a separate consent. I note that FI was sought in respect of the planning application and one of the items of FI sought included a request to clarify the extent of rock breaking/crushing. The applicant's response was deemed significant and was readvertised in accordance with Article 35 of the Planning and Development Regulations, 2001, as amended. I am satisfied therefore that third parties have been informed of the full extent of the proposal, and that the scope of the permission sought includes rock breaking and crushing.

7.6. **Wastewater**

7.6.1. The Proposal - A review of the proposed wastewater system is set out in the Civil Works Design Report submitted with the planning application. The proposed wastewater drainage system consists of a combination of gravity sewers and a pumped discharge to a local foul sewer on Cahercalla Road. Foul water will be pumped through a new rising main to the existing public sewer network, connecting via a new discharge manhole c. 105 metres east of the site entrance. A Pre-Connection Enquiry for the wastewater discharge was submitted to Uisce Éireann (UE) and a Confirmation of Feasibility (CoF) statement has been received. Foul sewer designs were also submitted to UE for design vetting to obtain a Statement of Design Acceptance (SoDA) prior to the submission of the planning application. The applicant

notes that a pre-connection enquiry was previously submitted to UE under the SHD scheme on the site, that a CoF was granted and that the current proposal and the SHD are of similar demand. The applicant notes that, in the context of the wwtp, UE have stated that upgrade works at the wwtp will be carried out by UE as part of the UE Capital Investment Plan (CIP), specifically the upgrading of the inlet screen at Francis Street and the forward feed pumps, and that UE latest capacity register indicates that there is wastewater treatment capacity to accept the current proposed development. Regarding the wastewater network, the applicant notes that UE state that the proposed development requires a network extension, a wastewater pumping station and rising main, and 24-hour storage and real time controls to limit pumping, only if hydraulic issues exist downstream (the need for controls will be advised by UE at connection application stage). The network extension²², the WWPS and Rising Main will all be constructed as part of the proposed development and funded by the developer. The proposal is to pump wastewater from the site and no upgrades to any existing UE owned pumping station and rising main are required for the proposed development.

7.6.2. UE's Observation to PA - I note UE's observation to the PA in respect of the planning application which states that a CoF was issued to the applicant in respect of the proposed development on the 9th day of December 2024²³. The CoF issued by UE confirms that a wastewater connection is feasible subject to upgrades. These upgrades are described in the CoF and also in UE's observation to the PA and comprise;

- Minor upgrades at the wwtp.
- A c. 300m network extension from the proposed development to the existing UE foul sewer by way of pumped solution (wwps) and rising main.

The CoF notes that design details of the pump design flow rates, emergency storage provisions etc. will be required to be agreed with UE and that the location of real time control will be agreed with the UE at connection application stage.

²² The applicant proposes a c. 300 metre network extension from the proposed development to the existing UE sewer. This is indicated on *Drawing No.'s 11269-2201 Rev P02 and 11269-2202 Rev P02*, titled Proposed Drainage Layout Sheet 1 of 4, and 2 of 4.

²³ A copy of this CoF is included as Appendix F in the Civil Works Design Report submitted with the planning application.

- 7.6.3. UE's observation notes that the applicant submitted finalised designs, was issued with a statement of design acceptance (SODA) on the 18th day of June 2025, and that these designs outline the necessary infrastructure upgrades described in the COF to facilitate connection to UE's wastewater network. These upgrades will be undertaken by the applicant as self-lay works. UE recommends that in the event of a grant of permission the applicant should be required to enter into Connection Agreements with UE.
- 7.6.4. Issues raised concerning wastewater - Issues concerning wastewater are raised in a number of appeal submissions. One appeal submission notes concerns regarding the age/condition of the Francis Street pumping station. A second appeal submission raises a number of issues, primarily concerning the CoF procedure/condition requiring same; capacity in Ennis North wwtp; potential impacts on the receiving environment (including the River Fergus) and failure to assess the impact of discharge from Ennis North wwtp, including cumulative impacts from other developments on a downstream European Site. One of the appeals also notes that Ennis North wwtp is not meeting the criteria for Storm Water Overflows (SWOs), that this is a significant pressure of the SAC waterbody, and that discharges from a number of the SWOs are unmonitored (expert report prepared by Mr. Danel Owens also refers to SWOs) and therefore the volume and frequency of storm overflows is unknown.
- 7.6.5. Regarding the connection agreement procedure and condition requiring same, one of the appellants contends that the inclusion of a planning condition (i.e. Condition No. 15) requiring the applicant to enter into a connection agreement for wastewater with UE is inappropriate and *ultra vires*. The appellant submits that UE's observation to the PA is ambiguous regarding whether capacity exists for the proposed development and that the PA's approach represents a delegation of decision maker's duty, that the issue of wastewater should be addressed prior to a decision being made, particularly as UE has no role in the context of Appropriate Assessment, and that Condition No. 15 does not meet the criteria in the Development Management Guidelines for Planning Authorities, June 2007, i.e. conditions must be necessary; relevant to planning; relevant to the development being permitted; enforceable; precise; and reasonable.
- 7.6.6. I note that UE is the national utility with responsibility for water/wastewater, and in this regard I consider it appropriate that the PA require the applicant to enter into a connection agreement with UE in advance of development thereby ensuring that

effluent from the proposal is appropriately conveyed and treated at a wwtp, which is operated under licence by the EPA. In my opinion a planning condition requiring the applicant to enter into a connection agreement with UE is appropriate as it relates to matters concerning public health, which is in turn related to planning and the development permitted. In my view this condition is not therefore *ultra vires*. I do not consider such an approach to amount to a derogation of the responsibility of the PA to properly assess the proposed development. I note that the initial procedure of the applicant applying to UE for a CoF identifies potential issues in relation to capacity in the network or wwtp at that point in time and identifies if upgrades are required. I note that when the applicant applies to UE for a Connection Agreement UE will make a final determination regarding capacity to cater for the proposed development. In my opinion this process is sufficiently robust to ensure that effluent from the proposed development will only be received into the wastewater network and the wwtp if capacity for same exists at a future point in time. In my opinion this process is the most intuitive as it caters for developments which are to be carried out, as opposed to a situation where connection agreements would be given for developments which may not then proceed but would take up capacity in a system with a finite capacity.

- 7.6.7. Regarding capacity at Ennis North wwtp, one of the appellants contends that that PA's assessment of Item 4(d)²⁴ of the FI is request is inadequate, and that the AER is not the only available information for the wwtp. The appellant states that the wwtp has consistently failed its ELV's for ammonia and that the wwtp discharges to an already impacted river body. One of the appeal submissions includes an expert report (prepared by Mr. Daniel Owens) which states that Ennis North wwtp does not have hydraulic capacity during the winter due to high groundwater levels. In relation to capacity the wwtp, I note that the PA requested the applicant to clarify remaining capacity in the wwtp, including its design capacity and hydraulic loading. The applicant's response noted that the development will make up <1% of the designed hydraulic design capacity and 3.46% of the hydraulic headroom remains within the wwtp, and that Ennis North wwtp retains substantial residual hydraulic and organic

²⁴ Revise the NIS to assess remaining treatment capacity of the wwtp, taking into account the status of the receiving environment associated with the wwtp, potential for cumulative effects, along with the upgrade works required to facilitate the development.

capacity. The applicant also assessed potential in combination effects of permitted/proposed development within the catchment of the Ennis North wwtp, i.e. 167m³/day, with the proposed development accounting for 147 m³/day, therefore resulting in a combined 314 m³/day, which accounts for 7% of the remaining hydraulic headroom, and <5% of the remaining PE headroom. Separately, I note that the Uisce Éireann (UE) wastewater capacity register (April 2026) states there is available capacity at Ennis North wwtp. Based on the forgoing I consider that there is capacity in Ennis North wwtp. I consider that the PA's approach in using the AER in considering the issue of capacity in the wwtp is reasonable, and I note that this was considered in conjunction with UE's observation which states that connection to the wwtp is feasible subject to minor upgrades, which are set out in the CoF and UE's submission to the PA.

7.6.8. In respect of incidents of exceedances at Ennis North wwtp, I note the Ennis North wwtp operates under a wastewater drainage licence (no. D0048-01) issued to UE by the EPA, and that compliance with this licence comes under the remit of the EPA. I note that the most recent Annual Environmental Report (AER) 2024 available from the EPA for the Ennis North Wastewater Treatment Plant indicates that the wwtp discharge was not compliant with the ELV's set in the wastewater discharge licence for Ammonia-Total (as N) mg/l, as indicated by the appellant. The AER also notes that the ambient monitoring results do not meet the required EQS²⁵ at the downstream monitoring location and that a deterioration in water quality has been identified. The AER however notes that it is not known if it or is not caused by the wwtp, with other causes of deterioration in water quality in the area unknown. The AER notes that discharge from the wwtp does not have an observable negative impact on the Water Framework Directive status.

7.6.9. Regarding discharge from SWOs at Ennis North wwtp, based on information on the EPA's website I note that SWOs are subject of a compliance action, and that Combined Sewer Overflows are a stated pressure in Ennis North Agglomeration. The issue of capacity and overflows is acknowledged however I note that these relate to the wider public wastewater network for which UE, as the national regulated water

²⁵ The EQS relates to the Oxygenation and Nutrient Conditions set out in the Surface Water Regulations 2009. Based on ambient monitoring results a deterioration in Ammonia, BOD, BOD with inhibition, pH, Temperature, Total Nitrogen, Total Phosphorus., concentrations downstream of the effluent discharge is noted.

utility, are responsible for. I further note that the AER referenced above also provides an assessment of SWO performance, which is covered by the wastewater discharge licence for Ennis North wwtp (D0048-01), and that this licence includes conditions concerning the SWOs which UE is obliged to comply with. As noted above, the proposed development will be contingent on receiving a Connection Agreement from UE in order to proceed, and UE in determining the application for a Connection Agreement will be required to consider the implications of providing a Connection Agreement in the context of constraints in the wider network at that time.

7.6.10. In summation, noting the CoF and design acceptance issued by UE to the applicant; the indicated availability of capacity as noted in the capacity register (April 2026) for Ennis North wwtp; the information submitted by the applicant in relation to available capacity at Ennis North wwtp and in particular having regard to the requirement for the applicant to apply for and enter into a Connection Agreement with UE; I consider that the proposed development is acceptable from the perspective of wastewater.

7.7. Flooding

7.7.1. I note that the neither the PA nor appellants have raised any specific concerns in relation to flood risk. A Site Specific Flood Risk Assessment (SSFRA) accompanies the planning application. The SSFRA notes;

- Strategic Flood Risk Assessment mapping prepared as part of the CDP identifies the area to the north of the appeal site within Flood Zone A, with the entire developable area of the site being located within Flood Zone C (i.e. outside delineated flood risk zones).
- Additionally, CFRAM mapping of the existing 1 in 100-year (1% AEP) and 1 in 1000-year (0.1% AEP) fluvial flood extents indicates that the northern site boundary abutting the River Claureen may be liable to fluvial flooding, however, the developable area is not indicated as at risk of fluvial flooding from the River Claureen during a 0.1% AEP event. Based on CFRAM mapping, the developable area is located within Flood Zone C, outside of the 0.1% AEP fluvial flood extent. The CFRAM study estimates water levels in the River Claureen floodplain, west and north of the subject site, for the current 0.1% AEP event of 6.21mOD and 6.14mOD respectively. Finished Floor Level (FFL) for

the proposed development is ≥ 13.7 metres. A freeboard of greater than 7.5 metres is provided. When climate change is considered CFRAM mapping similarly indicates that the developable area of the appeal site is not within an area at risk of fluvial flooding from the Claureen River. Works in the floodplain associated with the proposed outfall to the Claureen River will not impact ground levels and therefore will not impact fluvial flow routes or floodplain storage.

- There is a recorded flood event at the northern part of the appeal site, occurring in February 2002. OPW Preliminary Flood Risk Assessment (PFRA) Study mapping, March 2012, indicates an area of potential flood risk in the vicinity of the appeal site. This area is consistent with local topographical depressions.
- Based on OPW PFRA, an area adjacent to the eastern site boundary may be susceptible to pluvial flooding. Surface water arising on the site will be managed by a dedicated stormwater drainage system and SuDS and the topography of the site will provide safe exceedance flow paths minimising residual risks associated with extreme flooding or blockages on the stormwater system.
- The SSFRA notes that the appeal site is not susceptible to tidal influenced flooding and that coastal waters do not extend upstream in the vicinity of the site.
- Based on GSI mapping there is no evidence to suggest that the site is liable to groundwater flooding.

7.7.2. The SSFRA concludes that the risk of flooding at the site is minimal, and that the proposed development will not increase the risk of flooding elsewhere. I am satisfied based on the SSFRA submitted by the applicant that the proposed development is acceptable from a flood risk perspective, in particular I note the location of the developable area of the site within Flood Zone C for fluvial flooding, and the extent of freeboard which is provided for against the 0.1% AEP event in the River Claureen.

7.8. **Traffic & Transport**

7.8.1. Access & Sightlines - access into the proposed development will be from a newly proposed priority T-junction on the R474 Circular Road. The R474 Circular Road has a carriageway width of approximately 7m to the north and south of the newly proposed

access junction. There is an existing footpath on the northern side of the R474 which links directly to Ennis Town Centre. I note that one of the appellants raises concerns in relation to visibility at the proposed site access. The site access is located within a 50kmph speed limit zone which would require visibility splays of 45 metres (in accordance with DMURS). A speed survey was conducted on the R474 and the survey recorded an 85th percentile speed of 61.72 kmph northbound and 61.65 kmph southbound. As the recorded speeds are higher than the posted limit of 50kmph the access junction has been designed with a visibility splay for a 60kmph road to account for traffic exceeding the 50kmph speed limit. Regarding internal access junction, a minimum sight line of 23m will be provided at all internal access junctions for the development, which is compliant with the 30 kmph speed limit, and accords with DMURS. I am satisfied that the proposal is acceptable in the context of visibility/sightlines both within the scheme and at the access onto Circular Road (R474), and complies with DMURS in this regard.

- 7.8.2. Car Parking – one of the appellants contends that there is a shortfall in car parking. Additional car parking was provided on foot of Item 6 (c) of the PA's request for Further Information. The total number of car parking spaces was increased from 536 no. to 547 no., to provide an additional 11 no. visitors spaces within the development. These additional car spaces bring the total number of visitor parking spaces to 41 no. spaces throughout the site. Table A3, Appendix 1 of the CDP sets out maximum car parking requirements for residential development, and standards for other types of development. I note that footnote 12 of Table A3 provides that an applicant may propose an alternative parking arrangement to the standards as set out in the parking standards set out in Table A3 for the agreement of the Planning Authority. I consider that the appeal site falls within the 'other areas' category, by virtue of not being a town centre site. The unit mix of the proposal was amended following the PA's request for Further Information. The revised unit mix of the proposal consists of 105 no. 1/2 bedroom dwellings and 195 no. 3+ bedroom dwellings. Car parking for the creche is based on 1 space per employee plus 0.25 spaces per child. The residential element of the proposal has a maximum car parking requirement of 595 no. spaces (i.e. 495 no. spaces for the dwellings plus 100 visitor spaces). The proposal provides a total of 536 no. spaces for the residential element of the proposal (a shortfall of 59 no. spaces). The proposed creche has a maximum car parking requirement of 25 no. spaces,

based on 5 no. staff and 80 no. children. The proposal provides 11 no. spaces for the proposed creche (a shortfall of 14 no. spaces). Having regard to the car parking standards set out in the CDP, which are maximums, and not minimum standards or norms, and to the level of car parking provided within the scheme, which in relation to the residential element of the proposal represents a shortfall of 59 no. spaces, or c. 10 % of the maximum requirement, and in respect of the creche represents a shortfall of 14 no. spaces, or 56% of the maximum requirement, I consider that the proposal is acceptable in terms of car parking provision. I do not consider that the proposal would result in any significant propensity for overspill parking in neighbouring areas, including Ballymacaula View, as contended by a number of appellants. The level of car parking to serve the creche is acceptable in my opinion, without impacts on the design or amenities of the development. The Childcare Report submitted with the application notes that the proposal gives rise to 50 no. childcare spaces. Given that the majority childcare spaces within the creche will catered for children from within the development, partially negating the requirement for car based trips, I consider the level of car parking to serve the creche acceptable. I note that Condition No. 2 of the PA's Notification of Decision to Grant Permission omitted 2 no. dwellings to provide additional car parking to serve the creche. I do not consider that additional car parking is required for the creche noting the car parking standards set out in the CDP and therefore I do not recommend that that this condition is included in the event of a grant of permission. SPPR 3 of the Compact Settlement Guidelines, 2024, requires a maximum provision of 2 no. car parking spaces per dwelling in intermediate and peripheral locations. The proposal provides 2 no, spaces for 3 and 4 bedroom units and 1 no. space for 1 and 2 bedroom units. This is acceptable in my view and meets favourably with the requirements of SPPR 3 of the Compact Settlement Guidelines, 2024, noting that the requirements of SPPR3 are maximums.

- 7.8.3. Pedestrian Connectivity – regarding the location of the appeal site, the particulars submitted with the planning application/appeal refer to the appeal site as being 1.6 km from the town centre. I note that the majority of the appeal site is zoned for residential development, I note the recent extant permission on the site, and that the density of the proposal reflects the locational characteristics of the site. Whilst the appeal site is located on the fringe of the town I do not consider the appeal site to be remote from Ennis. Adequate pedestrian/cycle infrastructure is incorporated within the proposal.

Beyond the appeal site there is continuous footpath provision between the appeal site and the town centre along the Circular Road (R474), although stretches appear not to be provided with street lighting. There is no footpath provision along much of Drumbiggle Road. I did not observe any dedicated cycle infrastructure within Ennis. In my view there is adequate pedestrian connectivity between the appeal site and the town centre to facilitate proposal and in this instance I do not consider that local deficits in pedestrian/cycle infrastructure on lands outside the applicant's control would justify a refusal of permission. Based on the information in the TTA I note that there is currently no local bus service serving the area, I am however satisfied that footpath provision in the vicinity would facilitate connectivity to the centre of Ennis.

7.8.4. Traffic Impact - the applicant has submitted a Traffic and Transportation Assessment (TTA) to assess the impact the proposed development on the existing road network. Traffic counts were undertaken on the 2nd day of April 2025. Annual growth indices were applied to the 2025 traffic flows to determine background traffic flows for the assessment years. The volume of traffic expected to be generated during the AM and PM peak hours for the proposed development were established from the Trip Rate Information Computer System (TRICS) database. The TTA includes an analysis of a number of junctions in the vicinity of the appeal site, specifically -

Junction 1 – Roundabout Junction N85 / R474 (Beecher Roundabout)

- analysis results indicate that the junction is currently operating well within capacity for all traffic streams in both the morning and evening peak periods.
- this will continue to be the case for the 2026 Opening Year scenario, with slight increases projected in the RFC and queue lengths for both the morning and evening peak periods.
- for the design year 2041, the junction is forecast to operate within capacity for all streams in both the morning and evening peak period for the 'no development' and 'with development' scenarios. The results indicate that Junction 1 will operate below the maximum desirable 0.85 RFC.

Junction 2 - R474 / Drumbiggle Road Priority Junction

- analysis results indicate that the junction is currently operating well within capacity for all traffic streams in both the morning and evening peak periods.

- this will continue to be the case for the 2026 Opening Year scenario, with slight increases projected in the RFC and queue lengths for both the morning and evening peak periods.
- for the design year 2041, the junction is forecast to operate within capacity for all streams in both the morning and evening peak period for the 'no development' and 'with development' scenarios. The above results indicate that Junction 2 will operate below the maximum desirable 0.85 RFC.

Junction 3 - R474 / Cloughleigh Rd / Davitt Terrace Roundabout Junction

- analysis results indicate that the junction is currently operating well within capacity for all traffic streams in both the morning and evening peak periods.
- this will continue to be the case for the 2026 Opening Year scenario with slight increases projected in the RFC and queue lengths for both the morning and evening peak periods.
- for the design year 2041, the junction is forecast to operate within capacity for all streams in both the morning and evening peak period for the 'no development' and 'with development' scenarios. The above results indicate that Junction 3 will operate below the maximum desirable 0.85 RFC.

Junction 4 - R474 / R458 Priority Junction

- analysis results indicate that the junction is currently operating well within capacity for all traffic streams in both the morning and evening peak periods.
- this will continue to be the case for the 2026 Opening Year scenario with slight increases projected in the RFC and queue lengths for both the morning and evening peak periods.
- for the design year 2041, the junction is forecast to operate within capacity for the morning and evening peak periods. The inclusion of the potential development traffic will result in an increase in both delays and queueing for all traffic Streams. It is projected that Stream D-ABC will have a maximum RFC of

0.95, exceeding the desirable RFC of 0.85²⁶, however the junction arm is forecast to continue to operate within capacity for the morning peak period.

Junction 5 – Proposed Access / R474 Priority Junction

- analysis results indicate that the junction will operate within capacity for the morning and evening peak periods for the 2026 Opening Year scenario.
- for the design year 2041, the junction is also forecast to operate within capacity for the morning and evening peak periods. The above results indicate that Junction 5 will operate below the maximum desirable 0.85 RFC.

A number of appellants raise concerns in relation to potential traffic congestion arising from the proposal and concern that the provision of a single access will create traffic congestion. I acknowledge that the proposal will result in some localised impacts at specific peak periods however this is not atypical within urban areas and having regard to the applicant's analysis of the proposal on junctions in the vicinity and the findings of same I am satisfied that the proposal will not result in significant traffic congestion such as to warrant a refusal of permission. I note that the traffic counts were not undertaken during a holiday period as noted in one of the appeals, and consider that the timing of this survey to be acceptable.

7.8.5. Road Safety Audit (RSA) – The RSA identified 13 no. 'problems' in respect of the proposed development. The applicant accepted the recommendations of the RSA in relation to all problems identified, save for 1 no. problem concerning junction radii, which it notes was designed following a swept path analysis and accords with DMURS. I consider the applicant's approach in this regard to be acceptable noting that DMURS is the relevant design standard for roads within urban areas.

7.8.6. Mobility Management – Appendix 1 (Development Management Guidelines) of the CDP requires that proposals for housing developments comprising 10 units or more shall be accompanied by a Transport and Mobility Statement outlining how convenient pedestrian and cyclist connectivity to the surrounding community has been integrated into the design and layout of the proposed development. The applicant has submitted a Traffic and Transport Assessment (TTA) with the planning application which includes a chapter (i.e. Chapter 8) entitled 'Mobility Statement'. I am satisfied that this

²⁶ The desirable Flow to Capacity Ratio (RFC) Values for junctions assessed using PICADY is less than 0.85. Values over 1.00 indicate that the approach arm is over capacity.

adequately addressed the aforementioned requirement set out in Appendix 1 (Development Management Guidelines) of the CDP. Separately, in respect of cycle parking I note that dwellings with rear garden access have adequate bicycle storage provision. Cycle parking provision is made for mid-terrace units in the form of a store to the front of each unit. 12 no. bicycle spaces are proposed for the creche. 20 no. visitor bicycle spaces for provided within the scheme. The proposed development accords with SPPR4 of the Sustainable Residential Development and Compact Settlement Guidelines, 2024 in respect of cycle parking and storage. The proposal also complies with the CDP requirement in respect of bicycle parking, set out in Appendix 1 (Development Management Guidelines) at Section A.6.3, which is 1 no. space per residential unit without a garage.

7.8.7. Electric Vehicle (EV) Provision - Section A1.6.3 (Table A3 – Bicycle and Vehicle Parking Standards) Appendix 1 (Development Management Guidelines) of the CDP provides that new residential development should accommodate at least one car parking space equipped with an EV charging point for every five car parking spaces being provided. An Electric Vehicle Charging Strategy has been submitted with the planning application. Dwellings with in-curtilage car parking (i.e. 264 no.) are pre-wired for EV charging, as is required under Part L of the Building Regulations. 2 no. EV charging hubs are also proposed to accommodate dwellings without in-curtilage car parking. An EV charger is also proposed to serve the creche. Having regard to the requirements as set out in Section A1.6.3 (above) and to the level of EV charging infrastructure proposed I am satisfied that the proposal accords with the requirements of the CDP.

7.9. Planning Conditions

7.9.1. The Planning Authority granted permission subject to 27 no. conditions on the 13th day of January 2026. I have set out below details of each condition and provided an examination as to whether they should be included by the Commission in the event of a grant of permission.

Condition	Details/Recommendation for Inclusion
1. (a) & (b)	(a) Standard condition.

	<p>(b) Confirmation that permission authorises 298 no. dwellings.</p> <p>I recommend that condition 1 (a) be included in any subsequent grant of permission issued by the Commission.</p> <p>I do not recommend that condition 1 (b) be included in any subsequent grant of permission issued by the Commission. The CDP car parking standards are maximums. The creche has a car parking requirement of 25 no. spaces, with 11 no. proposed. The Childcare Report submitted with the application notes that the proposal gives rise to 50 no. childcare spaces. Given that the majority childcare spaces within the creche will catered for children from within the development I consider the level of car parking to serve the creche acceptable.</p>
2.	<p>Requires the development to be amended, specifically dwelling no.'s 108 and 109 to be omitted and replaced with car parking to serve the proposed creche.</p> <p>I do not recommend that this condition be included in any subsequent grant of permission issued by the Commission (see above).</p>
3. (a, b, c)	<p>Requires the applicant to enter into Section 47 agreement with the PA and to generally be bound by the provisions of same, save for specific specified circumstances.</p> <p>I recommend that the Commission's standard condition regarding institutional investment be included in any subsequent grant of permission issued by the Commission.</p>
4	<p>Requires the applicant to enter into an agreement with the PA in respect of the requirements of Section 96 of the P&D Act, 2000, as amended.</p> <p>I recommend that the Commission's standard condition regarding the provision of social and affordable housing be included in any subsequent grant of permission issued by the Commission.</p>

5 (a & b)	<p>Requires details of material finishes to be agreed with the PA, and that the FFL of the proposed dwellings creche be as per the details submitted to the PA, and not modified without prior consent.</p> <p>I recommend that Condition 5 (a) be included in any subsequent grant of permission issued by the Commission.</p> <p>I do <u>not</u> recommend that Condition 5 (b) be included in any subsequent grant of permission issued by the Commission. The drawings and particulars submitted with the planning application/appeal specify FFL's in respect of the proposed development and Condition no. 1 (above) requires that the development is carried out in accordance with the plans and particulars submitted. Condition 5 (b) is considered superfluous in this regard.</p>
6	<p>Requires the development to be constructed as per the phasing plan submitted to the PA.</p> <p>I recommend that this condition be included in any subsequent grant of permission issued by the Commission. An updated phasing drawing was submitted at FI stage reflecting changes made in response to the FI request. This updated drawing should be referenced in any condition.</p>
7 (a, b, c, d)	<p>Condition 7 (a) requires that the mitigation measures contained in the NIS , EcIA, CEMP, FRA, Arboricultural Impact Assessment, Drainage Impact Assessment, and Bat Fauna Assessment are implemented.</p> <p>I do <u>not</u> recommend that Condition 7 (a) be included in its totality in any subsequent grant of permission issued by the Commission. Condition no. 1 requires that the development is carried out in accordance with the plans and particulars submitted, which would capture the various mitigation measures contained in each of these documents. As is standard practice, I recommend that a condition is included requiring the implementation of the mitigation measures</p>

	<p>contained in the NIS and the EIAR. I note that Condition 7 (a) refers to an Ecological Impact Assessment. I note that an Ecological Impact Assessment was not submitted with the planning application. It is assumed that Ecological Impact Assessment refers to an Environmental Impact Assessment Report.</p> <p>Condition 7 (b) requires the appointment of an Ecological Clerk of Works to oversee the mitigation measures contained in the aforementioned documents.</p> <p>I recommend that this condition be included in any subsequent grant of permission issued by the Commission.</p> <p>Condition 7 (c) requires that the Ecological Clerk of Works undertake an initial inspection in advance of works, followed by monthly inspections thereafter.</p> <p>I do <u>not</u> recommend that this condition be included in any subsequent grant of permission issued by the Commission. Condition 7 (b) adequately addresses oversight of development/implementation of various mitigation measures from an ecological perspective. Furthermore, a number of pre-construction surveys are proposed in the EIAR and therefore the requirements of Condition No. 1 adequately capture this.</p> <p>Condition 7 (d) requires that the Ecological Clerk of Works provide the Resident Engineer with environmental information to facilitate induction to personal working on the site.</p> <p>I do <u>not</u> recommend that this condition be included in any subsequent grant of permission issued by the Commission. Condition 7 (b) adequately addresses oversight of development/implementation of various mitigation measures from an ecological perspective.</p>
8	<p>Requires the CEMP to be amended/updated to incorporate specific details, itemised a – k, including maintenance of/placement procedure for day roosts for bats; incorporation of mitigation</p>

	<p>measures in Bat Fauna Impact Assessment into CEMP; inclusion of pest control measures; monitoring of bat day roost; implementation of landscape plan; public lighting; construction haul route; signage for site; maintenance of roads; and condition survey of local road network.</p> <p>I recommend that with the exception of Condition 8 (c), (e), (f), (g), (h), (i), (j) and (k) the requirements of this condition be included in any subsequent grant of permission issued by the Commission.</p> <p>Condition 8 (c) is addressed in the Bat Fauna Impact Assessment Report, a standalone document, and therefore does not require to be incorporated in the CEMP. Condition 8 (e) is not specific in terms of the implications of monitoring the proposed bat day roost. Condition 8 (f) is not required noting the general requirements of Condition No. 1 to complete the development as per the plans and particulars submitted with the planning application. Condition (g) is superfluous given the lighting specification submitted with the planning application (post FI), i.e. 2700k. Condition 8 (h), (i) and (j) are appropriately addressed in the Commission's standard CEMP condition. Condition 8 (k) is not considered necessary given the nature and scale of the proposed development and the construction traffic associated with the proposed development, i.e. estimated at c. 920 HGV trips over the 3 year construction phase of the proposal.</p>
9	<p>Requires finalised Construction Traffic Management Plan to be submitted to PA.</p> <p>I recommend that this condition be included in any subsequent grant of permission issued by the Commission.</p>
10 (a, b, c)	<p>Condition 10 (a and b) requires raised crossings and tactile paving to be as per specified standard.</p> <p>I recommend that a general condition is included requiring details of raised crossings and tactile paving to be agreed with the PA in any subsequent grant of permission issued by the Commission.</p>

	<p>Condition 10 (c) requires waste management during the construction phase of the proposed development to be in accordance with the Waste Management Act, 1996.</p> <p>I do <u>not</u> recommend that this condition be included in any subsequent grant of permission issued by the Commission. The requirement to comply with the requirements of the Waste Management Act 1996 arises irrespective of whether such a stipulation is included as a planning condition. Section 7.8 of the Development Management, Guidelines for Planning Authority, (DoEHLG), June 2007 notes that it is generally inappropriate to deal with matters which are the subject of other controls through development management.</p>
11 (a and b)	<p>Condition 11 (a) requires the installation of various SuDS measures in accordance with the designers requirements/manufacturer's instructions, that an engineer certify that the measures have been installed as per these requirements, and that a record of same be submitted to the PA.</p> <p>I do <u>not</u> recommend that Condition 11 (a) be included in any subsequent grant of permission issued by the Commission. The supervision of the installation of such infrastructure and the installation of same by competent persons is standard practice. I do not consider that such a condition is necessary. Additionally, the project ecologist's remit includes overseeing construction works.</p> <p>Condition 11 (b) requires that the maintenance requirements and schedules for SuDS measures and the storm water network be set out, that the operator undertake such maintenance measures, and that the schedule be maintained for the PA to inspect.</p> <p>I do <u>not</u> recommend that Condition 11 (b) be included in any subsequent grant of permission issued by the Commission. The maintenance of such infrastructure is standard practice. I do not consider that such a condition is necessary.</p>

12	<p>Requires street lighting to be in accordance with specific ESB requirements, and that street lighting is in place prior to occupation of any residential unit.</p> <p>I recommend that the Commission's standard condition be included in any subsequent grant of permission issued by the Commission.</p>
13 (a, b, c, d)	<p>Condition 13 (a) includes a requirement regarding compliance with "Site Development Works for Housing Areas" and issued by The Department of the Environment, Community & Local Government 1998.</p> <p>I do <u>not</u> recommend that Condition 13 (a) be included in any subsequent grant of permission issued by the Commission. I note that some of the requirements of this document such as road widths, may conflict with the requirements of more up to date guidance, such as DMURS. I recommend that a general condition relating to finishes to be in accordance with the requirements of the PA be included. This will also capture the PA's taking in charge requirements.</p> <p>Condition 13 (b) requires the submission of a taking in charge map to be agreed with the PA, and that the playground is excluded from any such map. I recommend that a general condition be included requiring a taking in charge map to be submitted for agreement with the PA in any subsequent grant of permission issued by the Commission.</p> <p>Condition 13 (c) requires the applicant to agree procedures for inspection and monitoring to ensure compliance with the requirements arising from Condition 13 (a and b) above, and that following completion of the development that the development is maintained in accordance with these standards.</p> <p>I do <u>not</u> recommend that Condition 13 (c) be included in any subsequent grant of permission issued by the Commission. I note that the requirements arising under Condition 13 (b) will form part of</p>

	<p>the permitted development and will therefore be captured by Condition No. 1, enabling enforcement should issues of non-compliance arise. Condition no. 13 (c) is therefore superfluous.</p> <p>Condition 13 (d) requires that permeable paving to the front driveways of the dwellings shall not be removed/replaced without the benefit of permission, and that this requirement is reflected in sale agreements for the dwellings.</p> <p>I do <u>not</u> recommend that Condition 13 (d) be included in any subsequent grant of permission issued by the Commission. I note that the monitoring and enforcement of such a condition would be impractical.</p>
14	<p>Requires that open space be kept free of development, that upon such areas being taken in charge that they are vested in the PA, and that responsibility for the maintenance of the open spaces shall not be vested in the PA.</p> <p>I do <u>not</u> recommend that Condition 14 be included in any subsequent grant of permission issued by the Commission. Any subsequent development on areas of open space would be subject to planning. Condition No. 1 requires that development to be constructed as per plans and particulars submitted, which indicated areas of open space. The first element of the condition is therefore superfluous. Reference to the taking in charge process, and exclusions in relation to what the Local Authority will/will not be responsible for may conflict any future plebiscite process proposed by future residents of the development and with the taking in charge process itself, which is a function of the Elected Members of the Local Authority.</p>
15	<p>Requires the applicant to enter into a connection agreement with Uisce Éireann in relation to wastewater, and to adhere to the standards and conditions set out therein.</p>

	<p>I recommend that this condition be included in any subsequent grant of permission issued by the Commission. This is a standard condition when it is proposed to connect to Uisce Éireann's assets.</p>
16	<p>Requires that internal road network to be in accordance with the standards of the PA, and the design standards in DMURS.</p> <p>I recommend that a condition be included in any subsequent grant of permission issued by the Commission requiring the internal road network to comply with the standards of the PA.</p>
17	<p>Requires provision of EV charging facilities to be provided for each dwelling.</p> <p>I recommend that the Commission's standard condition be included in any subsequent grant of permission issued by the Commission.</p>
18 (a and b)	<p>Condition 18 (a) requires undergrounding of telecommunication services. Condition 18 (b) requires open access ducting, separate from other ducting.</p> <p>I recommend that the Commission's standard condition be included in any subsequent grant of permission issued by the Commission.</p>
19 (a, b and c)	<p>Condition 19 (a) requires that the dwellings within the development be devoid of front boundaries.</p> <p>I recommend that this condition be included in any subsequent grant of permission issued by the Commission.</p> <p>Condition 19 (b) requires that landscape proposals be as per the submitted plans.</p> <p>I recommend that Commission's standard landscape plan condition be attached.</p> <p>Condition 19 (c) requires that planting be protected until it becomes established, and that if it becomes damaged or dies that it is replaced.</p>

	<p>I recommend that this condition be included in any subsequent grant of permission issued by the Commission.</p>
20	<p>Requires that proposals for naming and numbering be agreed with the PA.</p> <p>I recommend that the Commission's standard condition be included in any subsequent grant of permission issued by the Commission.</p>
21 (a, b, c, d, e, f, g)	<p>Condition 21 (a) requires roads, footpaths, lighting, and open space to be in place prior to the occupation of any dwelling.</p> <p>I recommend that this condition be included in any subsequent grant of permission issued by the Commission.</p> <p>Condition 21 (b) requires road surfacing materials to comply with a specific TII Standard.</p> <p>I recommend that a condition be included requiring details of same to be submitted to the PA for the written agreement.</p> <p>Condition 21 (c) stipulates that surface water from the internal access road does not enter the public road.</p> <p>I recommend that the Commission's standard condition re. surface water be included in any subsequent grant of permission issued by the Commission.</p> <p>Condition 21 (d) requires that surface water does not enter the internal access road from driveways.</p> <p>I recommend that the Commission's standard condition re. surface water be included in any subsequent grant of permission issued by the Commission.</p> <p>Condition 21 (e) requires that footpaths be constructed to specific standards.</p> <p>I recommend that a condition be included requiring details of same to be submitted to the PA for the written agreement.</p>

	<p>Condition 21 (f) requires that permeable paving shall not be replaced without permission, irrespective of exempted development provisions.</p> <p>I do not recommend that this condition be included in any subsequent grant of permission issued by the Commission. This condition would include driveways of dwellings and would be difficult to enforce.</p> <p>Condition 21 (g) requires that signage and road markings accord with Traffic Signs Manual.</p> <p>I recommend that a condition be included requiring details of same to be submitted to the PA for the written agreement.</p>
22 (a and b)	<p>Condition 22 (a) stipulates hours of operation/site works (i.e. 0800 – 1900 M-F and 0800 – 1400 Saturday).</p> <p>I recommend that this condition be included in any subsequent grant of permission issued by the Commission.</p> <p>Condition 22 (b) stipulates that rock breaking activity be restricted to 0900 – 1300 and 1400 – 1800 M-F, and 0900 – 1400 Saturday.</p> <p>I recommend that condition (a) be included in any subsequent grant of permission issued by the Commission. I recommend that rock breaking be carried out between 1000 – 1300 and 1400 – 1600 Monday to Fridays only, and not during weekends or public holidays.</p>
23	<p>Requires that on completion of the development, as constructed plans are submitted to the PA.</p> <p>I do <u>not</u> recommend that this condition be included in any subsequent grant of permission issued by the Commission. Condition No. 1 requires that the development be carried out in accordance with the plans and particulars submitted with the application.</p>

24	<p>Requires that mitigation measures in relation to archaeology and cultural heritage are implemented, including pre-construction archaeological geophysical survey.</p> <p>I recommend that this condition be included in any subsequent grant of permission issued by the Commission. I also recommend that the requirements of the DAU, as per their observation to the PA, are incorporated into this condition.</p>
25	<p>Requires the payment a financial contribution of €1,653,602 in accordance with Section 48 of the Planning & Development Act, 2000, as amended.</p> <p>I recommend that the Commission's standard development contribution condition is included in any subsequent grant of permission issued by the Commission.</p>
26	<p>Requires the payment of €63,000 as a financial contribution under Section 48(2) (c) of the Planning and Development Act 2000, as amended.</p> <p>The report of the Planning Officer notes that this condition relates to a 70 metre section on Drumbiggle Road, highlighted in yellow on <i>Drawing No.24150/P/003</i>, and that this area appears to be in private ownership. I note that the provision of a footpath at this location is not specifically required to serve the proposed development. I also note that the provision of pedestrian infrastructure would come under the Section 48 General Contribution Scheme in the context of 'the provision of public footpaths and lights' (see Clare County Council Development Contribution Scheme 2025 – 2029), and therefore the specific exceptional costs by the Local Authority are already covered by a scheme. For these reasons I do not recommend that this condition be included in any subsequent grant of permission issued by the Commission.</p>
27	Requires the payment of a financial bond.

	I recommend that this condition be included in any subsequent grant of permission issued by the Commission.
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7.10. Material Contravention

- 7.10.1. Unit Typology - The description of the 'Low Density Residential Development' zoning in the CDP refers to 'primarily comprising detached family dwellings'. The proposed development comprises 11 no./3.7% detached dwellings. In my opinion the unit typology proposed would materially contravene the Clare County Development Plan 2023-2029, noting the description of 'Low Density Residential Development' as 'primarily comprising detached family dwellings'. I note that the requirement for development on the site to comprise primarily detached dwellings would significantly compromise the delivery of compact development on zoned and serviced land, and would militate against achieving the density ranges set out in the in the Sustainable Residential Development in Urban Areas Guidelines (2009), which the CDP states development should be compliant with, and also the density ranges in the Sustainable Residential Development and Compact Settlement Guidelines, 2024. Having regard to Section 37(2)(a) of the Planning and Development Act 2000, as amended, I recommend that the proposed development should be granted.
- 7.10.2. Ground Floor Showers - Ground floor showers are required within residential buildings under the heading 'lifetime adaptability' in Appendix 1 (Development Management Guidelines) of the CDP, and Objective CDP 5.12 (b). With the exception of the bungalow units, the non-provision of a ground floor shower in the dwellings proposed would materially contravene the Clare County Development Plan 2023-2029. This issue was not raised by the Planning Authority or in any of the appeal submissions or the observation and is a **new issue**. I consider that the proposed development makes appropriate provision for lifetime adaptability through the provision of ground floor showers in the 20 no. bungalows within the scheme. I note that the design and layout of the dwellings has sufficient regard to future adaptability whereby a shower/bath could be provided at a future point in time, if required. Having regard to Section

37(2)(a) of the Planning and Development Act 2000, as amended, I recommend that the proposed development should be granted.

8.0 Environmental Impact Assessment

8.1. Statutory Provisions

- 8.1.1. Schedule 5, Part 2, Class 10 (b) (i) of the Planning and Development Regulations, 2001, as amended, requires EIA for the construction of more than 500 dwelling units. The proposed development entails the construction of 300 no. dwellings.
- 8.1.2. Schedule 5, Part 2, Class 10, (b), (iv) requires EIA for urban development which would have an area greater than 10 ha in the case of other parts of a built up area. The site has a stated area of c. 11.3 ha.
- 8.1.3. An EIAR was submitted with the application (see below).

8.2. EIA Structure

This section of the report comprises the environmental impact assessment of the proposed development in accordance with Planning and Development Act, 2000, (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU).

Section 171 of the Planning and Development Act, 2000, (as amended) defines EIA as:

(a) consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Commission, the reasoned conclusions of the Commission and the integration of the reasoned conclusion into the decision of the Commission, and

(b) includes an examination, analysis and evaluation, by the Commission, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

Article 94 of the Planning and Development Regulations, 2001, (as amended) and associated Schedule 6 set out requirements on the contents of an EIAR.

This EIA section of the report is, therefore, divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

The assessment provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission's decision, should it agree with the recommendation made.

8.3. Issues Raised in Respect of EIA

Issues pertaining to EIA which have been raised in the appeals may be summarised as follows;

- The Construction Waste Management Plan does not provide details on volumes or rock breaking, crushing, screening or C&D for removal off-site, or the volumes of C&D arising. This is an EIA issue as unauthorised disposal impacts the environment.
- Deficiencies in the assessment of wastewater capacity and impacts on the water environment.
- It is within the competence of UE to assess the capacity in the network, this would allow decision maker to fulfil duties in respect of EIA.

- Potential impacts which were raised in Uisce Éireann’s (UE) scoping response to the applicant were not identified or assessed in the EIAR (i.e. (i) potential impacts on the assimilative capacity of receiving waters; (b) identification of hydrological/hydrogeological pathways between the applicant’s site and receiving waters; and (c) that where a development proposes to connect to an Uisce Éireann network and that network discharges wastewater to a protected/sensitive area, consideration should be given to whether the integrity of the site/conservation objectives of the site would be compromised).
- The EIAR does not contain information to inform the PA of the actual status of the network and wwtp or the impacts on the assimilative capacity of receiving waters.
- The PA did not include a condition precluding crushing and screening.
- Chapter 12 of the EIAR (Addendum) notes potential for exceedances of Construction Noise Thresholds to occur in relation to noise associated with rock breaking and crushing at all noise sensitive locations during phase 1 and 2.

8.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001

Compliance with the requirements of Article 94 and Schedule 6 of the Regulations is assessed below. My assessment is based on the EIAR submitted to the PA on the 30th day of June 2025, and the revisions made to the EIAR submitted to the PA on the 23rd day of October 2025 as FI (i.e. EIAR Addendum Report), which included revisions to a number of chapters in the EIAR.

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)	
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b).	The proposed development is comprehensively described in Chapter 2 of the EIAR and depicted in the associated drawings and supplementary reports. Information is included on the site, design, size and features of the development. The EIAR also describes the construction and

	operation aspects of the development. I am satisfied that adequate detail has been provided to enable decision making. It is noted that the proposal does not involve demolition works.
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b)).	An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the environmental parameters set out in the Regulations. I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b)).	The EIAR includes designed in mitigation measures and measures to address potential adverse effects. These are included in each of the technical chapters of the EIAR. Mitigation measures comprises standard good practices and site-specific measures and are capable of offsetting significant adverse effects identified in the EIAR. Arrangements for monitoring (where proposed) are also included in each of the technical chapters of the EIAR.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b))	Chapter 3 of the EIAR considers alternatives in respect of alternative locations, designs / layout and a 'do nothing' scenario. It provides the main reasons for selecting the proposed option. I consider, therefore, that the description of alternatives is reasonable, in the context of the proposed development, and satisfactory. In examining alternatives the applicant has taken into account the potential impacts on the environment.
Section 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2)	

<p>A description of the baseline environment and likely evolution in the absence of the development</p>	<p>A detailed description of the baseline environment is included in each of the technical chapters of the EIAR. I am satisfied that the description of the baseline for each topic is sufficient to enable the assessment of likely effects and to enable decision making.</p>
<p>A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.</p>	<p>The methodology/forecasting methods are set out in the different chapters. I am satisfied that the forecasting methods are adequate. The EIAR notes that no difficulties were encountered in compiling information, with the exception of C & D waste quantities (Chapter 8) which will be generated by the proposed development, I am satisfied that there are no significant deficiencies that prevent decision making.</p>
<p>A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.</p>	<p>Likely significant effects of the development on the environment, arising from its vulnerability to risks of major accidents and/or disasters are addressed in the EIAR (Chapter 16). There is limited potential for significant natural disasters to occur at the site. A Site Emergency Response Plan will be prepared which will address potential fire/explosions from compressed gas on site. Ireland is a geologically stable country with a mild temperate climate. Flood risk is addressed in Chapter 14 of the EIAR. The risk of fire at the site is considered to be low, and the potential for fire to result in significant environmental effects is limited. Having regard to the location of the appeal site, its scale and nature of the operations I am satisfied that there is no significant risk of major accidents and / or disasters.</p>

A summary of the information in non-technical language.	A non-technical summary of the EIAR is provided by the applicant and satisfactorily describes the likely environmental effects of the development.
Sources used for the description and the assessments used in the report.	Sources used for the description and assessment of environmental effects are included in each technical chapter of the EIAR.
A list of the experts who contributed to the preparation of the report.	Experts and relevant qualifications are provided in each Chapter of the EIAR on the experts who prepared the technical assessment.

8.5. Consultations

- 8.5.1. The application has been submitted in accordance with the requirements of the Planning and Development Act, 2000, (as amended), and the Planning and Development Regulations, 2001, (as amended), in respect of public notices. There were no submissions received from statutory bodies. Details of the non-statutory consultations entered into by the applicant, including pre-application consultations with the PA, as part of the preparation of the application and EIAR prior to the lodgement of the application are set out in Appendix 1-1 of the EIAR.
- 8.5.2. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development advance of decision making.

Compliance

- 8.5.3. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001, (as amended).

8.6. Assessment of Likely Significant Effects

- 8.6.1. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the following headings, as set out Section 171A of the Planning and Development Act, 2000, (as amended):

- Population and human health.
- Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (Directive 92/43/EEC and Directive 2009/147/EC respectively).
- Land, soil, water, air and climate.
- Material assets, cultural heritage and the landscape.
- The interaction between these factors.

8.6.2. In accordance with Section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised in the appeal.
- Examination, analysis and evaluation of the EIAR.
- The Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects.

8.7. Population and Human Health

Issues Raised

8.7.1. No specific issues are raised in respect of population and human health in the appeal.

Examination of the EIAR

8.7.2. Context - Chapter 4 of the EIAR addresses Population and Human Health with regard to potential impacts on population and socio-economic status. Other environmental issues with the potential to impact on population and human health, such as air and climate, noise and vibration, landscape and visual impacts, water, and traffic are addressed separately in the relevant chapters of the EIAR and the relevant sections of this report. The chapter uses CSO data in relation to Census 2022. The study area in relation to Population and Human Health is comprised of 5 no. surrounding Electoral Divisions (ED's).

- 8.7.3. **Baseline** - Chapter 4 (Section 4.4) describes the baseline as regards population and human health. The identified study area had a population of 24,714 in the 2022 census, an increase of 2,043 no. persons, or 9%, on the 2016 census population of 22,671 no. persons. The primary school aged population (aged 5-12) represents 10.8% of the 2022 population and the post-primary school aged population (aged 13-18) represents 8.1% of the 2022 population. Approximately 57% of the households in the area are one or two person households. The study area comprises 9,394 no. households, with an average household size of 2.5 no. persons. Regarding employment, 55.1% of the population aged over 15 years were at work, slightly below the national rate of 56.1%. 16.6% are retired, slightly above the national rate of 15.9%. The majority of population aged over 15 (37.7%) are engaged in non-manual work and 8.8% are engaged in manual skilled work. 11.7% of the population are employers and managers. 26.14% of the population work from home.
- 8.7.4. The appeal site comprises a number of fields. There is a recently constructed housing development to the south of the site and 7 no. detached houses along the eastern and southern boundaries of the site. The N85 bounds the site to the west and Ennis Golf Club adjoins the site to the east. There are 13 no. childcare facilities, 4 no. primary schools and 3 no. post-primary schools within 2 km of the site.
- 8.7.5. Likely significant effects of the development, as identified in the EIAR, are summarised in the table below. I note that the assessments carried out did not identify any significant limitations.

Table 1: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	In the absence of the proposed development the site would remain a greenfield site and would not fulfil its residential zoning objective. There would be a negative/adverse effect on population due to the non-delivery of housing given the housing shortage in Ennis. There would be no increase in traffic under the 'do nothing' scenario.
Construction	The construction phase of the development is anticipated to result in a short-term boost to the local economy, including as a result of demand for construction materials and services. Potential risks to the health and safety arise in terms of injury or death of construction

	<p>personnel on-site due to the usage of large, mobile machinery as well as heavy equipment and materials. Emissions from construction vehicles has the potential to negatively impact local air quality, in turn negatively impacting the health of those living in the area. The construction phase is likely to generate dust that would negatively impact local air quality. The construction phase has the potential to result in dust and noise emissions which could impact the amenity of the nearby dwellings and local amenities.</p>
Operation	<p>The proposed development will replace existing fields with a residential development, resulting in a permanent, positive impact on the town. The provision of 300 no. homes on this site will help satisfy the requirement for housing in Ennis. As a result of the proposed development the local population will increase, supporting the local economy. Traffic will result in an increase in greenhouse gas emissions, which could in turn decrease the local air quality and impact on human health.</p>
Cumulative	<p>The EIAR notes that the proposed development in combination with a number of recently permitted developments in the area, which result in 173 no. residential units, will give rise to an increased in the local population by 1,183 no. people. The EIAR estimates that 73 no. of this increase in population will be aged 0-4, 128 no. will be primary school age, and 96 no. will be post primary school age, however it is considered that this increase in the population of each age group will not have a significant negative impact on the area.</p>

Mitigation

- 8.7.6. Mitigation measures for Population and Human Health are set out at section 4.6 of Chapter 4 of the EIAR and include the provision of a childcare facility and play areas to cater for the increase in the population, and compliance with health and safety legislation and the measures contained in the CEMP. Potential impacts to human health and relevant mitigation measures are also addressed elsewhere in the EIAR (i.e. Chapter 5 'Landscape; Chapter 6 Material Assets, Traffic and Transport; Chapter

13 'Air Quality'; Chapter 7 'Material Assets, Built Services'; and Chapter 8 'Material Assets, Waste'). The risk of major accidents and disasters is addressed in Chapter 16.

Residual Impacts

- 8.7.7. Following implementation of mitigation measures the proposed development, for the construction phase, is deemed to have a 'short-term slight positive impact', and at operational phase, a 'moderate positive impact'. No significant residual impacts are identified.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 8.7.8. I have examined, analysed and evaluated Chapter 4 of the EIAR and all of the associated documentation on file in respect of Population and Human Health. I have inspected the appeal site and the surrounding area. I am satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect of likely effects on Population and Human Health, as a consequence of the development have been identified. The proposed development will generate direct and indirect employment in the local community. The construction phase of the proposal would be 3 no. years. The potential for significant effects on human health from noise and dust during the construction phase are addressed in the relevant chapters of the EIAR. I have assessed these relevant chapters (see below) and am satisfied that effects can be avoided, managed and mitigated by measures that form part of the proposed scheme. Serious risks to human health and safety within the development site are not envisaged as construction activity would be managed in accordance with all applicable legislation and guidelines.

Conclusion

- 8.7.9. Having regard to the examination of environmental information in respect of Population and Human Health, in particular the EIAR and supplementary information provided by the applicant, I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the key elements of Population and Human Health potentially impacted by the proposed project and provides a suitably comprehensive range of mitigation measures to reduce any potential impacts to non-significant levels. No specific monitoring measures are proposed. Having reviewed the planning history

in the vicinity I am satisfied that there is no potential for cumulative effects given the nature of permitted/planned construction activity in the vicinity of the site.

8.8. Biodiversity

Issues Raised

- 8.8.1. No specific issues are raised in respect biodiversity in the appeal however potential impacts on bats was raised by the PA at FI stage (see Item 4 of FI request).

Examination of the EIAR

- 8.8.2. Context - Chapter 11 of the EIAR addressed biodiversity and was revised at FI stage (see EIAR Addendum Report) to include additional bat surveys, updated details on linear planting and an assessment of capacity at Ennis North wwtp. The chapter outlines the baseline ecological environment, provides a prediction of the likely effects, details mitigation measures and describes any residual ecological effects. Based on the nature of the proposal and potential connectivity to European Sites the maximum extent of any potential zone of influence is taken as 15 km. The assessment of effects on biodiversity had regard to legal requirements and European, national and industry best practice guidelines. The assessment methodology included:

- Desk Based Studies.
- Field Based Studies.

Habitat, flora, bat, mammal, breeding bird and wintering bird surveys, which were undertaken within the appropriate seasonal timeframes and in compliance with relevant guidelines (see Table 11.1 of EIAR for survey dates).

- 8.8.3. Baseline - The appeal site is a greenfield site located adjacent between Ennis Golf Course and N85. The Inch River (also known as the Claureen River) is located at the northern site boundary. The habitat types (and extent of same) recorded within the application site based on the classification as defined by Fossitt (2000) are presented in Figure 11.8 of the EIAR and include Agricultural Grassland (GA1); Hedgerow (WL1); Stonewalls (BL1); and Scrub (WS1). An evaluation of each habitat type is provided at Section 11.7 in the EIAR. The site survey did not identify any plant species protected under Irish or international legislation or any rare or threatened plant species. No invasive species were recorded within the site.

8.8.4. The nearest European Site is c. 0.9 km from the appeal site (Lower River Shannon SAC). There is an indirect hydrological pathway to the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA via surface water. The site is hydrogeologically connected via groundwater flow to 14 European Sites located within a 15km radius²⁷. The appeal site also lies within the 2.5 km foraging range of Lesser Horseshoe Bat (*Rhinolophus hipposideros*) populations associated with both the Newhall and Edenvale Complex SAC and the Pouladatig Cave SAC.

A mammal survey revealed one active badger sett within the lands of Ennis Golf Course to the east of the appeal site c. 20 metres from the site boundary. A disused badger sett was noted in the centre of the appeal site which is currently being used by foxes. Evidence of badgers using the site was noted. Otters were not observed during the survey, but evidence was recorded of otter along the bank of the Inch River.

A bat survey²⁸ indicated that the site is used by a number of bat species. No confirmed bat roosts were noted on site, however a number of trees of 'moderate' bat roosting potential are located on site. The site is utilised by Lesser Horseshoe Bat (*Rhinolophus hipposideros*), a Qualifying Interest of the Pouladatig Cave SAC and the Newhall and Edenvale Complex SAC and the appeal site is considered a suitable foraging habitat for this species due to the absence of artificial lighting or light spill on site and the presence of substantial treeline, scrub and hedgerow habitats.

3 no. breeding bird surveys were conducted which identified 28 no. bird species using the site, including 2 no. red listed bird species. The dense scrub and hedgerows were deemed to be areas on site of high breeding potential, with bird activity high in the central dense scrub area of the site. The grassland on site is considered of low to moderate foraging potential for wintering birds given the unmanaged nature of the grass. The survey area is located between a number of known wintering bird foraging and roosting areas, including a number of SPAs, and so there is a high potential for birds of various species to fly over the site, however results from the surveys suggest

²⁷ i.e. Lower River Shannon SAC, Newhall and Edenvale Complex SAC, Pouladatig Cave SAC, Ballyallia Lake SAC, Dromore Woods and Loughs SAC, Ballycullinan Lake SAC, East Burren Complex SAC, Poulmagordon Cave (Quin) SAC, Lough Gash Turlough SAC, Moyree River System SAC, Ballyogan Lough SAC, Ballyallia Lough SPA, River Shannon and River Fergus Estuaries SPA, and Corofin Wetlands SPA.

²⁸ Additional bats surveys were carried out on foot of a request for Further information.

that the site is not an ex-situ foraging or roosting site for species of qualifying interest from nearby SPAs.

Chapter 11 notes that capacity exists in Ennis North wwtp, and that in the context of permitted/proposed development, discharge to the wwtp within the catchment of the Ennis North wwtp is 167m³/day, with the proposed development being 147 m³/day, resulting in a combined 314 m³/day, which accounts for 7% of the remaining hydraulic headroom, and <5% of the remaining PE headroom.

8.8.5. Likely significant effects of the development are summarised in Table 2 below. I note that the assessments carried out did not identify any significant limitations.

Table 2: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	In the absence of the proposed development it is expected that the site would remain a greenfield site. Hedgerow, scrub and treeline habitats would continue to be utilised by local bird, mammal and bat populations.
Construction	<p>Surface water drainage from the site will discharge to the Claureen River, outfalling to the River Fergus and ultimately Shannon Estuary. As a result, there is an indirect hydrological pathway from the proposed development to designated conservation sites located downstream, namely Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA. Run-off during site clearance, re-profiling, the construction and operation of project elements could impact on the Claureen River with water quality, aquatic biodiversity or downstream impacts on designated sites. In addition, there is an indirect hydrogeological pathway to 14 European sites within 15km of the proposed development via groundwater flow.</p> <p>The site lies within the 2.5 km foraging range of Lesser Horseshoe Bat populations associated with both the Newhall and Edenvale Complex SAC and the Pouladatig Cave SAC. As the majority of vegetation on site is to be removed to facilitate the proposed development, there is a potential loss of foraging and commuting habitat for this species.</p>

	<p>Increased lighting levels during the construction phase may disrupt foraging activity of Lesser Horseshoe Bat.</p> <p>Site clearance could result in a loss of nesting and foraging resource for bird species. Dust from reprofiling works could potentially impact on vegetation and nesting birds on site within the remaining hedgerows.</p> <p>Contamination of the Claureen/Inch River and downstream SAC (Lower River Shannon SAC), in which otter is a QI, could potentially impact negatively on otters within the watercourses.</p> <p>No bat roosts were recorded on site, however, several trees (8 no. in total) with bat roosting potential are identified, 2 no. of which are proposed for felling. The removal of vegetation on site will reduce bat foraging habitat for the six species recorded on site. The site is currently characterised by low illumination, with minimal light spill from surrounding areas. Lighting during construction has the potential to impact on foraging of bats on site.</p>
<p>Operation</p>	<p>During operation, surface water run-off will enter the Claureen River, which will outfall to the River Fergus and ultimately the Shannon Estuary. In the absence of mitigation pollutants which enter the surface water network will be dispersed or diluted within the Claureen River, to negligible levels, prior to reaching any European Sites. Petrochemical runoff from the site could potentially negatively directly or indirectly impact the aquatic ecology within the Claureen River. However, runoff will undergo petrochemical interception which will be attenuated and discharged at greenfield rates to the surface water network.</p> <p>Lighting during the operational phase may have the potential to disrupt foraging activity, particularly Lesser Horseshoe Bat.</p> <p>During the operational phase there will be an increase in disturbance including noise and light that could potentially impact on birds.</p> <p>Lighting and increased human presence/disturbance may impact badgers on site and reduce their foraging areas. While otter presence</p>

	was noted along the river at the northern end of the site this area would not be see a significant increase in human activity.
Cumulative	The EIAR identifies a number of planning applications in the vicinity. These applications are located between 1.5 km and 3.7 km from the appeal site. The EIAR concludes that they would be unlikely to result in significant cumulative impacts.

Mitigation

8.8.6. Section 11.10 of the EIAR sets out a number of mitigation measures to address potential biodiversity impacts. These measures are in addition to those mitigation measures within the Land & Soils (Chapter 9), Water & Hydrology (Chapter 10), Air Quality (Chapter 13) and Noise & Vibration (Chapter 12) of the EIAR. Construction phase mitigation measures included in Chapter 11 include;

- the retention of 401 linear metres of native hedgerows within the site and additional planting of trees (400 no.) resulting in a net gain of 714 sqm of linear habitat²⁹;
- pre-construction survey for bats and terrestrial mammals;
- 30m construction exclusion zone around the active badger sett located proximate to the eastern site boundary;
- appointment of Ecological Clerk of Works (ECoW) to oversee the construction phase and the implementation of mitigation measures;
- adherence to applicable guidelines and legislation regarding removal of trees;
- lighting during construction will be carried out in consultation with the project ecologist;
- survey of trees by ecologist for bat roosts prior to removal (application of Derogation Licence if necessary);

²⁹ See Table 2 of the Bat Fauna Impact Assessment submitted at FI stage for a breakdown of changes to linear features within the site.

- surface water management
 - works within 50m of the Claureen River will only be carried out subject to the approval of the project ecologist.
 - works to connect drainage to the Claureen River will be under the direct supervision of the project ecologist with mitigation in place to prevent silt and contaminated material from entering the watercourse.
 - works will be carried out in dry weather with no cement works within 20m of the watercourse³⁰.

Operational phase mitigation measures, which are in addition to the SuDS and landscape strategy³¹ for the site, include;

- post construction an inspection of drainage connections to the watercourse network including petrochemical interception.
- installation of 30 no. bird boxes.
- use of warm white spectrum, 2700k LED luminaires (bats).
- installation of 4 no. summer bat boxes.
- compensatory planting (Lesser Horseshoe Bat) and installation of day roost (see Figure 25 of Bat Fauna Impact Assessment submitted at FI stage for location).

Monitoring is proposed in the form of a project ecologist overseeing construction works, and post-construction surveys (bats and terrestrial mammals) and monitoring by the project ecologist, including in relation to bat boxes, the day roost, lighting and other bat mitigation measures. A full summer bat survey is recommended post-works.

Residual Impacts

- 8.8.7. With the recommended mitigation measures, the proposed development will not result in any residual impacts.

³⁰ A pre-cast headwall was initially proposed at the Claureen River however this was omitted at FI stage.

³¹ The revised Landscape Masterplan submitted at FI stage includes additional planting along the entire western boundary of the site to create an additional sheltered bat corridor, and continuous treelines along the eastern site boundary with Ennis Golf Club given the importance of these areas for commuting bats.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 8.8.8. I have examined, analysed and evaluated the information provided in Chapter 11 and all the associated documents on file in respect of Biodiversity. I have inspected the site and the surrounding area. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides a suitably comprehensive range of mitigation and monitoring measures (see Section 11.10) to reduce any potential impacts.
- 8.8.9. *Habitat:* Having regard to the present condition of the site, with no special concentrations of flora or fauna, I am satisfied that the impact of the proposed development on habitats would not be significant.
- 8.8.10. *Mammals:* Given the nature and characteristics of the appeal site I am satisfied that the impact on terrestrial mammals would not be significant. There is an active badger sett within Ennis Golf Course c. 20 metres from the eastern site boundary. A 30 metre buffer around this sett is provided. The proposed development will result in the loss of foraging habitat however in the context of retained habitat within Ennis Golf Club significant impacts on badger are not anticipated. While otter are identified as using the River Claureen to the north of the site this area is not foreseen to be used significantly during the operational phase of the proposed development and therefore disturbance impacts are not anticipated.
- 8.8.11. *Bats:* Bat surveys indicate that the site is used by a number of bat species, including Lesser Horseshoe Bat who use the site for foraging, however there are no confirmed bat roosts on site. A number of trees of moderate bat roosting potential are located on site. Mitigation measures are proposed to address potential impacts on bat species, including Lesser Horseshoe Bat, these measures provide for the retention of bat habitat, including along the western boundary of the site, and measures to address impacts from lighting, including the provision of an unlit corridor. The provision of bat boxes and a day roost are also noted. I am satisfied that the impact on bats would not be significant.
- 8.8.12. *Birds:* The site is considered of 'low to moderate' foraging potential for wintering birds and the survey area is located between a number of known wintering bird foraging and roosting areas, including a number of SPAs, however results from wintering bird surveys suggest that the site is not an *ex-situ* foraging or roosting site for species of

qualifying interest from nearby SPAs. I am satisfied that the impact on birds would not be significant.

Conclusion

8.8.13. Having regard to the examination of environmental information in respect of Biodiversity, in particular the EIAR, I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the species potentially impacted by the proposed project and provides a suitably comprehensive range of mitigation measures (see Section 11.10) to reduce any potential impacts to non-significant levels. Having reviewed the planning history in the vicinity I am satisfied that there is no potential for cumulative effects given the nature of permitted/planned construction activity in the vicinity of the site. Therefore, I am satisfied that subject development will not give rise to significant direct, indirect, or cumulative effects on the Biodiversity of the site or the area.

8.9. Land, Soil, Water, Air and Climate

8.9.1. The format of my assessment follows the headings as set out in the Planning and Development Act, 2000, (as amended). Having regard to the information provided in the applicant's EIAR the following sub-headings are used:

- Land, Soils and Geology
- Water
- Air and Climate
- Noise and Vibration

8.10. Land, Soils and Geology

Issues Raised

8.10.1. One of the appeals refers to the site having previously been used as a quarry, and also to potential impacts on caves. I note that GSI and EPA web mapping indicates no active or historical quarries or mines in the locality (see description of baseline below). I note that there is similarly no information on the file to suggest that there are caves within the appeal site. Rock breaking and concerns relating to noise and vibration impacts are raised in two appeal submissions. This is addressed at paragraph 8.13 below.

Examination of the EIAR

- 8.10.2. Context - Chapter 9 addresses the impact on Land, Soils and Geology and considers any direct or indirect effects on these resources arising from the proposed development. The chapter outlines the baseline land, soils and geological environment, methodology used, sources of information and the assessment criteria. A Site Investigation Report was carried out (see Appendix 7-1 of the EIAR).
- 8.10.3. Baseline - Soils, Subsoils and Bedrock: Based on the GSI's online mapping service the site is underlain predominantly by a sediment type described as "TLs – Till derived from limestones". Topsoil was encountered in all the exploratory holes and was present to a maximum depth of 0.3m below ground level (m bgl). Cohesive deposits were encountered beneath the topsoil and were described typically as brown sandy gravelly silt or clay with occasional cobbles and boulders. In some of the exploratory holes weathered rock was encountered which was diggable with the large excavator to a depth of up to 1.0m below the top of the stratum in one of the pits. The site is underlain by the Aillwee Member. The depth to rock varies from 1.06m bgl to a maximum of 2.6m bgl. Ground water was noted at c.4 metres in one of the boreholes and in a small number of trial pits generally below 1 metre. There is a variation in soil type across the site with low percolation noted in clay-based soils and test failures where high water table is present. Infiltration tests in the granular soils indicate that it should be suitable for dispersion of surface water. There are no waste licenced facilities within the general locality around the site. No contamination was encountered during the site investigation.
- 8.10.4. Geology: Review of GSI's online mapping service describes geology in the vicinity of the site as Tournaisian to Chadian – Arundian stage which is part of the Dinantian Series of the Carboniferous Era. The site is located over massive limestones - Combined Aillwee (BUaw) and Maumcaha (BUmc) Members of the Burren Formation. The Burren Formation is made up of pale grey clean skeletal limestone. GSI have classified the site's groundwater vulnerability as "extreme to high" for the majority of the site with "extreme" and "Rock at or near surface or Karst" in a small portion of the site. A review of the on-line GSI and EPA web mapping indicates that there are no active or historical quarries or mines in the locality and no geological heritage sites within the proposed development.

8.10.5. Likely significant effects of the development are summarised in Table 3 below. I note that the assessments carried out did not identify any significant limitations.

Table 3: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	In the absence of the proposed development the land will remain in agricultural use and the geological regime will remain unchanged.
Construction	Site development works will include stripping a 0.3m thick topsoil layer. It is expected that all stripped topsoil will be reused on site (incorporated into landscaping of back gardens and public open spaces). Some earthworks and cut and fill operation will be required for the development of all areas of the site (see cut fill volumes in the Construction Waste Management Plan). The proposal will entail the removal of the topsoil cover (estimated at 27,000 m ³), and in some areas the underlying subsoils (estimated at 45,000 m ³). This will create on-site transport requirements and potential on-site sediment management issues in terms of potential dust generation and suspended sediment run-off to surface waters. Sand and stone will be imported to the site. Imported soil fill to the site is estimated at 20,000 m ³ . Accidental spills and leaks may result in contamination of the soils underlying the site. Excavations associated with development of the site are expected to be relatively shallow and are not expected to significantly impact on the underlying geology of the site. Details of rock breaking was provided at FI stage. Earthworks plant and vehicles delivering construction materials to site have potential to cause rutting and deterioration of the topsoil layer and any exposed subsoil layers, resulting in erosion and generation of sediment laden run-off.
Operation	On completion of the construction phase, there will be no further impact on soils and the geological environment. In term of land use the change of use will result in less agricultural lands within an urban area.

Cumulative	Table 1.3, Chapter 1 of the EIAR identifies planning applications in the vicinity of the appeal site. The EIAR notes that the applications identified will not result in significant cumulative impacts during the construction or operational phase in relation to soils and geology.
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Mitigation

8.10.6. Mitigation and monitoring measures are outlined within the chapter (i.e. Section 9.7 and 9.9). Mitigation measures include measures identified in the CEMP; appropriate management of topsoil; use of geotextile liners; use of wheel wash; bunds; and designated refuelling areas remote from surface water features. Mitigation measures are not proposed at operation phase. Monitoring is proposed, specifically monitoring of fuel storage areas and stockpile management.

Residual Impacts

8.10.7. No significant residual impacts are anticipated.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

8.10.8. I have examined, analysed and evaluated the information provided in Chapter 9 and all the associated documents on file in respect of Land, Soils and Geology. I have inspected the site and the surrounding area. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides suitably comprehensive range of mitigation and monitoring measures to reduce any potential impacts.

8.10.9. The proposed development entails the stripping of soil and earthworks. The potential impact of the proposed development on the land and soils/geology is primarily the removal of soil/subsoil increasing the vulnerability of bedrock to contamination from the spillage of fuels etc and also the release of sedimentation as a result of the transportation of excavated material and soils within the site. I concur with the EIAR that the proposed development would not have a significant negative impact on land, soil and geology.

Conclusion

8.10.10. Having regard to the examination of environmental information in respect of Land, Soil and Geology, in particular the EIAR and supplementary information provided by the applicant, I am satisfied that the main significant direct and indirect effects arise during the construction phase of the development and that these effects can be mitigated by the measures set out in Chapter 9, which for the most part comprise the application standard good practices. Having reviewed the planning history in the vicinity I am satisfied that there is no potential for cumulative effects given the nature of permitted/planned construction activity in the vicinity of the site.

8.11. **Water**

Issues Raised

8.11.1. A number of issues have been raised in the appeal in respect of water, specifically that the topography of the area has changed significantly over the past 50 years creating issues for the disposal of surface water; that the proposed attenuation pond will result in the loss of caves; concerns regarding how the pumping station will function in the event of a loss of power, and the potential for the release of water with impacts on adjacent property/centre of Ennis; the Claureen River is overloaded; that there are capacity issues in the network and at Ennis North wwtp; and that UE's Scoping response has not been considered. Regarding the issues raised, I note that no information has been submitted in support of the assertion that the topography of the area has changed, with implication for surface water, or that caves are a feature within the appeal site. I note that pumping stations are typically provided for with a backup power source and measures to address potential power outage and in this regard I do not anticipate any significant potential for the release of effluent to the environment on foot of a power outage. I note that discharge to the Claureen River will be flow through an interceptor and a bioswale, thereby mitigating any potential for the discharge of contaminants to the river. The issue of capacity issues at Ennis North wwtp is addressed above (see para. 7.6). I note that a CoF has been issued by UE to the applicant and I note that the applicant will be required to apply for and enter into a Connection Agreement with UE. In relation to the information provided to the application in the context of a Scoping response, I have review UE's scoping response and I note that the issues raised were general in nature and did not raise any local issues or specific issues in respect of Ennis North wwtp or the network. I also note that

UE did not raise any issues in relation to the adequacy of the application documentation. I note that the PA requested FI in respect of capacity at Ennis North wwtp.

Examination of the EIAR

- 8.11.2. Context - Chapter 10 addresses the impact on Water (Hydrology and Hydrogeology) and considers any direct or indirect effects on this resource arising from the proposed development. In this chapter the existing baseline conditions and character of the hydrological and hydrogeological characteristics of the site and local catchment are presented and the anticipated potential impacts from the proposed development are identified and discussed. Mitigation measures are proposed, residual impacts are assessed, and any relevant monitoring options are considered. The methodology and scope of the assessment involved the completion of a desk study and site walkovers.
- 8.11.3. Baseline – there are no surface water features within the appeal site. Two streams are located in the surrounding area, the Fergus River, which is located c. 2 km north-east and east of the appeal site. The Claureen River, a tributary of the Fergus River, bounds the northern part of the appeal site. The Claureen River flows in a north-east direction and converges with the river Fergus to the north-east, which in turn discharges into the Fergus and Shannon Estuary. Based on EPA mapping, the appeal site lies within the Shannon Estuary North Catchment (Hydrometric Area number 27) and the River Fergus sub-catchment – Fergus_060. While the greater area contains several karst features, there are no known karst features on site.
- 8.11.4. Regarding the aquifer and groundwater body, rock underlying are classified as Dinantian Pure Bedded Limestones (GSI, 2022). The bedrock comprises predominantly thinly bedded, pale and dark grey limestones with some chert in places. The aquifer type is a Regionally Important Aquifer (Rkc) aquifer on bedrock which is Karstified. The groundwater vulnerability is predominantly 'Extreme' with a small area identified as 'High'; along the east of the appeal site. The northern area of Golf Links Road is designated as 'Moderate'. The site is situated on the Ennis groundwater body, which at good status but is At Risk of not meeting its WFD objectives.
- 8.11.5. The nearest relevant protected areas downstream of the appeal site are, Drinking Water Protected Area – Drumcliffe Source and Source Protection zone, and Lower River Shannon SAC, which the Fergus River flows into at a location downstream of

Claureen Bridge, 2 km north of appeal site. The appeal site is not located within the Inner Source Protection Zone of the Drumcliff Spring Catchment, which supplies the public drinking water for the town of Ennis. Based on the SPZ and site investigations, there is no direct link between the appeal site and the Drumcliff Spring. No major conduits/faults were detected in the site. The Claureen River is not a designated Salmonid Water however the tidal section of the River Fergus downgradient is a Salmonid River. There are no protected Bathing Waters, Shellfish Waters, Freshwater Pearl Mussel Waters, Nutrient Sensitive Areas or Drinking Water Protected Areas downgradient of the appeal site.

8.11.6. Regarding the Claureen River and WFD status, the Claureen River is part of the larger Fergus River, which in turn is part of the Shannon Estuary North catchment. For WFD reporting purposes, the EPA refers to the subcatchment of the Claureen River as the “Fergus_060” water body. The Fergus_060 subcatchment also incorporates other tributaries. Heavy siltation was identified within Fergus_060 with channelisation and combined sewer outflows identified as significant pressures. Channelisation and embankment are impacting the Fergus_070, a heavily modified water body. According to EPA’s latest WFD status classification for the period 2013-2018, the section of the Claureen River to the west of the proposed development is at “Moderate ecological status”, Based on information provided by EPA for the “Fergus_060” subcatchment, the main cause of the “Poor ecological status” classification is “Poor invertebrate status”. The latest available EPA biological Q-value for macroinvertebrates was 3 (“moderately polluted, unsatisfactory condition”) in 2019 at a location 1km just downstream of the landholding at Claureen Bridge. Nutrient conditions at Claureen Bridge are within the WFD limits in terms of Ammonium, Total Oxidisable Nitrogen and Orthophosphate. Station 0540 recorded an improvement to Moderate ecological quality from Poor status in 2020. EPA’s latest available local catchment assessment report for the “Fergus_060” subcatchment (EPA 2019) identifies the following significant pressures in the subcatchment, urban run-off, and hydromorphology (channelisation and embankment) The “Fergus_060” water body is “At Risk” of meeting the WFD good status objective in 2027.

8.11.7. In relation to flooding, based on the results of the Clare Strategic Flood Risk Assessment, and OPW modelling (PFRA, CFRAM) the developable area of the appeal site is located outside the predicted flood extents of the Claureen River. The applicant

submitted a Site Specific Flood Risk Assessment with the planning application/appeal (see para. 7.7 above). The SSFRA similarly notes that the entire developable area of the site located within Flood Zone C (i.e. outside delineated flood risk zones). The most relevant flood mechanism is fluvial. The CFRAM study estimates that water levels in the River Claureen floodplain, west and north of the subject site, for the current 0.1% AEP event of 6.21mOD and 6.14mOD respectively. FFL for the proposed development is ≥ 13.7 metres. A freeboard of greater than 7.5 metres is provided. The SSFRA notes that works in the floodplain associated with the proposed outfall to the Claureen River will not impact ground levels and therefore will not impact fluvial flow routes or floodplain storage. The SSFRA notes that the appeal site is not susceptible to tidal influenced flooding and that coastal waters do not extend upstream in the vicinity of the site, and also based on GSI mapping there is no evidence to suggest that the site is liable to groundwater flooding.

8.11.8. Likely significant effects of the development are summarised in Table 4 below. I note that the assessments carried out did not identify any significant limitations.

Table 4: Summary of Potential Effects

<i>Project Phase</i>	<i>Potential Direct, Indirect and Cumulative Effects</i>
<i>Do Nothing</i>	In the absence of the proposed development agricultural activity would remain and contribute to the baseline water quality and flow.
<i>Construction</i>	The proposed development entails the importation of infill material to the site, soil stripping and earthworks. Potential risks to water quality arise as a result of the release of chemicals, hydrocarbons and sediment into the Claureen River. Sedimentation can be conveyed via local surface water drains affecting the water chemistry in the Claureen River. Excavation can potentially result in the release of organic material into the local drainage network.
<i>Operation</i>	Storm drainage may potentially release sediment and pollutants to the local drainage channels, affecting the water chemistry of the Claureen River. During operational phase, there will be a minor reduction in recharge to groundwater and a minor increase to the surface water environment, as rainwater falling on areas will be diverted to the drainage network. This change is deemed negligible

	when compared to the flow in the Claureen River. Operational activity can result in accidental spills which, like the construction phase, can result in temporary to short-term impacts to surface water.
Cumulative	Table 1.3, Chapter 1 of the EIAR identifies planning applications in the vicinity of the appeal site. Chapter 10 of the EIAR does not specifically address the potential for cumulative impacts however the non-technical summary of the EIAR states that no significant cumulative impacts are anticipated.

Mitigation

- 8.11.9. Mitigation measures are set out in Section 10.5. They include, during the construction phase, the use of designated areas for refuelling; use of spill kits; bunded areas for fuel storage (to EPA specification); avoidance of earthworks during wet weather; direction of surface water from excavations and stockpiles to settlement ponds; concrete batching will take place off-site and concrete trucks will be washed down off-site; use of silt traps and oil interceptors; and imported fill will be from licenced/permitted facilities only. The EIAR Addendum Report submitted at FI stage includes additional mitigation measures, contained in an updated CEMP, including for works in the vicinity of the Claureen River. Measures include minimisation of instream works; use of clean stone in trench; and use of a silt fence. The EIAR notes that water sediment and colour will be monitored with shut down protocols activated should specific levels of suspended solids be detected. Additionally, daily monitoring of the site drain is proposed.
- 8.11.10. Mitigation measures during the operational phase of the proposal relate to design measures, including SuDs; testing of drainage lines and CCTV survey prior to becoming operational; use of petrol interceptors prior to surface water entering soakaways; and the use of a hydrobrake prior to discharge entering the Claureen River to control the run-off rate from the development. Periodic monitoring of interceptors, soakaways and the infiltration basin is proposed.

Residual Impacts

8.11.11. Residual impacts from the proposed development at construction stage are deemed to be 'imperceptible and short term', whilst at operational phase the EIAR notes that no significant impacts arise.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

8.11.12. I have examined, analysed and evaluated the information provided in Chapter 10 and all the associated documents and submissions on file in respect of Water. I have inspected the site and the surrounding area. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides suitably comprehensive range of mitigation and monitoring measures to reduce any potential impacts.

Surface Water

8.11.13. The stripping of topsoil, excavation on the site and earthworks during the construction phase could result in the potential for contaminated run-off, fuel spills and sediment to enter the adjacent watercourse. Works in the vicinity of the Claureen River could also give rise to fugitive emissions to the river. Mitigation measures are proposed to address the potential release of sediment laden run-off and run-off contaminated with hydrocarbons, cement etc. to surface water, including at the interface with the Claureen River during construction phase, and during the operational phase surface water management and SuDS measures are proposed, which will render the significance of likely effects imperceptible. I am satisfied that the proposed development would have no significant impact on surface water.

Groundwater

8.11.14. The stripping of topsoil, excavation on the site and earthworks during the construction phase will result in the potential for fuel spills to ground which could percolate to the groundwater. Mitigation measures are proposed to address the potential release of sediment laden run-off and run-off contaminated with hydrocarbons, cement etc., to groundwater and will render the significance of likely effects imperceptible. I am satisfied that the proposed development will not result in a significant negative impact on groundwater.

Flood Risk

8.11.15. Having regard to the information submitted, including the SSFRA submitted, I am satisfied that the appeal site is not at risk of flooding and would not increase the risk of flooding of adjacent sites.

Water Framework Directive Assessment

8.11.16. An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended. The receiving water environment has been identified and assessed. Relevant water bodies within the zone of influence of the proposed development include river waterbody 'Fergus_060 (IE_SH_27F010700)', currently classified as 'Poor' (and 'At Risk'), and ground waterbody 'Ennis (IE_SH_G_080) currently classified as 'Good' (and 'At Risk') on EPA mapping³². Having regard to the nature, scale, and location of the proposed development, and the mitigation measures incorporated into the design, it is concluded that the proposed development will not:

- result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

Any residual risks are capable of being addressed through the proposed mitigation measures and implementation of a Construction Environmental Management Plan (CEMP). The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

Issues relating to capacity in Ennis North wwtp and the network are addressed above (see para. 7.6). It is noted that Uisce Éireann's (UE) wastewater capacity register (April 2026) states there is capacity available at Ennis North wwtp. Furthermore, Ennis North wwtp operates under licence issued by the EPA, and UE is obliged to comply with the conditions of the licence, which includes SWOs.

Conclusion

³² 2019 – 2024 WFD Status.

8.11.17. Having regard to the examination of environmental information in respect of water, in particular the EIAR and supplementary information provided by the applicant, and having regard to the information submitted in the appeal, I am satisfied that the main significant direct and indirect effects arising during the construction and operational phase of the development can be mitigated by the measures set out in Section 10.5 and the measures contained in the revised CEMP in respect of works at the Claureen River. Having reviewed the planning history in the vicinity I am satisfied that there is no potential for cumulative effects given the nature of permitted/planned construction activity in the vicinity of the site.

8.12. **Air and Climate**

Issues Raised

8.12.1. No specific issues are raised in respect of air or climate in the appeal.

Examination of the EIAR

8.12.2. Context - Chapter 13 of the EIAR assesses the likely impacts of the proposed development in the context of Air, while Chapter 14 addresses Climate. As these issues are interlinked I have addressed these chapters together.

8.12.3. Chapter 13 (Air) addresses the potential impacts of the proposed development on air quality. The assessment of the potential air quality and dust impact has been undertaken with reference to Guidance on the Assessment of Dust from Demolition and Construction v2.2 (Institute of Air Quality Management [IAQM] 2024; and a number of other the guidance documents.

8.12.4. Chapter 14 (Climate) addresses the impact of the proposal on local climate and provides an assessment of potential changes in greenhouse gas emissions (GHG). The assessment comprises a Greenhouse Gas Assessment (GHGA)³³ and a Climate Change Risk Assessment (CCRA)³⁴. The chapter outlines the policy context to climate change, legislative framework in relation to climate, methodology used, sources of information, and the assessment criteria.

³³ Quantifies the GHG emissions from a project over its lifetime. The assessment compares these emissions to relevant carbon budgets, targets and policy to contextualise magnitude.

³⁴ Identifies the impact of a changing climate on a project and receiving environment. The assessment considers a project's vulnerability to climate change and identifies adaptation measures to increase project resilience.

- 8.12.5. Baseline – (Air) the nearest representative weather station collating detailed weather records is Shannon Airport meteorological station, which is located c. 17.8 km south-east of the site. The predominant wind direction at Shannon Airport is westerly to south-westerly, and the mean wind speed over the long term 30-year averaging period 1991 - 2020 is 4.6 m/s (Met Éireann, 2025). For the purpose of air quality monitoring and assessment, undertaken by the EPA, the appeal site is within Zone C. Average trends for air quality for Zone C are set out in Chapter 13 of the EIAR. The EIAR notes that air quality in the suburban Ennis area is generally good, with concentrations of the key pollutants generally well below the relevant limit values set out in Directive 2008/50/EC, and that current pollutant concentrations at the majority of monitoring sites are also in compliance with the 2030 limit values set out in Directive (EU) 2024/2881. In terms of receptor sensitivity to dust soiling, there are a number of highly sensitive residential properties within 100m of the development boundary. There are 10-100 high sensitivity residential properties within 20m of the site boundary, and a further 10-100 within 50m and >100 properties within 100m of the site boundary. Based on these receptor numbers and using the IAQM criteria the sensitivity of the area to dust soiling impacts from the proposed development is high.
- 8.12.6. Baseline – (Climate) Climate impacts are assessed at a national level and in relation to national targets and sectoral emission ceilings. Regarding GHG, the study area for climate is the Republic of Ireland and the baseline is determined in relation to this study area. Table 14.5 of the EIAR sets out GHG emission budgets data for various sectors. In relation to the CCRA baseline, the region of the proposed development has a temperate, oceanic climate, resulting in mild winters and cool summers. The Met Éireann weather station at Cork Airport is the nearest, representative, weather and climate monitoring station to the proposed development. Temperature data at this station for period 1961-1990 is set out at Figure 14.1 of the EIAR. Met Éireann's 2023 Climate Statement (Met Éireann, 2024a) states 2023's average shaded air temperature in Ireland is provisionally 11.2°C, which is 1.65°C above the 1961-1990 long-term average. 2023 also had above average rainfall, this included the warmest June on record and the wettest March and July on record.

Potential Effects

- 8.12.7. Likely significant effects of the development are summarised in Table 5 below. I note that the assessments carried out did not identify any significant limitations.

Table 5: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	<p>(Air) In the absence of the proposed development ambient air quality at the site will remain as per the baseline and will change in accordance with trends within the wider area.</p> <p>(Climate) In the absence of the proposed development the site will remain as per the baseline and will change in accordance with trends within the wider area.</p>
Construction	<p>(Air) During the construction phase construction dust emissions have the potential to impact air quality. While construction dust tends to be deposited within 250 m of a construction site, the majority of the deposition occurs within the first 50 m (IAQM, 2024). Dust emissions will primarily occur as a result of site preparation works, earthworks and the movement of trucks on site and exiting the site. Meteorological conditions affect dust dispersal. Dust generation is considered negligible on days where rainfall is greater than 0.2 mm. A review of historical 30-year average data for Shannon Airport meteorological station indicates that on average 223 days per year have rainfall over 0.2 mm (Met Éireann, 2025). Therefore, 61% of the time dust generation will be reduced due to natural meteorological conditions. There is also the potential for engine emissions from site vehicles and machinery to impact air quality. Construction phase impacts will be short-term in duration. The EIAR notes that construction stage traffic will not increase by 1,000 AADT, or 200 HDV AADT, and that the development will not result in speed changes or changes in road alignment, and therefore, the traffic does not meet the scoping criteria set out in TII guidance Air Quality Assessment of Specified Infrastructure Projects – PE-ENV-01106 (TII, 2022) which recommends a local air quality assessment.</p> <p>(Climate) During the construction phase, engine emissions from site vehicles and machinery have the potential to impact climate through the release of CO₂ and other greenhouse gases (GHGs). Embodied carbon of materials used in the construction of the development</p>

	<p>along with site activities will impact climate. GHG emissions associated with the buildings make up the majority (84%) of the total GHG emissions for the project. Other elements of the proposed development such as site activities, land clearance works, construction worker travel to site, etc. also result in a carbon impact. The GHG emissions associated with the proposed development are predicted to be a minor fraction of Ireland’s 2030 carbon budget of 27.7 MtCO₂ e. The proposed development is predicted to have at most low vulnerabilities to the various climate hazards and therefore climate change risk is considered ‘direct, long-term, negative and imperceptible,’ which is considered overall not significant.</p>
<p>Operation</p>	<p>(Air) Engine emissions from vehicles accessing the site have the potential to impact air quality during the operational phase of the development through the release of nitrogen dioxide (NO₂) and particulate matter (as PM₁₀ and PM_{2.5}). Traffic generation at operation phase similarly does not meet the scoping criteria set out in TII guidance Air Quality Assessment of Specified Infrastructure Projects – PE-ENV-01106 (TII, 2022) which recommends a local air quality assessment. The operational phase effect on air quality as a result of increased traffic is considered ‘direct, long-term, neutral and imperceptible’, which is overall not significant in EIA terms.</p> <p>(Climate) Engine emissions from vehicles accessing the site have the potential to impact climate during the operational phase of the development through the release of CO₂. Operational phase traffic emissions of CO₂ are not predicted to be significant due to the low level changes in traffic associated with the proposed development. GHG emissions during the operational phase also arise due to operational energy usage. The proposed development is predicted to have at most low vulnerabilities to the various climate hazards and therefore climate change risk is considered ‘direct, long-term, negative and imperceptible’, which is considered overall not significant.</p>

<p>Cumulative</p>	<p>(Air) Cumulative construction dust impacts may occur if other large-scale developments within 500 m of the site are under construction simultaneously. There were no permitted projects identified within 500 m of the proposed development site and therefore, there is no potential for cumulative construction dust impacts to nearby sensitive receptors.</p> <p>(Climate) GHG Assessment is the global climate and impacts on the receptor from a project are not geographically constrained, the normal approach for cumulative assessment in EIA is not considered applicable. The EIAR deems the cumulative impact of the proposed development in relation to GHG emissions, 'direct, long term, negative and slight', which is overall not significant in EIA terms.</p>
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Mitigation

8.12.8. (Air) Section 13.9 of the EIAR sets out mitigation measures for emissions to air, including locating machinery and dust generating activities away from sensitive receptors; erection of screens arounds dusty activities; cover, seed and fence stockpiles; avoid idling of vehicles; impose speed limit of 15 kmph within site; fit machinery with dust suppression fittings; use of wheel wash facility; use water for dust suppression on site; minimise drop heights from loading shovels; revegetate earthworks; and avoid dry sweeping of large areas. Community engagement, monitoring of haul routes, and daily on-site and off-site inspections are also proposed. The EIAR Addendum Report submitted to the PA as FI sets out additional mitigation measures specific to rock breaking activity on the site including, the use of water sprayers, limiting rock breaking to Monday to Friday, and potentially avoiding rock breaking at specific periods during the day. It is also proposed to monitor construction dust deposition along the site boundary to nearby sensitive receptors during the construction phase of the proposed development using the Bergerhoff method. Dust deposition monitoring will be carried out on a monthly basis (30 days (+/- 2 days)) for the duration of the enabling works and construction period. An independent contractor will be appointed to carry out this monitoring. The compliance criteria is the TA Luft limit value of 350 mg/m²/day during the monitoring period. In the event of an exceedance the procedures, site activities and appropriate application of dust

mitigation measures will be reviewed and improved to achieve a level below 350 mg/m²/day in future monitoring. Monitoring is not recommended for the operational phase of the proposed development as impacts to air during this phase are deemed imperceptible.

- 8.12.9. (Climate) Section 14.9 of the EIAR sets out mitigation measures in respect of carbon emissions, i.e. incorporated design mitigation and project specific mitigation measures. Incorporated design mitigation includes, houses having a BER of A2; buildings having meeting specific U-value requirements and air tightness; and the provision of EV charging facilities. Project specific mitigation measures include, avoidance of vehicles idling on the site; minimising waste; and the local sourcing of materials. Operational mitigation measures are reflected in the incorporated design mitigation. Monitoring is not deemed to be required.

Residual Impacts

- 8.12.10. Residual impacts on air, post mitigation, are deemed to be 'short-term, direct, negative, localised and not significant'. Residual impacts on climate in relation to GHG emissions is considered minor adverse, this equates to a 'direct, long-term, negative and slight', impact which is overall not significant in EIA terms. The residual effect of climate change is considered 'direct, long term, negative and imperceptible', which is overall not significant in EIA terms.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 8.12.11. I have examined, analysed and evaluated the information provided in Chapter 13 (Air) and Chapter 14 (Climate) and all the associated documents on file in respect of air and climate. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts generated by the proposed development and provides a suitable range of mitigation and monitoring measures.
- 8.12.12. Regarding Air, during the construction phase construction dust emissions have the potential to impact air quality. Sources of dust emission arise from earthworks, construction and track-out (transport of material off-site). Rock breaking on the site, which the applicant notes is considered a category of earthworks for the purpose of assessment may also generate dust emissions. Having regard to the information submitted which is robust and evidence based and subject to the implementation of mitigation measures to suppress dust, I am satisfied that the impact of fugitive dust on

sensitive receptors is not significant. Engine emission from vehicles during the construction and operation phase of the proposal could also result in impacts to air quality. Mitigation measures are proposed to address potential impacts arising from vehicle emission at construction phase, including avoiding idling. I consider these measures to address the potential for significant impacts on air. Mitigation measures to address vehicle emissions at operational phase are not deemed to be necessary.

- 8.12.13. In relation to Climate, the GHG emissions associated with the proposed development are predicted to be a minor fraction of Ireland's 2030 carbon budget of 27.7 MtCO₂ e. Subject to the mitigation measures I am satisfied that the proposed development would not give rise to significant emissions.

Conclusion

- 8.12.14. Having regard to the examination of environmental information in respect of Air and Climate, I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potent impacts on air and climate generated by the proposed project and provides a suitably comprehensive range of mitigation measures to reduce any potential impacts to non-significant levels. Having reviewed the planning history in the vicinity I am satisfied that there is no potential for significant cumulative effects given the nature of permitted/planned construction activity in the vicinity of the site.

8.13. Noise and Vibration

Issues Raised

- 8.13.1. One of the appellant's raises concerns in relation to noise generated at the site as a result of the removal of rock from the site, and the nature of rock removal.

8.13.2. Examination of the EIAR

- 8.13.3. Context - Chapter 12 of the EIAR³⁵ assesses the likely impacts of the proposed development in terms of noise and vibration. The chapter outlines the methodology used, sources of information, and the assessment criteria. Noise and vibration is considered in the context of the outward effect of the development on its surrounding

³⁵ A revised Chapter 12 was submitted at FI stage and is included as Appendix 2 to the EIAR Addendum Report. The changes relate to the consideration of rock breaking and crushing activity on the site.

environment, and also in the context of the inward effect of the existing noise sources in the surrounding environment on the development itself. In the absence of statutory Irish guidance British Standard BS 5228 – 1: 2009+A1:2014: Code of practice for noise and vibration control on construction and open sites – Noise is referenced. This Code is based on the designation of a Noise Sensitive Location (NSL) into a specific category (A, B or C) based on existing ambient noise levels in the absence of construction noise and the setting of a Construction Noise Threshold (CNT) that, if exceeded, indicates a potential significant noise impact. Vibration is also examined in the context of potential for cosmetic or structural damage to buildings and human response to vibration.

- 8.13.4. Baseline - A noise survey was undertaken at NSLs between the 20th and 21st of January 2025 to establish the background noise levels in the area. 4 no. locations were surveyed (see Figure 12.2 of EIAR). The survey was conducted in general accordance with ISO 1996: 2017: Acoustics – Description, measurement and assessment of environmental noise. Survey results are presented in Tables 12.10 and 12.11 of the EIAR. The dominant noise source is traffic from the N85 and the R474.
- 8.13.5. A prediction of the specific noise levels at the receptor locations has been undertaken for various elements of the proposed development, i.e. site clearance, bulk excavation, foundations and roadworks; and superstructures and landscaping works. The noise assessment is based on worse case predictions, which includes assumptions that 5 pieces of machinery would be operating simultaneously in close proximity to each other, whereas in reality machinery will be spread over the site and thus the significance of effects is most likely overestimated. The EIAR notes that construction activities can typically operate within the adopted construction noise threshold levels at the closest off-site NSLs when carried out at distances greater than 60m from the main phases of the construction works. Regarding vibration, the EIAR notes that vibration levels at the closest neighbouring buildings are expected to be orders of magnitude below the limits (set out in Table 12.3 of the EIAR) to avoid any cosmetic damage to buildings.
- 8.13.6. The applicant submitted an EIAR Addendum Report at FI stage which, in respect of Chapter 12, included consideration of noise and vibration arising from rock breaking activities on the site. Table 12-12 has been revised and indicates that construction noise levels associated with rock breaking and crushing are likely to exceed the

adopted threshold of 65 dB LAeq,T at all NSLs during phase 1, and during phase 2, exceedances of the threshold are predicted at NSLs 2 and 3, with noise levels predicted to remain below the adopted threshold during phase 3. The EIAR Addendum Report notes that these works will be temporary in duration and are scheduled to occur during periods considered least disruptive to surrounding stakeholders, i.e. Monday to Friday: 08:15 – 17:45hrs.

Potential Effects

8.13.7. Likely significant effects of the development are summarised in Table 6 below. I note that the assessments carried out did not identify any significant limitations.

Table 6: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	In the absence of the proposed development noise levels at the site will remain as per the baseline and will change in accordance with trends within the wider area.
Construction	During the construction phase, site activities including site clearance and bulk excavation, foundations, building construction, road works, and landscaping, carried out by plant/machinery, will result in potential noise impacts on the surrounding environment. Rock breaking and crushing is also proposed. The duration of the construction phase is 3 no. years. Proposed construction hours are 8am – 6pm (M-F) and 8am – 2pm (Sat), rock breaking is proposed to be carried out during a more limited period, i.e. 0815 – 1745 M-F. During site clearance and excavations activities, there is the potential for vibration to be generated through the ground. Likely levels of vibration from this activity will be significantly below the vibration criteria for building damage based on monitoring data and experience from other sites. In terms of human response within buildings, there is potential for vibration magnitudes during breaking to be perceptible at low level at NSLs within 50m (NSLs 1, 2 and 3), and mitigation is therefore required. During the busiest period on-site, namely the groundworks element of the works, an estimated 12 no. HGV’s will deliver to the site on a daily basis for the duration of

	<p>this work element. The predicted noise level at the nearest residential NSLs (10m) is in the order of 58 dB LAeq,1hr and is therefore below the CNT of 65 dB LAeq,1hr at the closest residential NSLs along R474.</p>
<p>Operation</p>	<p>The main potential source of noise from the proposed development will be limited to traffic flows to and from the development site onto the public roads. There will also be an element of mechanical and electrical plant required to service creche buildings.</p> <p>There are no vibration sources associated with the proposed development during operational phase.</p> <p>Noise levels generated by children playing outdoors at several crèches indicate typical noise levels in the order of 56 dB LAeq,1hr at distance of 5 metres. The nearest existing off-site noise sensitive locations to the east are approximately 20m from the Crèche play area (NSL3). Considering the distance, activities from the crèche are calculated to be 44 dB LAeq,1hr and hence, is more than 10 dB below the range of baseline noise levels recorded to the east of the site at Location AN2, representing of properties set back from road traffic. The resultant noise impact is therefore neutral, not significant and long-term.</p>
<p>Cumulative</p>	<p>2 scenarios are examined for noise and vibration. The first entails all 3 phases of the proposal being carried out simultaneously. The second, takes account of permitted and proposed developments in the area. Under scenario one, construction noise level at NSL3 would range between 73 to 84 dB LAeq,T during construction works. Therefore resulting in a negative, significant to very significant and temporary effect at the NSL3.</p> <p>In respect of vibration, the EIAR notes that any construction activities undertaken on the site will be required to operate below the recommended vibration criteria set out in Table 12.3 of the EIAR. The predicted cumulative vibration impact on human comfort during the construction phase is negative, slight to moderate and temporary impact at the closest NSLs.</p>

	Under Scenario 2, all development would be in excess of 1km from the NSL and therefore no cumulative impacts arise.
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Mitigation

8.13.8. Mitigation measures are set out in Section 12.9 of the EIAR and include, the selection of quiet plant; plant will not be left idling; materials will not be dropped from excessive heights; and the use of screening/barriers. A liaison officer will establish communication with the public in relation to works at the site. The proposed development is not expected to give rise to vibration that is either significantly intrusive or capable of giving rise to structural or cosmetic damage to adjacent buildings. Vibration isolation will be applied to plant, and monitoring will be undertaken at identified sensitive buildings where proposed works have the potential to be at or exceed the vibration limit value. Regarding mechanical plant, proprietary noise and vibration control measures will be employed as part of the detailed design in order to ensure that noise emissions from building services plant do not exceed the relevant internal noise criteria, and noise emissions will be broadband in nature and will not contain any tonal or impulsive elements.

8.13.9. Regarding inward noise, Appendix 12-1 (Acoustic Design Statement) sets out measures to address potential for adverse noise impacts on specific dwellings within the proposed development, including their external amenity areas, from traffic on the N85. Construction phase noise monitoring is proposed at representative NSLs, and monthly spot check noise measurements are also proposed. Additionally, where the excavation works take place within 50m of vibration-sensitive locations (VSLs) e.g. NSL1 to NSL3 vibration monitoring will be installed, with the number and locations to be agreed with Local Authority, and monthly spot check vibration measurements are also proposed. Reporting will identify any exceedances, clarify the cause and set out remedial measures.

Residual Impacts

8.13.10. During site clearance the residual effect is 'negative, significant to very significant and temporary' noise impact at distances up to 10m for NSL 1 in Phase 1 and NSL3 in Phase 2 if all plant items were assumed to work simultaneously while adjacent to the

closest boundary to the site. In line with DMRB Noise and Vibration (UKHE 2020) document, a significant effect relating to construction noise is deemed to occur where a moderate or major impact is likely to occur for a period of greater than 10 days/nights over 15 consecutive day/nights, or greater than 40 days over 6 consecutive months. In the case of this activity, it is unlikely the durations will be exceeded and hence the overall residual effect is categorised as 'negative, moderate and temporary'. At all other NSLs at distances of 20m and greater the CNT would not be exceeded and the residual significance of effect and is 'negative, slight to moderate and temporary'. During superstructure, compounds and landscaping the residual effect is 'negative, not significant to moderate and temporary' at all NSLs (greater than 10m from works) during all phases of the construction. Operational phase residual impacts are deemed to be 'neutral – negative, and not significant'. Inward noise is similarly deemed 'neutral and not significant'. Likely vibration effects during the construction phase will be 'negative, slight to moderate and temporary'.

- 8.13.11. During rock breaking and crushing activities, the residual noise effect is predicted to be 'negative, significant to very significant, and temporary' at distances up to 60m from the works, assuming all plant items operate simultaneously adjacent to the closest site boundary. This applies to all NSLs during Phase 1, and to NSL 2³⁶ and NSL3 during Phase 2, where exceedances of the Construction Noise Threshold (CNT) are predicted. At distances of 60m and greater, the CNT is not expected to be exceeded at any NSLs, and the residual significance of effect is considered negative, slight to moderate, and temporary.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 8.13.12. I have examined, analysed and evaluated the information provided in Chapter 12 and all the associated documents in respect of Noise and Vibration. I have inspected the site and the surrounding area. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts generated by the proposed development and provides a suitable range of mitigation and monitoring measures.

Noise

³⁶ Page 12-35 of the EIAR Addendum Report omits reference to exceedance at NSL 2 during Phase 2, whereas page 12-30 identifies exceedances at both NSL 2 and NSL 3. This is considered to be a typographical error.

8.13.13. Predicted noise levels for plant and machinery and for rock breaking and crushing activity was generated. The assessment predicts a potential residual effect of 'negative, significant to very significant and temporary' during site clearance for NSL 1 in Phase 1 and NSL3 in Phase 2, although this is a conservative assessment as it is premised on all plant working simultaneously adjacent to the closest boundary to the site, and hence the overall residual effect is categorised as 'negative, moderate and temporary'. At all other NSLs at distances of 20m and greater the CNT would not be exceeded. No significant impacts are anticipated during the operational phase, or in respect of inward noise at the site's interface with the N85. Rock breaking and crushing are likely to exceed the adopted threshold of 65 dB LAeq,T at all NSLs during phase 1, and at NSLs 2 and NSL3 during phase 2 however the EIAR notes that these works will be temporary in duration and are scheduled to occur during periods considered least disruptive to surrounding stakeholders, i.e. Monday to Friday: 08:15 – 17:45hrs.

Vibration

8.13.14. Likely levels of vibration during the construction phase will be significantly below the vibration criteria for building damage based on monitoring data and experience from other sites. In terms of human response within buildings, there is potential for vibration magnitudes during breaking to be perceptible at low level at NSLs within 50m (NSLs 1, 2 and 3), and mitigation is proposed to address this. No significant vibration is anticipated at operational phase.

Conclusion

8.13.15. Having regard to the examination of environmental information in respect of Noise and Vibration, in particular the EIAR, I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts on noise and vibration generated by the proposed project and provides a suitably comprehensive range of mitigation measures in Section 12.9. In addition to the mitigation measures proposed by the applicant in the EIAR I recommend that a condition should be attached in the event of a grant of permission stipulating that exceedances of Construction Noise Thresholds (CNT's) at Noise Sensitive Locations (NSLs) shall not occur more than 10 days/nights over 15 consecutive day/nights, or 40 days over 6 consecutive months, in accordance with DMRB Noise and Vibration

(UKHE 2020) so as to address the duration of any exceedances to non-significant levels, and that noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the PA prior to commencement of any development on site, so as to ensure on-going compliance. Subject to these measures and conditions I am satisfied that potential impacts from noise will be reduced to non-significant levels. The EIAR notes that monitoring of noise and vibration will be undertaken at the site to ensure compliance with the operational ELV's. As addressed above, I recommend that this is incorporated into a planning condition. Having reviewed the planning history in the vicinity I am satisfied that there is no potential for significant cumulative effects given the nature of permitted/planned construction activity in the vicinity of the site.

8.14. **Material Assets, Cultural Heritage and the Landscape**

8.14.1. The format of my assessment follows the headings as set out in the Planning and Development Act, 2000 (as amended). Having regard to the information provided in the applicant's EAIR the following sub-headings are used:

- Material Assets
- Cultural Heritage
- Landscape and Visual Impact Assessment
- Traffic and Transport Assessment (addressed under material assets)

8.15. **Material Assets**

Issues Raised

8.15.1. Concerns are raised in a number of appeals in relation to material assets (traffic and transport), specifically congestion arising from the proposed development; the inadequacy of car parking provision to serve the development; and the remoteness of the site from Ennis town centre and absence of public transport infrastructure. No concerns were raised in the appeal submission relating to material assets (built services). One of the appellants raises the issue of material assets (waste), specifically the contention that there is a lack of capacity within facilities for C&D waste and that the PA have not addressed/assessed this; and that the applicant has not provided details on the volumes of C&D waste arising, including waste arising from rock

breaking, crushing etc. The appellant notes that the applicant acknowledges difficulties accurately estimating final materials in Chapter 8 (Material Assets) of the EIAR.

Examination of the EIAR

- 8.15.2. Context – Impacts on ‘Material Assets’ are addressed under Chapter 6 (Traffic and Transport), Chapter 7 (Built Services) and Chapter 8 (Waste) of the EIAR.
- 8.15.3. Baseline (Traffic and Transport) The site is bounded to the west by the N85 and to the east by the R474 (also known as Circular Road). The N85 forms part of the Ennis outer ring road and connects to the M18. The N85 connects to the R474 Circular Road via a roundabout junction south-east of the appeal site. The R474 Circular Road is a single carriageway road with one lane in each direction. The R474 Circular Road connects to the N85 at its south-western end and with Ennis Town Centre at its north-eastern end. The walking network in Ennis is comprised of existing footpaths adjoining public roads. The main approaches to the town have footpaths for pedestrian use only. There is no dedicated cycling network within the centre of the town and cyclists utilise the existing roadway. There is a pedestrian footway provided along the northern side R474 Circular Road which connects to the appeal site with pedestrian infrastructure to the east (Ennis town centre).
- 8.15.4. Baseline (Built Services) Material assets in the context of ‘built services’ include the surface and wastewater networks, the water main network, electricity and gas networks, and the telecoms network, and the chapter address the impacts of the proposed development on same. Regarding wastewater, the nearest existing foul sewer is a concrete, 225mm diameter located south-east of the site on the Cahercalla Road and flows to the Ennis North Wastewater Treatment Plant (wwtp). Regarding water supply, there is an existing 600 mm dia. ductile iron water main located on the western boundary of the N85 and a 350 mm dia. asbestos watermain on the R474 Circular Road on the eastern boundary of the site. Both watermains are owned and controlled by Uisce Éireann (UÉ). There is no existing surface water network within the appeal site and rainwater infiltrates into the ground. In relation to electricity, there are existing power lines running along the eastern boundary of the site and a 10kV line running from south to north through the site. There is no existing gas infrastructure in the vicinity. Telecoms networks are installed within the local road network.

8.15.5. Baseline (Waste) – Site investigations were carried out on the site with samples tested indicating that material on the site fell under the inert waste criteria. There are a number of permitted and licensed waste facilities located in the Southern Regional Waste Region for the management of waste from the construction industry as well as municipal sources. These include soil recovery facilities, inert C&D waste facilities, municipal waste landfills, material recovery facilities and waste transfer stations. A Site Specific Resource Waste Management Plan (RWMP) has been submitted (see Appendix 8-1 of EIAR) which details types of waste which will be generated by the proposed development, estimated volumes of waste; and a breakdown of the waste in terms of whether it will be reused within the site or disposed of off-site. An Operational Waste Management Plan (OWMP) has been submitted (see Appendix 8-2 of EIAR). This plan relates to waste arising during the operational phase of the proposal and sets out procedures in respect of waste collection and storage.

Potential Effects

8.15.6. Likely significant effects of the development are summarised in Table 7 below. The EIAR notes that until final material and detailed construction methodologies have been confirmed it is difficult to predict with a high degree of accuracy the construction waste that will be generated by the proposal.

Table 7: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	In the absence of the proposed development the site will remain as a greenfield site, with no implications for material assets (traffic and transport, built services or waste).
Construction	(Traffic and Transport) It is estimated a total of 920 no. HGV delivery trips will be generated during the construction phase of the development. During the busiest period, i.e. groundworks, c. 12 no. HGV's will deliver to the site on a daily basis. It is estimated that for a development of this size, 60 – 70 no. site operatives will be employed during the hight of the construction phase. This would equate to an approx. 60 PCU vehicle (Vans and Cars) trips to and from the site during the construction day. The increase in traffic volumes, as a result of construction vehicles visiting the site, is not considered

to be excessive and will be spread out over a three-year period, and over the three phases of the development. The majority of construction worker trips will occur outside of the peak morning traffic period (08:00–09:00), thereby limiting their impact on peak hour congestion. HGV movements are planned to occur during off-peak periods, with the highest volume of activity, estimated at up to 12 HGVs per day, limited to the groundworks phase.

(Built Services) Regarding wastewater, the release of effluent has potential to adversely affect ground and surface water. Development will increase the risk of pluvial flooding due to the replacement of greenfield surface with hardstanding. During the construction of the water main network, surface water run-off could result in suspended solids being released into local drainage features affecting local water quality. There is potential for unrestricted run-off from the site to occur. During watermain construction there is potential for local network disruptions. Contractors operations will generate effluent and sanitary wastes. During the laying of electricity and utility infrastructure there is potential for electricity cables and telecoms infrastructure to be damaged.

(Waste) During the construction phase, waste will be produced from surplus materials (see Table 8.1 for estimates of material). 15,000 m³ of material will need to be excavated. c. 13,500 m³ of excavated material will be retained on site for reuse as fill and/or landscaping purposes while the remaining c. 1,500 m³ of excavated material will be removed off site for reuse, recycling or disposal. Waste will also be generated from construction phase workers. If waste material is not managed and stored correctly, it is possible this could lead to litter or pollution issues at the development site and in adjacent areas. The indirect effect of litter issues is the presence of vermin in areas affected. The use of non-permitted waste contractors or unauthorised waste facilities could give rise to inappropriate management of waste, resulting in indirect negative environmental impacts, including pollution. Correct classification and segregation of the excavated material is required to ensure that any potentially

	contaminated materials are identified and handled in a way that will not impact negatively on workers as well as on water and soil environments, both on and off-site.
Operation	<p>(Traffic and Transport) AM/PM traffic generation figures from the proposed development result in a total of 203 trip movements in the AM peak and a total of 153 trip movements in the PM peak. A total of 41 AM peak trips and 9 PM peak trips are allocated to the creche element of the development. Traffic modelling indicates that the junctions in the vicinity are projected to operate well within capacity.</p> <p>(Built Services) The operation of the development will result in the increase of generation of effluent and sanitary waste from the proposed development. This has the potential to impact the existing wastewater infrastructure in the vicinity of the site and result in a significant long-term impact on the capacity of the existing infrastructure. Surface water runoff from operational activities has the potential to be contaminated. The operation of development has the potential to result in a large volume of surface water discharge in the absence of controls and measures to limit off-site discharge. This has the potential to impact the adjacent watercourses negatively. The operation of the development will result in the increase in the quantity of water to be supplied through the network. This has the potential to impact the existing water infrastructure negatively in the vicinity of the site.</p> <p>(Waste) Dwellings and the creche will give rise to waste at operational phase. Table 8.2 provides estimated volumes/types of waste. Improper or a lack of, waste management during the operational phase would be a diversion from the priorities of the waste hierarchy which would lead to small volumes of waste being sent unnecessarily to landfill. If waste material is not managed and stored correctly, it is likely to lead to litter or pollution issues at the development site and in adjacent areas. The knock-on effect of litter issues is the presence of vermin in affected areas.</p>

Cumulative	<p>(Traffic and Transport) developments permitted within Ennis result in minor impacts on junctions and no significant cumulative impacts are therefore anticipated.</p> <p>(Built Services) cumulative effects of the proposed development on built services are not anticipated to be significant.</p> <p>(Waste) permitted development in the area will be required to comply with national and local legislation in relation to waste management, and that an increased density of development in the area is likely improve the efficiencies of waste collections in the area.</p>
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Mitigation

8.15.7. Mitigation measures in respect of material assets (traffic and transport) are addressed at Section 6.8 of the EIAR and include, at construction phase, implementation of a CEMP; a haulage plan to ensure minimal impact on the surrounding road network; stringent site rules governing loading / off-loading times, location of loading /off-loading etc., large deliveries on site to occur outside of peak periods; and the provision of parking for staff within the site. Operational phase mitigation measures include road lining/signing; lighting; connection into the existing footpath network along the R474; upgrade works along the R474; and pedestrian and cycle infrastructure. Mitigation measures in respect of material assets (built services) are set out at Section 7.8 of Chapter 7 and include compliance with the provisions of a CWMP and CEMP; compliance with relevant codes of practice relevant to utilities and use of silt traps. At operational stage, drainage pipes will be pressure tested and CCTV used to identify any issues. An EIAR Addendum Report was submitted as FI and includes additional mitigation measures in respect of the proposed surface water connection to the Claureen River. Regarding material assets (waste), mitigation measures are set out at Section 8.9 of Chapter 8 and include implementation of the RWMP; correct classification of excavated material; adoption of a ‘designing out waste’ approach; segregation of waste on-site; use of appropriate storage for waste; staff training; and transportation of waste off-site by suitably permitted contractors and taken to suitably registered, permitted or licenced facilities. The management of waste during the construction phase will be monitored by the Contactor’s appointed Resource Manager. Operational mitigation measures include, implementation of OWMP and correct

segregation of material. The operator of the creche will ensure that all waste leaving the site will be transported by permitted contractors and taken to suitably registered, permitted or licensed facilities. The management of waste during the operational phase will be monitored by the Operator / Buildings Manager.

Residual Impacts

- 8.15.8. No residual impacts are anticipated in respect of traffic and transport, built services or waste.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 8.15.9. I have examined, analysed and evaluated the information provided in Chapter 6, Chapter 7 and Chapter 8. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts on Material Assets (traffic and transport, built services and waste). Construction phase traffic is not envisaged as being significant, and will be spread over a 3 year period. Traffic modelling indicates that the junctions in the vicinity are projected to operate well within capacity at operational phase. Sufficient car parking will obviate overspill parking. Services are available, or can be provided to the site. Impacts on material assets in the context of existing built service are not significant. Implementation of the RWMP and OWMP will ensure that high rates of reuse, recovery and recycling during the construction and operational phases. Impacts on material assets in the context of existing waste is not significant.
- 8.15.10. I note the issues raised by one of the appellants (see para. 8.15.1) in respect of C&D waste. The EIAR notes that, until final materials and detailed construction methodologies have been confirmed, it is difficult to predict with a high level of accuracy the construction waste that will be generated from the proposed works as the exact materials and quantities may be subject to some degree of change and variation during the construction process. The applicant has provided estimates of likely waste arising from the proposal both in terms of type and volume and this approach is reasonable and acceptable in my view. Regarding destinations for C&D waste arising from the proposal, the EIAR notes that while it is possible to initially select a licensed waste facility for soil disposal, there is potential to encounter contaminated material or material with naturally occurring variations in minerals and chemicals that necessitates sending it to a different suitably licensed facility.

Furthermore, the EIAR goes on to state that there are a number of licensed, permitted and registered waste facilities in the Clare County region, in the surrounding counties, the southern waste region and in Ireland and Northern Ireland, however, these sites may not be available for use when required or may be limited by the waste contractor selected to service the development in the appropriate phase. In addition, there is potential for more suitably placed waste facilities or recovery facilities to become operational in the future which will be more beneficial from an environmental perspective. The EIAR also notes that licensed waste facilities have annual limitations on material that they can import as part of their license agreements and that this may result in a particular receiving facility not being, and that it would not be viable to cease a development and wait until a receiving facilities annual receiving quotas are reset, and that typically developers switch between facilities with available capacity, and that ultimately the selection of waste contractors and waste facilities is subject to appropriate selection criteria proximity, competency, capacity, serviceability, and cost. This approach is acceptable in my view and I note that it is not possible to determine the final destination for all materials arising. Construction waste will be managed in accordance with relevant waste legislative requirements and transferred to licensed facilities, which will ensure no significant effects are likely. The issue of wastewater is addressed separately in this report (see para. 7.6 above).

Conclusion

8.15.11. Having regard to the examination of environmental information in respect of Material Assets (traffic and transport, built services and waste), in particular the EIAR, I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts on material assets generated by the proposed project. I agree with the EIAR that the mitigation measures set out in other referenced chapters will adequately address the potential for significant impacts on Material Assets, traffic and transport, built services and waste. Having reviewed the planning history in the vicinity I am satisfied that there is no potential for significant cumulative effects given the nature of permitted/planned construction activity in the vicinity of the site.

8.16. ***Cultural Heritage***

Issues Raised

8.16.1. No issues were raised in the appeal regarding cultural heritage.

Examination of the EIAR

8.16.2. Context - Chapter 15 of the EIAR addresses Cultural Heritage. A 1 km radius study area was determined to be appropriate. The assessment was based on a programme of desktop research combined with a number of field surveys of the proposed development site (carried out in June 2021 and February 2025), the results of which are presented in Appendix 15.1 of the EIAR.

8.16.3. Baseline – There are no recorded archaeological sites located within the proposed development site. There are 15 recorded archaeological sites within the surrounding 1km study area. One of these (CL033-170----) is located in close proximity to the western boundary of the proposed development site. This comprised a 19th-century lime kiln which was excavated in 2004 in advance of the construction of the N85 Ennis bypass and no longer remains at this location. There are no other recorded archaeological sites located within 300m of the boundary of the proposed development. The Database of Irish Excavation Reports does not contain any entries for archaeological investigations within the proposed development site but does contain entries for investigations within surrounding townlands. A number of these were carried out in advance of the construction of the N85 Ennis bypass and identified sub-surface archaeological remains, including the lime kiln (CL033-170----) outside the west end of the proposed development site. A pre-construction programme of archaeological test trenching was carried out at the location of the housing estate directly outside the south end of the proposed development and nothing of archaeological significance was identified in this area. The RPS and NIAH for County Clare do not list any designated architectural heritage structures within the proposed development site or its close environs. There are two country houses (Cahercalla House: RPS 045 and the Hermitage: RPS 850) listed in the Record of Protected Structures located within the surrounding 1km study and neither of these are located within 300m of the boundary of the proposed development. A review of historic cartographical sources revealed that there are no demesne lands or curtilage features associated within these two houses located within the proposed development site or its close environs. The proposed development site is not located within an Architectural Conservation Area (ACA), and none extend into the surrounding 1km study area. There are no extant structures of any date within the site boundary and

the existing built environment within its immediate surrounds is uniformly modern in date. The cartographic sources examined for the study area comprised the first edition 6-inch Ordnance Survey (OS) map (published 1841) and the 25-inch OS map (published 1897) which depict the proposed development site as an area of vacant farmland. A review of aerial, satellite and LiDAR sources published online did not reveal any traces of potential unrecorded archaeological sites within the proposed development site. There are no buildings of any date located within the site and no surface traces of any potential unrecorded archaeological sites were noted during the inspection. The townland boundary between Keelty and Ballymaculla extends in a northwest to south-east orientation through the southern half of the site and comprises an overgrown field boundary.

Potential Effects

8.16.4. Likely significant effects of the development are summarised in Table 8 below. I note that the assessments carried out did not identify any significant limitations.

Table 8: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	In the absence of the proposed development the site will remain as a greenfield site, with no implications for cultural heritage.
Construction	While there was no evidence of unrecorded archaeological features within the site the potential for unrecorded, sub-surface archaeological features within the site cannot be discounted. The significance of potential construction phase impacts cannot be quantified but ground works during the construction phase will have the potential to result in permanent, direct, negative effects on any such remains and this will require mitigation. A section of the townland boundary between Keelty and Ballymacaula extends through the interior of the proposed development site and continues outside its boundary. The construction phase of the proposed development will result in a ‘direct, permanent, slight, negative impact’ on this element of the undesignated cultural heritage resource.

Operation	The EIAR predicts no adverse direct or indirect effects on cultural heritage during the operation phase.
Cumulative	Given the distance between the appeal site and development sites in the vicinity the proposed development will not result in any significant adverse cumulative effects on the cultural heritage.

Mitigation

8.16.5. Mitigation measures are set out at Section 15.7 of the EIAR and include the carrying out of a geophysical survey of the site in advance of the construction phase and the carrying out of test trenching following the geophysical survey. Regarding monitoring, reports on the archaeological site investigations will be submitted to the National Monuments Service (NMS), the National Museum of Ireland and the Planning Authority.

Residual Impacts

8.16.6. Residual impacts on Cultural Heritage are not predicted as the site does not contain any extant recorded archaeological sites or designated architectural heritage structures. The EIAR notes that any archaeological sites/features, if detected, during testing will be either preserved by record or preserved in-situ, and that in this regard, the potential residual impact would be 'not significant/imperceptible' (if preserved in-situ) or a 'slight/moderate' impact (if preserved by record).

Analysis, Evaluation and Assessment: Direct and Indirect Effects

8.16.7. I have examined, analysed and evaluated the information provided in Chapter 15 and I have inspected the site and the surrounding area. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts on cultural heritage. There are no recorded archaeological sites within the site or within 300m of the site; no Protected Structures, or NIAH-listed buildings within the site; and the site is not located within, or in the close environs of, an ACA. No potential unrecorded archaeological sites or structures of architectural heritage interest were identified within the proposed development site during the desktop research or field surveys. I am satisfied that the proposed development would not give rise to significant impacts on cultural heritage. The DAU's observation to the PA recommended pre-

commencement geophysical survey and archaeological test excavation of the site. In the event of a grant of permission I recommend that such a condition is attached.

Conclusion

- 8.16.8. Having regard to the examination of environmental information in respect of Cultural Heritage, in particular the EIAR I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding cultural heritage context of the site and surrounding area. I am satisfied that mitigation measures proposed are appropriate and will adequately address the potential for significant impacts on Cultural Heritage, specifically the preservation of any undiscovered archaeological features either by preservation in-situ or by record. Having reviewed the planning history in the vicinity I am satisfied that there is no potential for significant cumulative effects given the nature of permitted/planned construction activity in the vicinity of the site.

8.17. Landscape and Visual Impact

Issues Raised

- 8.17.1. No issues were raised in the appeal in relation to landscape/visual impact.

Examination of the EIAR

- 8.17.2. Context - Chapter 5 of the EIAR addresses landscape and visual. A Landscape and Visual Impact Assessment (LVIA) has been submitted to facilitate an evaluation of how the proposed development will affect the existing landscape character of the site and the potential visual impact of the proposal on nearby sensitive receptors. The LVIA includes an analysis of designated views and prospects, landscape character areas, and the presence of any National Monuments.
- 8.17.3. Baseline – the appeal site is south-west of Ennis town centre, between the N85 and R474 roads and adjacent to Ennis Golf Club. The appeal site is located within a transitional area between undeveloped rural land and the established residential zones of the town. The area comprises several fields (8 no.) used for rough grazing, separated by overgrown hedgerows. The site area is a mixture of localised high ground and hollows, with frequent rock outcrops visible in the ground. The ground generally slopes from the south (31 m) to the north (9 m), with the ground rising also towards the R474 to the east. There are panoramic views of the surrounding

countryside from the higher parts of the site, with the drumlin landscape and spreading suburbs of Ennis visible to the west and north. The N85 is in a cutting with associated roadside tree screen planting reducing its visibility from the site. The R474 is set on rising ground and the housing to the east which backs onto the site have clear views into parts of the site. Beechpark housing estate, set on high ground to the south-west of the site is visible from the site. The recently constructed houses at Ballymacaula View to the south-west of the site are set on rising ground and have views into the site albeit screened by an existing hedgerow. Regarding CDP designations, the appeal site is classified as being located within a ‘Low Drumlin Farmland’ Landscape Character Type, and in terms of Landscape Character Area, is within Character Area 13, ‘Ennis Drumlin Farmland’. The area within which the appeal site is located is considered to be a ‘Living Landscape’. There are no protected views or prospects in the vicinity, with the closest referenced being 15 km from the appeal site. The closest Recorded Monument in the vicinity are CL033-171 (Ringfort Rath), c. 200 metres south, and CL033-170 (Lime Kiln) located on the western site of the N85. There are no Protected Structures or structures on the NIAH in the vicinity. The appeal site also remote from the Wild Atlantic Way and Mid Clare Way.

Potential Effects

8.17.4. Likely significant effects of the development are summarised in Table 9 below. I note that the assessments carried out did not identify any significant limitations.

Table 9: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	Not specifically addressed in EIAR. In the absence of the proposed development the site would remain a greenfield site with no implications of landscape or visual impact.
Construction	There is potential for the development to be visible from a distance as parts of the site are on elevated ground. The site adjoins the N85 along its western boundary where there are intermittent views into the site. The site is also visible along the eastern boundary from the R474, and existing residential properties which are visually prominent due to their location and the hilly nature of the landscape. There is a considerable amount of screening on the site from the mature

	hedgerows within and around the perimeter of the site however the majority of the internal site hedgerows are to be removed as part of the development opening the site up to views from a range of directions. Impacts on the landscape initially will be the erection of hoarding and the installation of a site compound followed by removal of sections of existing hedgerows and the excavation of rock and topsoil.
Operation	Once completed the development should integrate visually with the existing landscape and the newly planted trees and shrubs should develop and anchor the development in its surrounds. Once established the proposed planting will provide additional screening of the new development.
Cumulative	Not specifically addressed in the EIAR. Visuals and photomontages submitted with the planning application/appeal depict the proposed development alongside existing development.

Mitigation

8.17.5. Section 5.6 of the EIAR sets out a suite mitigation measures to address potential landscape/visual impacts. Mitigation measures primarily concern retention of hedgerow and supplementary planting with native species. Other mitigation measures include the provision of a footpath along the western edge of the site; management of stockpiles on the site during construction; carrying out of works during daylight hours to minimise requirement for lighting; and maintenance of green areas at operational stage. Monitoring is not proposed.

Residual Impacts

8.17.6. Existing residences close to the site that formerly had views of agricultural land will have a residential development as part of their aspect. The development will be visible to existing residents and road users in the area. The nature of the generally low-lying site, the design and layout of the buildings and the proposed extensive landscape planting will help to create a setting for the development that will be acceptable from a landscape and visual perspective. With the recommended mitigation measures, the proposed development will not result in any significant residual impacts.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 8.17.7. I have examined, analysed and evaluated the information provided in Chapter 5 and all the associated documents on file in respect of Landscape and Visual. I have inspected the site and the surrounding area. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides a suitably comprehensive range of mitigation measures (see Section 5.6) to reduce any potential impacts.
- 8.17.8. The LVIA examines the impact of the proposed development on the receiving landscape from 10 no. publicly accessible receptors at locations to the north-east, south-east, north and north-west of the appeal site. Receptors include the N85, R474, Beechpark and Ballymacaula housing estates and Killnacally. I consider the receptor locations to be representative. The LVIA considers the impact of the proposed development on the majority of the receptors to be 'imperceptible neutral in the long term' for the completed/operational development, and 'neutral to positive' for a location along the N85. Construction phase impacts are noted as being 'short term and slight, to moderate negative' at the receptor locations. I am satisfied that the impact of the proposed development on landscape and visual would not be significant.

Conclusion

- 8.17.9. Having regard to the examination of environmental information in respect of Landscape and Visual Impact, in particular the EIAR, I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the impact of the proposal on the receiving landscape generated by the proposed project. I am satisfied that the proposed mitigation will reduce any potential impacts to non-significant levels. I am satisfied that the proposed development accords with Objective CPD 14.2 (Working Landscapes) of the Clare County Development Plan 2023 – 2029. Having reviewed the planning history in the vicinity I am satisfied that there is no potential for significant cumulative effects given the nature of permitted/planned construction activity in the vicinity of the site.

8.18. Interaction and Cumulative Effects

Chapter 17 addresses Interactions. It is acknowledged that all aspects of the environment are likely to interact to some extent and to varying degrees of complexity. Occurrences of interactions between environmental topics have been addressed in

each chapter. Table 17.1 in the EIAR provides a matrix of interactions between environmental topics.

8.18.1. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. I generally agree with the findings of Chapter 17 in relation to the identification of interactions.

8.19. ***Cumulative Impacts***

8.19.1. The cumulative effects of the proposed development alongside other proposed/permitted development in the vicinity of the site has been addressed in each chapter of the EIAR, and it has been concluded that the cumulation of effects from the planned and permitted development and the proposed development would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

8.20. ***Reasoned Conclusion on the Significant Effects***

8.20.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the applicant, and to the submissions on the file and to the appeals and the observation, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- ***Biodiversity***

Bats: The site is used by bats for commuting and foraging. The removal of vegetation on site will reduce bat foraging habitat. Lighting during construction has the potential to cause disturbance to bats using the site for commuting and foraging. Mitigation measures are proposed to reduce any potential impacts on bats to non-significant levels, including the retention of linear features; provision of bat boxes and a day roost; lighting design; and the creation of a sheltered bat corridor.

- ***Land, Soils, Water, Air and Climate:***

Surface water: The stripping of topsoil, excavation on the site and earthworks during the construction phase could result in the potential for fuel spills, polluted run-off and sediment to enter the adjacent watercourse (Claureen River). Works in the vicinity of the Claureen River could also give rise to fugitive emissions to the river. Mitigation measures are proposed to address the potential release of sediment laden run-off and run-off contaminated with hydrocarbons, cement etc. into the Claureen River, which will reduce any potential impacts to non-significant levels.

Noise and Vibration: During the construction phase, site activities including site clearance and bulk excavation, foundations, building construction, road works, and landscaping, carried out by plant/machinery, will result in potential noise impacts on the surrounding environment and adjacent properties. Rock breaking and crushing activities will also result in potential noise impacts on the surrounding environment and adjacent properties. The proposed mitigation measures, and a condition stipulating that exceedances of Construction Noise Thresholds (CNT's) at Noise Sensitive Locations (NSLs) shall not occur more than 10 days/nights over 15 consecutive day/nights, or 40 days over 6 consecutive months, in accordance with DMRB Noise and Vibration (UKHE 2020) will reduce any potential impacts to non-significant levels. Monitoring of noise and vibration will be undertaken at the site to ensure compliance with the operational ELV's.

- 8.20.2. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures³⁷, as appropriate. The assessments provided in the individual EIAR chapters are satisfactory to enable the likely significant direct environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed.

³⁷ Chapter 18 'Summary of Mitigation Measures' sets out the suite of mitigation and monitoring measures in respect of the proposed development under the heading of each chapter in the EIAR.

9.0 Appropriate Assessment

9.1. Stage 1 - Appropriate Assessment Screening

9.1.1. Stage 1 Appropriate Assessment Screening (See Appendix 2) - 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 following European Sites;

- Lower River Shannon SAC (Site Code: 002165)
- Newhall and Edenvale Complex SAC (Site Code: 002091)
- Pouladatig Cave SAC (Site Code: 000037)
- Ballyallia Lake SAC (Site Code: 000014)
- Dromore Woods and Loughs SAC (Site Code: 000032)
- Ballycullinan Lake SAC (Site Code: 000016)
- East Burren Complex SAC (Site Code: 001926)
- Poulmagordon Cave (Quin) SAC (Site Code: 000064)
- Lough Gash Turlough SAC (Site Code: 000051)
- Moyree River System SAC (Site Code: 000057)
- Ballyogan Lough SAC (Site Code: 000019)
- Ballyallia Lough SPA (Site Code: 004041)
- River Shannon and River Fergus Estuaries SPA (Site Code: 004077)
- Corofin Wetlands SPA (Site Code: 004220)

in view of the conservation objectives of a number of qualifying features of these 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. I have based my assessment on the updated AASR and NIS submitted to the Planning Authority on the 23rd of October 2025 which was submitted as Further Information.

9.2. **Stage 2 – Appropriate Assessment**

9.2.1. Stage 2 – Appropriate Assessment - following screening for the need for Appropriate Assessment it was determined that the proposed development could result in significant effects on 14 no. European Sites (see para. 9.1.1 above) in view of the conservation objectives of these sites, and Appropriate Assessment was deemed to be required. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and evaluated for effectiveness. Possible in-combination effects are also considered. A full description of the proposed development, including construction methodology, is set out on pages 13 – 14 of the AASR/NIS submitted by the applicant and the potential impacts from the construction and operational phases are set out on pages 32 – 33 and also Table 2 of the AASR/NIS. Following an examination, analysis and evaluation of the NIS, as set out within Appendix 3 of this report, and all associated material submitted, I consider that in light of the mitigation measures proposed, that adverse effects on the integrity of the 14 no. European Sites noted above can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed.
- Application of planning conditions to ensure application of these measures.

10.0 **Recommendation**

Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

11.0 **Reasons and Considerations**

Having regard to the following:

- a) the location of the site on lands predominantly zoned for 'Low Residential Development' in the Clare County Development Plan 2023-2029,
- b) the Climate Action Plan, 2025,
- c) the National Planning Framework, Project Ireland 2020, First Revision April 2025,
- d) the Regional Spatial & Economic Strategy for the Southern Region 2020-2032,
- e) the policies and objectives of the Clare County Development Plan 2023-2029,
- f) Delivering Homes, Building Communities 2025-2030, An Action Plan on Housing Supply and Targeting Homeless,
- g) Sustainable Residential Development in Urban Areas Guidelines, (2009),
- h) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024),
- i) the Design Manual for Urban Roads and Streets (DMURS) (2013),
- j) the Planning System and Flood Risk Management (including the associated Technical Appendices) (2009),
- k) the nature, scale and design of the proposed development,
- l) the existing pattern of development in the area,
- m) the availability of a wide range of physical, social and community, infrastructure and services in the area,
- n) the proposed infrastructure upgrade works that will improve the sites accessibility and connectivity,
- o) the submissions received,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of pedestrian safety and convenience, would provide for adequate active travel measure through the provision of cycle and pedestrian infrastructure, can adequately be accommodated within the municipal wastewater network, and would not be detrimental to Conservation Objectives of the European Sites or to the quality of receiving waters and would not result in significant environmental impacts. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of

the area, be consistent with the Climate Action Plan, 2025 and the Climate Action and Low Carbon Development (Amendment) Act 2021, and would comply with the Clare County Development Plan 2023-2029.

12.0 Recommended Draft Order

Appeal by Ballymacaula View Residents Committee (third party); Fiona Liston (third party); John Madden (third party); and Michael Duffy (third party) against the decision made on the 13th day of January 2026 by Clare County Council to grant permission to Glenveagh Homes Limited.

Proposed Development:

The development will consist of a large-scale residential development at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare. The particulars of the development are as follows:

- Construction of 300 no. residential units, comprising³⁸ -
 - 14 no. 1 bedroom dwellings.
 - 91 no. 2 bedroom dwellings.
 - 164 no. 3 bedroom dwellings.
 - 31 no. 4 bedroom dwellings;
- 1 no. creche/childcare facility;
- landscaping, open space and amenity areas, including a linear amenity walkway, footpaths, cycleways and play areas;
- 3 no. pedestrian connections to the existing public footpath along the N85;
- 2 no. pedestrian connections into Ballymacaula View Estate;
- Improvements/upgrades to the pedestrian footpaths along Circular Road, including a raised pedestrian crossing and pedestrian footpath provision along part of the Drumbiggle and Cahercalla Roads;

³⁸ Unit mix proposed at FI stage.

- All associated infrastructure and services including, 1 no. vehicular access onto Circular Road; car and bicycle parking; bin storage; lighting; 3 no. ESB substations; drainage; 1 no. pumping station; and boundary treatments.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered:

In making its decision, the Commission had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

In coming to its decision, the Commission had regard to the following:

- the location of the site on lands predominantly zoned for 'Low Residential Development' in the Clare County Development Plan 2023-2029,
- the National Planning Framework, Project Ireland 2020, First Revision April 2025,
- the Climate Action Plan, 2025,
- the Regional Spatial & Economic Strategy for the Southern Region 2020-2032,
- the policies and objectives of the Clare County Development Plan 2023-2029,
- Delivering Homes, Building Communities 2025 – 2030, An Action Plan on Housing Supply and targeting Homelessness,
- Sustainable Residential Development in Urban Areas Guidelines, (2009),
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024),
- the Design Manual for Urban Roads and Streets (DMURS) (2013),
- the Planning System and Flood Risk Management (including the associated Technical Appendices) (2009),
- the nature, scale and design of the proposed development,

- the existing pattern of development in the area,
- the availability of a wide range of physical, social and community infrastructure and services in the area,
- the proposed infrastructure upgrade works that will improve the sites accessibility and connectively,
- the submissions received,
- the report of the Planning Inspector,

Appropriate Assessment (AA Screening)

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Natura Impact Statement Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development could have a significant effect on the following European Sites;

- Lower River Shannon SAC (Site Code: 002165)
- Newhall and Edenvale Complex SAC (Site Code: 002091)
- Pouladatig Cave SAC (Site Code: 000037)
- Ballyallia Lake SAC (Site Code: 000014)
- Dromore Woods and Loughs SAC (Site Code: 000032)
- Ballycullinan Lake SAC (Site Code: 000016)
- East Burren Complex SAC (Site Code: 001926)
- Poulmagordon Cave (Quin) SAC (Site Code: 000064)
- Lough Gash Turlough SAC (Site Code: 000051)
- Moyree River System SAC (Site Code: 000057)
- Ballyogan Lough SAC (Site Code: 000019)
- Ballyallia Lough SPA (Site Code: 004041)

- River Shannon and River Fergus Estuaries SPA (Site Code: 004077)
- Corofin Wetlands SPA (Site Code: 004220)

Appropriate Assessment (Stage 2)

The Commission considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on the 14 no. European Sites listed above, in view of the sites' conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Commission considered, in particular, the following: a) the site-specific Conservation Objectives for the European Sites, b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and c) the proposed mitigation measures which are included as part of the current proposal. In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives. In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the sites' Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project, including mitigation measures proposed, and there is no reasonable doubt as to the absence of adverse effects.

Environmental Impact Assessment

The Commission completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,

(c) the submissions from the Planning Authority, the appellants, the observer and prescribed bodies in the course of the application,

(d) the Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Commission is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector.

Reasoned Conclusion on Significant Effects

The Commission considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- ***Biodiversity***

Bats: The site is used by bats for commuting and foraging. The removal of vegetation on site will reduce bat foraging habitat. Lighting during construction has the potential to cause disturbance to bats using the site for commuting and foraging. Mitigation measures are proposed to reduce any potential impacts on bats to non-significant levels, including the retention of linear features; provision of bat boxes and a day roost; lighting design; and the creation of a sheltered bat corridor.

- ***Land, Soils, Water, Air and Climate:***

Surface water: The stripping of topsoil, excavation on the site and earthworks during the construction phase could result in the potential for fuel spills, polluted run-off and sediment to enter the adjacent watercourse (Claureen River). Works in the vicinity of the Claureen River could also give rise to fugitive emissions to the river. Mitigation measures are proposed to address the potential release of sediment laden run-off and run-off contaminated with hydrocarbons, cement etc. into the Claureen River, which will reduce any potential impacts to non-significant levels.

Noise and Vibration: During the construction phase, site activities including site clearance and bulk excavation, foundations, building construction, road works, and landscaping, carried out by plant/machinery, will result in potential noise impacts on the surrounding environment and adjacent properties. Rock breaking and crushing activities will also result in potential noise impacts on the surrounding environment and adjacent properties. The proposed mitigation measures, and a condition stipulating that exceedances of Construction Noise Thresholds (CNT's) at Noise Sensitive Locations (NSLs) shall not occur more than 10 days/nights over 15 consecutive day/nights, or 40 days over 6 consecutive months, in accordance with DMRB Noise and Vibration (UKHE 2020) will reduce any potential impacts to non-significant levels. Monitoring of noise and vibration will be undertaken at the site to ensure compliance with the operational ELV's.

Conclusions on Proper Planning and Sustainable Development

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of traffic, pedestrian safety and convenience, can adequately be accommodated within the municipal wastewater network, would not be detrimental to Conservation Objectives of the European sites or to the quality of receiving waters, and would not result in significant environmental impacts. The proposed development would, therefore, be in

accordance with the proper planning and sustainable development of the area, be consistent with the Climate Action Plan, 2025 and the Climate Action and Low Carbon Development (Amendment) Act 2021, and would comply with the Clare County Development Plan 2023-2029.

The Commission agreed with the Inspector that the proposed unit typology, comprising 11 no./3.7% detached dwellings on lands zoned 'Low Density Residential Development' would materially contravene the Clare County Development Plan 2023-2029, noting the description of 'Low Density Residential Development' as 'primarily comprising detached family dwellings'. The Commission considered that, having regard to Section 37(2)(a) of the Planning and Development Act 2000, as amended, the proposed development should be granted as the requirement for development on the site to comprise primarily detached dwellings would significantly compromise the delivery of compact development on zoned and serviced land, and would militate against achieving the density ranges set out in the in the Sustainable Residential Development in Urban Areas Guidelines (2009), which the CDP states development should be compliant with, and also the density ranges in the Sustainable Residential Development and Compact Settlement Guidelines, 2024.

The Commission also agreed with the Inspector that save for the bungalow units, the non-provision of a ground floor shower in the dwellings proposed, would materially contravene the Clare County Development Plan 2023-2029, noting the requirement for same under the heading 'lifetime adaptability' in Appendix 1 (Development Management Guidelines) of the CDP, and Objective CDP 5.12 (b). The Commission considered, having regard to Section 37(2)(a) of the Planning and Development Act 2000, as amended, that the proposed development should be granted as the provision for lifetime adaptability is made within the proposed development through the provision of ground floor showers in the 20 no. bungalows, and as the design and layout of the dwellings have sufficient regard to future adaptability.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the Further
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	<p>Information and particulars received by the Planning Authority on the 23rd day of October 2025 and the 18th day of December 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) The developer shall ensure that all mitigation and monitoring measures set out in the Environmental Impact Assessment Report (EIAR), submitted with the application, and as amended by way of Further Information on the 23rd day of October 2025, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.</p> <p>(b) The applicant shall appoint an Ecological Clerk of Works with suitable ecological and construction expertise to oversee the mitigation measures contained in the Environmental Impact Assessment Report (EIAR).</p> <p>Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.</p>
3.	<p>The mitigation measures contained in the revised Natura Impact Statement (NIS), submitted to the Planning Authority on the 23rd day of October 2025, shall be implemented and shall be supervised by a suitably qualified ecologist.</p> <p>Reason: To protect the integrity of European Sites.</p>
4.	<p>The controls and measures contained in the Construction, Environmental Management Plan (CEMP), submitted to the Planning Authority on the 23rd day of October 2025, shall be implemented in full.</p> <p>Reason: In the interest of environmental protection and nature conservation.</p>
5.	<p>Prior the commencement of felling, trees with bat roosting potential shall be surveyed by a suitably qualified ecologist who is appropriately qualified and</p>

	<p>experienced in undertaking bat surveys and in line with best practice at the appropriate time of year to confirm the absence of roosting bats. In the event that a previously undetected bat roost is identified, and is likely to be disturbed, the applicant shall acquire a derogation under Regulation 54 of the European Communities (Bird and Natural Habitats) Regulations, 2011, prior to the commencement of felling. Prior to the removal of trees, the bat survey results, methodologies for felling and any derogations shall be submitted for the written agreement of the Planning Authority.</p> <p>Reason: To ensure the protection of bats, a protected species.</p>
6.	<p>All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 15 of the EIAR shall be implemented in full, including the carrying out a pre-commencement archaeological geophysical survey subsequent to vegetation clearance and archaeological test excavation of the site, including of the townland boundary between Keelty and Ballymacaula. The Planning Authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of archaeological investigative work following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.</p>
7.	<p>Prior to commencement of development the applicant shall submit the following to the Planning Authority for its written agreement.</p> <ul style="list-style-type: none"> (i) A finalised Construction Traffic Management Plan. (ii) Details of raised crossings, tactile paving and road surfacing/materials. (iii) A taking in charge map indicating areas which are to be taken in charge by the Planning Authority. <p>Reason: In the interest of sustainable transport and safety, and in the interests of proper planning and sustainable development.</p>

8.	<p>(i) The internal road network, including turning bays, junctions, parking areas, footpaths, kerbs, signage and road markings, shall be in accordance with the detailed construction standards of the Planning Authority for such works, and shall be agreed in writing with the Planning Authority prior to commencement of development.</p> <p>(ii) Internal roads, footpaths and lighting shall be fully completed within each phase of the development, indicated on <i>Drawing No. 24150/P/007, Rev. P2</i>, and in-situ prior to any dwelling within that particular phase being occupied.</p> <p>Reason: In the interests of proper planning and sustainable development.</p>
9.	<p>The phasing of the development hereby permitted shall be as submitted to the Planning Authority on the 23rd day of October 2025 and indicated on <i>Drawing No. 24150/P/007, Rev. P2</i>.</p> <p>Reason: In the interest of the orderly development of the site.</p>
10.	<p>(a) The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled and/or contoured, as applicable, soiled, seeded, and landscaped in accordance with the landscape plans and report submitted to the Planning Authority with the application, unless otherwise agreed in writing with the Planning Authority. The area(s) of public open space within each respective phase of the development indicated on <i>Drawing No. 24150/P/007, Rev. P2</i> shall be made available before any of the dwellings within the particular phase are made available for occupation, and shall be maintained as public open space by the developer until taken in charge by the Local Authority.</p> <p>(b) No walls, fences or other boundary treatment shall be constructed around the front gardens of the dwellings, and front gardens shall be kept as “open plan”.</p>

	<p>(c) Any plants which die, are removed, or become seriously damaged or diseased, within a period of 5 years from the completion of the development, or until the development is taken in charge by the Local Authority, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose, and in the interest of visual amenity.</p>
11.	<p>Prior to the commencement of development activity, protective fencing in accordance with best practice, shall be installed to protect all trees identified to be retained. The fencing shall be installed in such a manner as to provide protection to the critical root zone of trees to be protected and it shall be retained on site until all construction works are completed. No soil, spoil, construction material or waste will be stored or tipped within the fenced off area and no construction plant or vehicles will be parked within the spread of trees/hedgerows identified to be retained. The fencing shall be retained until such time as works are completed.</p> <p>Reason: In the interests of protecting biodiversity value within the site.</p>
12.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings, structures and boundary walls shall be submitted to, and agreed in writing with the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
13.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

14.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
15.	<p>(i) Noise generated at the development shall not, at any time, give rise to noise levels which would exceed the predicted levels as set out in Table 12.12, Chapter 12 of the Environmental Impact Assessment Report (EIAR), as revised/updated in Appendix 2 of the EIAR Addendum Report submitted to the Planning Authority on the 23rd day of October 2025 as Further Information.</p> <p>(ii) Exceedances of Construction Noise Thresholds (CNT's) at Noise Sensitive Locations (NSLs) shall not occur more than 10 days/nights over 15 consecutive day/nights, or 40 days over 6 consecutive months, in accordance with DMRB Noise and Vibration (UKHE 2020).</p> <p>(iii) Noise and vibration monitoring locations, and a schedule for monitoring, for the purposes of the construction phase of the proposed development shall be agreed in writing with the Planning Authority prior to commencement of any development on site.</p> <p>Reason: In order to protect the residential amenities of property in the vicinity.</p>
16.	<p>During construction, artificial lighting shall not overspill onto adjoining areas.</p> <p>Reason: In the interest of protecting the amenities of property and natural heritage.</p>
17.	<p>A wheel washing facility shall be provided for the duration of the construction period, adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of traffic safety and biosecurity.</p>

18. The construction of the development, and demolition works, shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - b) Location of areas for construction site offices, staff car parking, and staff facilities;
 - c) Details of site security fencing and hoardings;
 - d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - e) Measures to obviate queuing of construction traffic on the adjoining road network;
 - f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - g) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
 - k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

	<p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the Planning Authority.</p> <p>In addition, the Construction Management Plan, which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development, shall also include the following;</p> <ul style="list-style-type: none"> (a) Confirmation regarding the party responsible for taking charge of the proposed day roosts for bats and the upkeep and maintenance of same. (b) The location of the proposed bat box scheme. (c) Detailed construction phase pest control measures. (d) Details of the delineation of between construction activities and completed phases of the development. (e) The location of any and all archaeological or cultural heritage constraints which may become relevant subsequent to geophysical survey and test excavation. <p>Reason: In the interest of amenities, public health and safety.</p>
19.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall be prepared in accordance with the “Best practice guidelines for the preparation of resource & waste management plans for construction & demolition projects”, published by the EPA, 2021. The plan shall include details of waste to be generated during site clearance and construction phases, including potential contaminated soil, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p>

	<p>Reason: In the interest of sustainable waste management.</p>
20.	<p>Proposals for naming and numbering of the proposed scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the Planning Authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the Planning Authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility.</p>
21.	<p>All of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.</p> <p>Reason: In the interests of sustainable transportation.</p>
22.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
23.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Monday to Friday inclusive, between 0800 to 1400 hours on Saturday, and not at all on Sundays and public holidays.</p> <p>Rock breaking and crushing activities shall be carried out only between the hours of 1000 to 1300 and 1400 to 1600 hours Monday to Friday inclusive, and not at all on Saturdays, Sundays and public holidays.</p>

	<p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
24.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
25.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the Local Authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development. All areas not intended to be taken in charge by the Local Authority, shall be maintained by a legally constituted management company.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
26.	<p>(a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority pursuant to Section 47 of the Planning and Development Act 2000, that restricts any such residential units permitted (the number and location of each housing unit being specified in such agreement), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is</p>

	<p>demonstrated to the satisfaction of the Planning Authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the Planning Authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
27.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of Section 94(4) and Section 96(2) and (3) (Part V) of the Planning and Development Act, 2000, as amended, unless an exemption certificate shall have been applied for and been granted under Section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which Section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Coimisiún Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act, 2000, as amended, and of the housing strategy in the development plan of the area.</p>
28.	<p>The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by</p>

	<p>or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act, 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p>
29.	<p>Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the Local Authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>

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.

Ian Campbell
Senior Planning Inspector

8th May 2026

Appendix 1

Form 1

**EIA Pre-Screening
N/A – EIAR SUBMITTED**

Appendix 2

Appropriate Assessment Screening Determination

Screening for Appropriate Assessment

Test for likely significant effects

Step 1: Description of the project and local site characteristics

Case file: ABP-324062-26

Brief description of project	Detail set out in Section 2.0 of the Inspector's report. See also pages 13 - 14 of the AASR/NIS.
Brief description of development site characteristics and potential impact mechanisms	<p>A detailed description of the development site is provided in Section 1.0 of the Inspector's report and detailed specifications of the proposal are provided in the AASR/NIS, EIAR and other planning documents provided by the applicant.</p> <p>The habitat types (and extent of same) recorded within the application site based on the classification as defined by Fossitt (2000) are presented in Figure 11.8 of the EIAR and include Agricultural Grassland (GA1);</p>

Hedgerow (WL1); Stonewalls (BL1); and Scrub (WS1). The ecological site survey did not identify any invasive species within the site.

The appeal site is indirectly hydrologically connected to Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA, via the Claureen River (also known as Inch River), a tributary of the River Fergus, which is c.120 metres north of the main body of the appeal site (abuts the red line boundary of the appeal site). The appeal site is underlain by karst bedrock and there is a possibility that groundwater within the site could be linked to groundwater dependent habitats associated with a number of European Sites within the zone of influence.

Effluent from the proposed development will enter the foul sewer network and will be treated at Ennis North wwtp. The PA requested the applicant to clarify remaining capacity in the wwtp at FI stage, including its design capacity and hydraulic loading. The applicant's response noted that the development will make up <1% of the designed hydraulic design capacity and 3.46% of the hydraulic headroom remaining within the wwtp and that Ennis North wwtp retains substantial residual hydraulic and organic capacity. The applicant also assessed potential in combination effects of permitted/proposed development within the catchment of the Ennis North

wwtp, which is 167m³/day, with the proposed development being 147 m³/day, resulting in a combined 314 m³/day, which accounts for 7% of the remaining hydraulic headroom, and <5% of the remaining PE headroom. The most recent capacity register (April 2026) indicates capacity in Ennis North wwtp.

Impact Mechanisms:

The proposal entails the discharge of treated surface water to the Claureen River. The Claureen River outfalls to the River Fergus at a location c. 900 metres north of the appeal site. Impact mechanisms include the release of polluted run-off (inc. silt, cement, hydrocarbons etc.) to surface water, and emissions of dust to air which could reach surface water features during the construction and operational phase of the proposed development. The proposal also entails the disposal of surface water run-off to soakaways and an infiltration basin, which discharge to ground. There is potential for the release of polluted run-off (inc. silt, cement, hydrocarbons etc.) to ground water (which is underlain by karst bedrock), during the construction and operational phase of the proposed development.

<p>Instream works³⁹ in the Claureen River required to facilitate the drainage connection could potentially result in dust and pollution entering the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA.</p> <p>The appeal site is within the foraging range (i.e. 2.5 km) of Lesser Horseshoe Bat associated with 2 no. SACs. Potential impacts could also arise as a result of a loss of habitat, habitat fragmentation and disturbance. A Bat Fauna Impact Assessment was carried out which notes that there are no bat roosts on the site. Several trees on the site which are proposed to be felled (2 no.) have bat roosting potential.</p> <p>Potential for disturbance impacts on Otters arises given the potential for Otter associated with Lower River Shannon SAC to use the riverine environment in the vicinity of the appeal site. Otter are also a qualifying interest of a number of SAC's with which the appeal site is connected with via hydrogeological pathways.</p>	
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³⁹ The applicant confirmed, in response to the PA's FI request, that no in-stream works are proposed. This revised NIS (see page 9) states that the only works proximate to the Claureen River consist of a proposed bio-swale extending east-west towards the watercourse. I note that the revised NIS however includes mitigation measures for instream works (see page 126). It appears that the mitigation measures in the revised NIS were not updated/amended to reflect the change to the proposal in this regard, and remained as per the initial NIS submitted. I am satisfied, based on the information submitted, specifically explicit references to there being no proposed in-stream works that no instream works are in fact proposed. Additionally, the revised NIS submitted at FI stage refers to the installation of a headwall however the EIAR Addendum Report, also submitted at FI stage, omits the proposed pre-cast headwall from the proposal, via a strikethrough. *Drawing No. 11269-2204* (Proposed Drainage Layout Sheet 4 of 4) indicates no headwall at the point of discharge to the Claureen River. I similarly consider reference to a headwall in the updated NIS to be an oversight and am satisfied that no headwall is now proposed.

	<p>Wintering bird surveys were undertaken⁴⁰. The results from the surveys suggest that the site is not an <i>ex-situ</i> foraging or roosting site for species of qualifying interest from nearby SPAs.</p>	
Screening report	Yes (prepared by Altemar)	
Natura Impact Statement	Yes (prepared by Altemar)	
Relevant submissions	<p><u>Environmental Assessment Officer</u>: initial report recommends additional bat surveys; confirmation of lighting levels; confirmation of details in relation to the loss of hedgerow on the site in the context of bat habitat; and that the NIS is updated to address potential impacts rising from the wwtp on European Sites, assessment of treatment capacity in the wwtp, and consideration of cumulative impacts. Subsequent report recommends that the mitigation measures in the NIS are conditioned to be implemented in full.</p> <p><u>An Taisce</u>: submission notes that consultation with Inland Fisheries Ireland may be required to determine if mitigation measures for instream works are adequate.</p> <p><u>DoH/LGH</u>: submission notes gaps in planting on the site in the context of hedgerow as a linear features for bats; discrepancies in relation to lighting levels indicated on the site; seeks clarity in respect of the net loss of</p>	

⁴⁰ See Chapter 11 (Biodiversity) of EIAR for details of wintering bird surveys.

biodiversity/quantification of habitat loss; and clarity regarding instream works.

Third Party submissions to PA:

- application does not assess impact on European Sites and water bodies.
- significant volume of untreated effluent is being discharged from the SWO's, posing risks to the River Fergus and European sites.
- AA does not address impacts from wastewater discharges and potential for groundwater contamination and fails to use best available scientific data (inc. the AER's do not provide daily BOD5 data and maximum average weekly organic loads) or EPA river quality values and pressures on local water bodies.
- mitigation measures rely on future agreements with Uisce Éireann.
- concern re. potential impact on protected species and habitats, including Lesser Horseshoe Bat as a result of habitat loss and light pollution.
- NIS does not address rock processing and wastewater impacts.
- full ecological assessment, including a seasonal bat survey required.

Appeal submission (Michael Duffy):

- there was no in-combination assessment of other discharges into the SAC from Doora Dump, Clareabbey wwtp or the Roche site further downstream.
- the statement in the NIS, that downstream issues in the River Fergus (i.e. its moderate status) are influenced by the upper catchment and not the wwtp itself, is unsupported.
- the CWMP does not provide details on volumes or rock breaking, crushing, screening or C&D for removal off-site, or the volumes of C&D arising, nor does it confirm that there is capacity for the disposal of C&D waste at registered facilities within the County, or elsewhere. A S. 177V determination cannot be made without complete information on this matter.
- the NIS does not contain information to inform the PA of the actual status of the network and wwtp or the impacts on the assimilative capacity of receiving waters.
- CoF is not a basis for an Appropriate Assessment determination.
- potential impacts from wastewater discharge due to a lack of capacity in the network and wwtp has not been considered. No

	<p>consideration of cumulative impact from stormwater discharges and emergency overflows in the network or at the wwtp considered.</p> <p>Issues concerning the Capacity at Ennis North wwtp and the network are addressed in detail at para 7.6.6 - 7.6.10 (above). I am satisfied that there is sufficient capacity in the wwtp and network to cater for the proposal. Issues regarding rock breaking in the context of waste are addressed at para 8.15.10 (above).</p>	
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Step 2. Identification of relevant European sites using the Source-Pathway-Receptor model

21 no. European sites were identified as being located within a potential zone of influence of the proposed development (see Table 2 of AASR/NIS). The applicant discounted 7 no. of these European Sites on the basis of there being no potential source-pathway-receptor chain/connectivity between the particular European Site and the appeal site (see Table 2 of AASR/NIS). These European Sites are all either remote from the appeal site, or the appeal site is outside the foraging range for the particular QI which the SAC is designated for, or a combination of these. I have only included those sites with any possible ecological connection or pathway in this screening determination.

European Site (code)	Qualifying interests (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
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<p>Lower River Shannon SAC (Site Code: 002165)</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>c. 0.9 km from appeal site.</p>	<p>Indirect hydrological connectivity between the appeal site and the SAC exists. Potential pathways for indirect effects on the aquatic dependent QI's of the SAC exist in the form of water quality deterioration. The proposal entails the discharge of treated surface water to the Claureen River which outfalls to the River Fergus. Contamination may enter the Claureen River during required to facilitate the drainage connection to this watercourse.</p>	<p>Y</p>
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	<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus</i></p>		<p>Wastewater from the proposed development discharges to the public foul sewer network and ultimately Ennis North wwtp, which in turn discharges to the River Fergus.</p> <p>Potential disturbance to Otters during construction phase, and potential for pollution during construction and operation phase to affect the Otter habitat.</p>	
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	<p>excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>			
Pouladatig Cave SAC	Caves not open to the public [8310]	c. 1.7 km from appeal site.	Potential	Y

<p>(Site Code: 000037)</p>	<p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>		<p>hydrogeological pathway (via groundwater) exists.</p> <p>Potential for significant effects on the QI of the SAC as result of the discharge of contaminated surface water during the construction and operational phase of the proposed development migrating through the aquifer to the SAC.</p> <p>The SAC is within the foraging distance (i.e. 2.5 km) for Lesser Horseshoe Bat and the appeal site was found to</p>	
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			be used by Lesser Horseshoe Bats. Potential for indirect impacts to occur as result of habitat loss/fragmentation and disturbance as a result of human activity, noise and lighting.	
Newhall and Edenvale Complex SAC (Site Code: 002091)	Caves not open to the public [8310] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	c. 1.7 km from appeal site.	Potential hydrogeological pathway (via groundwater) exists. Potential for significant effects on the QI of the SAC as result of the discharge of contaminated surface water during the construction and	Y

			<p>operational phase of the proposed development migrating through the aquifer to the SAC.</p> <p>The SAC is within the foraging distance (i.e. 2.5 km) for Lesser Horseshoe Bat and the appeal site was found to be used by Lesser Horseshoe Bats. Potential for indirect impacts to occur as result of habitat loss/fragmentation and disturbance as a result of human activity, noise and lighting.</p>	
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<p>Ballyallia Lake SAC (Site Code: 000014)</p>	<p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]</p>	<p>c. 2.7 km from the appeal site.</p>	<p>Potential for significant effects on the QI of the SAC as result of the discharge of contaminated surface water during the construction and operational phase of the proposed development migrating through the aquifer to the SAC.</p>	<p>Y</p>
<p>Dromore Woods & Loughs SAC (Site Code: 000032)</p>	<p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Limestone pavements [8240]</p>	<p>c. 6.6 km from appeal site.</p>	<p>Potential for significant effects on the QI of the SAC as result of the discharge of contaminated surface water during the construction and operational phase of the proposed development</p>	<p>Y</p>

	Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] Lutra lutra (Otter) [1355]		migrating through the aquifer to the SAC.	
Ballycullinan Lake SAC (Site Code: 000016)	Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]	c. 8.5 km from appeal site.	Potential for significant effects on the QI of the SAC as result of the discharge of contaminated surface water during the construction and operational phase of the proposed development migrating through the aquifer to the SAC.	Y
East Burren Complex SAC (Site Code: 001926)	Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] Turloughs [3180]	c. 9.5 km from appeal site.	Potential for significant effects on the QI of the SAC as result of the discharge of contaminated surface water during the	Y

	<p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>Alpine and Boreal heaths [4060]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p>		<p>construction and operational phase of the proposed development migrating through the aquifer to the SAC.</p>	
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	<p>Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>) [6510]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Caves not open to the public [8310]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>AlnoPadion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p>			
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	<p>Euphydryas aurinia (Marsh Fritillary) [1065]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p>			
<p>Moyree River SAC (Site Code: 000057)</p>	<p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Caves not open to the public [8310]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Lutra lutra (Otter) [1355]</p>	<p>c. 11.2 km from appeal site.</p>	<p>Potential for significant effects on the QI of the SAC as result of the discharge of contaminated surface water during the construction and operational phase of the proposed development migrating through the aquifer to the SAC.</p>	<p>Y</p>

<p>Ballyogan Lough SAC (Site Code: 000019)</p>	<p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] Limestone pavements [8240]</p>	<p>c. 12.5 km from appeal site.</p>	<p>Potential for significant effects on the QI of the SAC as result of the discharge of contaminated surface water during the construction and operational phase of the proposed development migrating through the aquifer to the SAC.</p>	<p>Y</p>
<p>Poulnagordan Cave SAC (Site Code: 000064)</p>	<p>Caves not open to the public [8310] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>	<p>c. 10.1 km from appeal site.</p>	<p>Potential for significant effects on the QI of the SAC as result of the discharge of contaminated surface water during the construction and operational phase of the proposed development</p>	<p>Y</p>

			migrating through the aquifer to the SAC.	
Lough Gash Turlough SAC (Site Code: 000051)	Turloughs [3180] Rivers with muddy banks with Chenopodium rubri p.p. and Bidenton p.p. vegetation [3270]	c. 10.6 km from appeal site.	Potential for significant effects on the QI of the SAC as result of the discharge of contaminated surface water during the construction and operational phase of the proposed development migrating through the aquifer to the SAC.	Y
Ballyallia Lough SPA (Site Code: 004041)	Wigeon (Anas penelope) [A050] Gadwall (Anas strepera) [A051] Teal (Anas crecca) [A052]	c. 2.7 km from appeal site.	Potential for significant effects on the SCI of the SPA as result of the discharge of contaminated surface water during the construction and operational phase of the	Y

	<p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Wetland and Waterbirds [A999]</p>		<p>proposed development migrating through the aquifer to the SPA.</p>	
<p>Corofin Wetlands SPA (Site Code: 004220)</p>	<p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p>	<p>c. 10.8 km from appeal site.</p>	<p>Potential for significant effects on the SCI of the SPA as result of the discharge of contaminated surface water during the construction and operational phase of the proposed development migrating through the aquifer to the SPA.</p>	<p>Y</p>

	Wetland and Waterbirds [A999]			
River Shannon and River Fergus Estuaries SPA (Site Code: 004077)	<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> <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>	c. 3.6 km from appeal site.	Indirect hydrological connectivity between the appeal site and the SPA exists. Potential pathways for indirect effects on the aquatic dependent SCI's of the SPA exist in the form of water quality deterioration. The proposal entails the discharge of treated surface water to the Claureen River which outfalls to the River Fergus. Contamination may enter the Claureen River during works required to facilitate the	Y

	<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>drainage connection to this watercourse.</p> <p>Wastewater from the proposed development discharges to the public foul sewer network and ultimately Ennis North wwtp, which in turn discharges to the River Fergus.</p>	
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	<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>			

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

The proposed development could result in indirect effects on the above 11 no. SACs and 3 no. SPAs.

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

Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impacts	Effects
Lower River Shannon SAC (Site Code: 002165)	Indirect pathway to SAC. Water pollution arising from uncontrolled release of pollutants, to surface water (e.g. run-off, silt, fuel, oils, concrete, dust etc.). Release of effluent to River Fergus from Ennis North wwtp. Increased human disturbance at the site, particularly during the construction and post construction phase.	Subsequent impacts on water quality sensitive species/habitats. Potential for pollution during construction and operation phase to affect the Otter and Otter habitat.

		Potential disturbance risks to Otter, a qualifying interest species for the SAC which could be associated with increased noise, additional lighting and increased human activity at both construction and post construction phases.
	Likelihood of significant effects from proposed development (alone): Yes	
	Impacts	Effects
Pouladatig Cave SAC (Site Code: 000037)	<p>Indirect pathway to SAC.</p> <p>Water pollution arising from uncontrolled release of pollutants, to ground water (e.g. run-off, silt, fuel, oils, concrete, dust etc.).</p> <p>Increased human disturbance at the site, particularly during the construction and post construction phase.</p>	<p>Subsequent impacts on water quality sensitive species/habitats.</p> <p>Potential disturbance risks to Lesser Horseshoe Bats, a qualifying interest species for the SAC which could be associated with increased noise, additional lighting and increased human activity at both construction and post construction phases.</p>

	Likelihood of significant effects from proposed development (alone): Yes	
Newhall and Edenvale Complex SAC (Site Code: 002091)	<p>Indirect pathway to SAC.</p> <p>Water pollution arising from uncontrolled release of pollutants, to ground water (e.g. run-off, silt, fuel, oils, concrete, dust etc.).</p> <p>Increased human disturbance at the site, particularly during the construction and post construction phase.</p>	<p>Subsequent impacts on water quality sensitive species/habitats.</p> <p>Potential disturbance risks to Lesser Horseshoe Bats, a qualifying interest species for the SAC which could be associated with increased noise, additional lighting and increased human activity at both construction and post construction phases.</p>
	Likelihood of significant effects from proposed development (alone): Yes	
Ballyallia Lake SAC (Site Code: 000014)	Indirect pathway to SAC.	Subsequent impacts on water quality sensitive species/habitats.

	Water pollution arising from uncontrolled release of pollutants, to ground water (e.g. run-off, silt, fuel, oils, concrete, dust etc.).	
Likelihood of significant effects from proposed development (alone): Yes		
Dromore Woods & Loughs SAC (Site Code: 000032)	Indirect pathway to SAC. Water pollution arising from uncontrolled release of pollutants, to ground water (e.g. run-off, silt, fuel, oils, concrete, dust etc.).	Subsequent impacts on water quality sensitive species/habitats.
Likelihood of significant effects from proposed development (alone): Yes		
Ballycullinan Lake SAC (Site Code: 000016)	Indirect pathway to SAC. Water pollution arising from uncontrolled release of pollutants, to ground water (e.g. run-off, silt, fuel, oils, concrete, dust etc.).	Subsequent impacts on water quality sensitive species/habitats.
Likelihood of significant effects from proposed development (alone): Yes		
East Burren Complex SAC (Site Code: 001926)	Indirect pathway to SAC.	

	Water pollution arising from uncontrolled release of pollutants, to ground water (e.g. run-off, silt, fuel, oils, concrete, dust etc.).	Subsequent impacts on water quality sensitive species/habitats.
Likelihood of significant effects from proposed development (alone): Yes		
Moyree River SAC (Site Code: 000057)	Indirect pathway to SAC. Water pollution arising from uncontrolled release of pollutants, to ground water (e.g. run-off, silt, fuel, oils, concrete, dust etc.).	Subsequent impacts on water quality sensitive species/habitats.
Likelihood of significant effects from proposed development (alone): Yes		
Ballyogan Lough SAC (Site Code: 000019)	Indirect pathway to SAC. Water pollution arising from uncontrolled release of pollutants, to ground water (e.g. run-off, silt, fuel, oils, concrete, dust etc.).	Subsequent impacts on water quality sensitive species/habitats.
Likelihood of significant effects from proposed development (alone): Yes		
Poulnagordan Cave SAC (Site Code: 000064)	Indirect pathway to SAC. Water pollution arising from uncontrolled release of pollutants, to ground water (e.g. run-off, silt, fuel, oils, concrete, dust etc.).	Subsequent impacts on water quality sensitive species/habitats.

	Likelihood of significant effects from proposed development (alone): Yes	
Lough Gash Turlough SAC (Site Code: 000051)	Indirect pathway to SAC. Water pollution arising from uncontrolled release of pollutants, to ground water (e.g. run-off, silt, fuel, oils, concrete, dust etc.).	Subsequent impacts on water quality sensitive species/habitats.
	Likelihood of significant effects from proposed development (alone): Yes	
Ballyallia Lough SPA (Site Code: 004041)	Indirect pathway to SPA. Water pollution arising from uncontrolled release of pollutants, to ground water (e.g. run-off, silt, fuel, oils, concrete, dust etc.).	Subsequent impacts on water quality sensitive species/habitats.
	Likelihood of significant effects from proposed development (alone): Yes	
Corofin Wetlands SPA (Site Code: 004220)	Indirect pathway to SPA. Water pollution arising from uncontrolled release of pollutants, to ground water (e.g. run-off, silt, fuel, oils, concrete, dust etc.).	Subsequent impacts on water quality sensitive species/habitats.
	Likelihood of significant effects from proposed development (alone): Yes	

River Shannon and River Fergus Estuaries SPA (Site Code: 004077)	Indirect pathway to SPA. Water pollution arising from uncontrolled release of pollutants, to ground water (e.g. run-off, silt, fuel, oils, concrete, dust etc.). Release of effluent to River Fergus.	Subsequent impacts on water quality sensitive species/habitats.
Likelihood of significant effects from proposed development (alone): Yes		

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

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the following European Sites;

- Lower River Shannon SAC (Site Code: 002165)
- Newhall and Edenvale Complex SAC (Site Code: 002091)
- Pouladatig Cave SAC (Site Code: 000037)
- Ballyallia Lake SAC (Site Code: 000014)
- Dromore Woods and Loughs SAC (Site Code: 000032)
- Ballycullinan Lake SAC (Site Code: 000016)
- East Burren Complex SAC (Site Code: 001926)
- Poulmagordon Cave (Quin) SAC (Site Code: 000064)
- Lough Gash Turlough SAC (Site Code: 000051)
- Moyree River System SAC (Site Code: 000057)

- Ballyogan Lough SAC (Site Code: 000019)
- Ballyallia Lough SPA (Site Code: 004041)
- River Shannon and River Fergus Estuaries SPA (Site Code: 004077)
- Corofin Wetlands SPA (Site Code: 004220)

I concur with the applicant's findings that such impacts could be significant in terms of the stated conservation objectives of the SACs and SPAs when considered on their own in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

Regarding wastewater, Ennis North wwtp into which the proposed development connects, is operated under an EPA wastewater discharge licence (Ref. D0048-01) which UE is obliged to comply with. The licence includes conditions, including conditions concerning the SWOs. The most recent capacity register (April 2026) indicates capacity in Ennis North wwtp. The proposed development will be contingent on receiving a Connection Agreement from UE in order to proceed. On this basis, potential impacts arising from the proposed development connecting into Ennis North WWTP and using the UE network associated with Ennis North WWTP, and any subsequent downstream impacts on European Sites can be discounted.

Screening Determination

Finding of likely significant effects

In accordance with Section 177U of the Planning and Development Act, 2000, (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the

14 no European Sites noted above in view of the conservation objectives of a number of qualifying interest features of those sites.

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

Appendix 3

Appropriate Assessment – AA Determination

Appropriate Assessment

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

Taking account of the preceding screening determination at Appendix 2 of the Inspector's report (above), the following is an Appropriate Assessment of the implications of the proposed development in view of the relevant conservation objectives of the following European Sites based on the scientific information provided by the applicant;

- Lower River Shannon SAC (Site Code: 002165)
- Newhall and Edenvale Complex SAC (Site Code: 002091)
- Pouladatig Cave SAC (Site Code: 000037)
- Ballyallia Lake SAC (Site Code: 000014)
- Dromore Woods and Loughs SAC (Site Code: 000032)
- Ballycullinan Lake SAC (Site Code: 000016)

- East Burren Complex SAC (Site Code: 001926)
- Poulmagordon Cave (Quin) SAC (Site Code: 000064)
- Lough Gash Turlough SAC (Site Code: 000051)
- Moyree River System SAC (Site Code: 000057)
- Ballyogan Lough SAC (Site Code: 000019)
- Ballyallia Lough SPA (Site Code: 004041)
- River Shannon and River Fergus Estuaries SPA (Site Code: 004077)
- Corofin Wetlands SPA (Site Code: 004220)

The information relied upon includes the following:

- Environmental Impact Assessment Report (EIAR) - updated in response to FI request.
- Bat Fauna Impact Assessment - updated in response to FI request.
- Construction Environmental Management Plan (CEMP)
- Flood Risk Assessment
- Drainage Impact Assessment Report.
- Civil Works Design Report.
- Stage 1 Storm Water Audit.
- Appropriate Assessment Screening Report (AASR) and Natura Impact Statement (NIS) – updated in response to FI request.
- Drawings

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

Submissions/observations

Summary of reports, submissions/observations provided above in Stage 1 Appropriate Assessment Screening.

Lower River Shannon SAC (Site Code: 002165)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Water Quality Degradation (construction and operation phase)**
- (ii) Disturbance to Otter (construction phase)**

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
	To maintain the favourable conservation condition (of this particular QI) in the Lower River Shannon		Table 7 of AASR/NIS (see summary below)

	SAC <u>or</u> To restore the favourable conservation condition (of this particular QI) in the Lower River Shannon SAC.			
<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [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>Maintain</p> <p>Maintain</p> <p>Restore</p> <p>Restore</p>	<p>Uncontrolled release of sediment laden waters, wastes, or other pollutants during construction and operational phase of the proposed development impacting surface water and ground water quality, resulting in water quality</p>	<p>Dust Control:</p> <ul style="list-style-type: none"> - Regular damping of haul roads during dry weather using water bowsers or sprinkler systems. - Use of wheel washing system. - Cover, seed, or fence soil stockpiles to prevent wind-blown dust. - Erect solid hoarding or dust netting along site boundaries. - During dry and windy conditions, avoid high dust-potential activities or implement enhanced suppression controls. <p>Noise & Vibration:</p>	

Callitriche-Batrachion vegetation [3260]	Maintain	degradation and/or alteration of habitat quality would undermine conservation objectives. Potential for pollution during construction and operation phase to affect the Otter and Otter habitat. Potential disturbance risks to Otter as result of increased noise, additional lighting and increased human	<ul style="list-style-type: none"> - Works will be carried out in accordance with the requirements of BS5228-1:2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites. - Ensuring that HGV drivers turn off engines when parked for prolonged periods. - Choosing equipment with reduced noise output and silencers/dampeners. 	
Petromyzon marinus (Sea Lamprey) [1095]	Restore			
Lampetra planeri (Brook Lamprey) [1096]	Maintain			
Lampetra fluviatilis (River Lamprey) [1099]	Maintain			
Salmo salar (Salmon) [1106]	Restore			
Lutra lutra (Otter) [1355]	Restore		Soil & Groundwater: <ul style="list-style-type: none"> - Material stockpiles will be kept at least 10m from any watercourses or manholes. - Silt fences will be erected at the toe of stockpiles to prevent run-off into watercourses. - Tarpaulins will be used to cover stockpiles of material during heavy rainfall to avoid sediment release. 	

		activity at both construction and post construction phases.	<ul style="list-style-type: none"> - Washout from concrete delivery vehicles will only occur at designated concrete washout areas. - No liquids will be permitted to be discharged direct to ground and absorbent socks will be installed around surface water drains to prevent silt entering the drainage network. 	
			<p>Ecology:</p> <ul style="list-style-type: none"> - Plant machinery will be turned off when not in use to. - Illumination of the site will be kept to the minimum required. - A project ecologist will be appointed to oversee works from prior to commencement of works on site to the completion of all drainage elements. - Local silt traps established throughout site and regular inspections of same carried out. 	

			<ul style="list-style-type: none"> - Fuel, oil and chemical storage will be sited within a bunded area. The bund will be at least 50m away from drains. - Concrete trucks, cement mixers or drums/bins are only permitted to wash out in designated wash out area greater than 50m from sensitive receptors including drains. - Spill containment equipment shall be available for use in the event of an emergency. - Instream machine works will be minimised, and any machines working in the watercourse must be protected against leakage or spillage of fuels, oils, greases and hydraulic fuels. - Instream earthworks must be executed so as to minimise the suspension of solids. - Works within 50m of the Claureen River will only be carried out subject to 	
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			<p>the approval of the project ecologist. Works to connect drainage to the Claureen River will be under the direct supervision of the project ecologist, with mitigation measures in place to prevent silt and contamination from entering the watercourse. Works will be carried out in dry weather and no cement works will be carried out within 20 metres of the watercourse.</p> <p>Air & Dust:</p> <ul style="list-style-type: none"> - Trucks leaving the site with any excavated material will be covered. - Plan site layout so that machinery and dust causing activities are located away from receptors, as far as is possible. - During dry and windy periods, and when there is a likelihood of dust nuisance, a bowser will operate to ensure moisture content is high 	
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			<p>enough to increase the stability of the soil and thus suppress dust.</p> <p>Bats:</p> <ul style="list-style-type: none"> - Compensatory planting for the removal of linear habitats. LED luminaires will be used. A warm white spectrum (2700 Kelvins) will be used to reduce the blue light component of the LED spectrum). - Bat boxes will be erected prior to construction works. - A day roost will be erected on the site (see Fig. 25 of Bat Fauna Impact Assessment). <p>Post Construction:</p> <ul style="list-style-type: none"> - Post construction an inspection of drainage connections to the watercourse network including petrochemical interception will be carried out by the project ecologist. 	

The above table is based on the documentation and information provided on the file, and publicly available at <https://www.npws.ie/protected-sites/sac/002165> and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

The NIS submitted by the applicant notes that the proposed development will have no potential for adverse effects on the following QI of Lower River Shannon SAC (Site Code: 002165) –

- Sandbanks which are slightly covered by sea water all the time [1110]
- Estuaries [1130]
- Coastal lagoons [1150]
- Large shallow inlets and bays [1160]
- Perennial vegetation of stony banks [1220]
- Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]
- Salicornia and other annuals colonising mud and sand [1310]
- Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae) [91E0]
- *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029]
- *Tursiops truncatus* (Common Bottlenose Dolphin) [1349]

on the basis of the location of the development site relative to the particular QI within the SAC/absence of Source-Pathway-Receptor.

Assessment of issues that could give rise to adverse effects view of conservation objectives

Regarding Loss of Habitat, there are no Annex I habitats within or adjacent to the proposed works boundary.

Water quality degradation

Deterioration of water quality and substrates in the designated site, resulting in adverse impacts to qualifying interests that the SAC has been designated for.

Mitigation measures and conditions

Standard and Best Practice Construction Procedures and specific mitigation measures set-out at Table 7 of AASR/NIS.

Disturbance to Otter

Disturbance to Otter as result of increased noise, additional lighting and increased human activity at both construction and post construction phases.

Mitigation measures and conditions

Standard and Best Practice Construction Procedures and specific mitigation measures set-out at Table 7 of AASR/NIS.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the SAC by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures proposed in relation to impacts from light and noise, and works in proximity to Claureen River.

<p>I note that the revised NIS (page 113) refers to the installation of a headwall in the Claureen River and reference is made to mitigation measures in respect of instream works in the revised NIS. This element of the proposal is however stated as having been omitted (see EIAR Addendum Report submitted at FI stage). I consider that reference to the headwall in the revised NIS (also submitted at FI stage) is an oversight. As the headwall in the Claureen River has been omitted I am satisfied that instream works are not proposed. The NIS provides a robust suite of mitigation measures which would satisfactorily address any potential impacts arising from connecting the bioswale to the Claureen River.</p>	
<p>In-combination effects</p> <p>Page 132 – 137 of the AASR/NIS addresses cumulative effects. I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.</p>	
<p>Findings and conclusions</p> <p>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. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Lower River Shannon SAC (Site Code: 002165). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants, and to address disturbance of Otter. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.</p>	

<p>Reasonable scientific doubt</p> <p>I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.</p> <p>Site Integrity</p> <p>The proposed development will not affect the attainment Conservation objectives of Lower River Shannon SAC (Site Code: 002165). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.</p>			
<p>Newhall and Edenvale Complex SAC (Site Code: 002091)</p> <p>Summary of Key issues that could give rise to adverse effects (from screening stage):</p> <ul style="list-style-type: none"> (i) Water Quality Degradation (construction and operation phase) (ii) Disturbance to Lesser Horseshoe Bat, and loss of habitat (construction and operation phase) 			
<p>Qualifying Interest features likely to be affected</p>	<p>Conservation Objectives</p>	<p>Potential adverse effects</p>	<p>Mitigation measures (summary)</p>

<p>Caves not open to the public [8310]</p>	<p>None set (linked to LHB)</p>	<p>Uncontrolled release of sediment laden waters, wastes, or other pollutants during construction and operational phase of the proposed development impacting ground water quality, resulting in water quality degradation and/or alteration of habitat quality which would undermine conservation objectives.</p>	<p>See Table 7 of AASR/NIS (see above)</p>
<p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>	<p>Maintain</p>	<p>Potential disturbance risks to Lesser Horseshoe Bats as a result of increased noise, additional lighting and increased human activity at both construction and post</p>	

		construction phases. Loss of habitat.	
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The above table is based on the documentation and information provided on the file, and publicly available at <https://www.npws.ie/protected-sites/sac/002091> and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects view of conservation objectives

Regarding Loss of Habitat, there are no Annex I habitats within or adjacent to the proposed works boundary.

Water quality degradation

Deterioration of water quality and substrates in the designated site, resulting in adverse impacts to qualifying interests that the SAC has been designated for.

Mitigation measures and conditions

Standard and Best Practice Construction Procedures and specific mitigation measures set-out at Table 7 of AASR/NIS.

Disturbance to Lesser Horseshoe Bat

Disturbance to Lesser Horseshoe Bat as a result of increased noise, additional lighting and increased human activity at both construction and post construction phases. Potential loss of habitat.

Mitigation measures and conditions

Standard and Best Practice Construction Procedures and specific mitigation measures set-out at Table 7 of AASR/NIS.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the SAC by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures proposed in relation to impacts from light and noise on Lesser Horseshoe Bats. Compensatory planting and a day roost also provided.

In-combination effects

Page 132 – 137 of the AASR/NIS addresses cumulative effects. I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European Site. Based

on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for Newhall and Edenvale Complex SAC (Site Code: 002091). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants, and to address disturbance of Lesser Horseshoe Bat, and loss of habitat. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment Conservation objectives of Newhall and Edenvale Complex SAC (Site Code: 002091). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Pouladatig Cave SAC (Site Code: 000037)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Water Quality Degradation (construction and operation phase)**
- (ii) Disturbance to Lesser Horseshoe Bat, and loss of habitat (construction and operation phase)**

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
<p>Caves not open to the public [8310]</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>	<p>None set (linked to LHB)</p> <p>Maintain</p>	<p>Uncontrolled release of sediment laden waters, wastes, or other pollutants during construction and operational phase of the proposed development impacting ground water quality, resulting in water quality degradation and/or alteration of habitat quality which would undermine conservation objectives.</p> <p>Potential disturbance risks to Lesser Horseshoe Bats as a result of increased noise,</p>	<p>See Table 7 of AASR/NIS (see above)</p>

		<p>additional lighting and increased human activity at both construction and post construction phases. Loss of habitat.</p>	
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The above table is based on the documentation and information provided on the file, and publicly available at <https://www.npws.ie/protected-sites/sac/000037> and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects view of conservation objectives

Regarding Loss of Habitat, there are no Annex I habitats within or adjacent to the proposed works boundary.

Water quality degradation

Deterioration of water quality and substrates in the designated site, resulting in adverse impacts to qualifying interests that the SAC has been designated for.

The Stage 1 AASR notes the potential hydrogeological pathway between the appeal site and the SAC however the NIS only examines the potential impact on Lesser Horseshoe Bat. This appears to be a typographical error. I consider that water quality degradation should be considered given the potential hydrogeological pathway identified at Stage 1.

Mitigation measures and conditions

Standard and Best Practice Construction Procedures and specific mitigation measures set-out at Table 7 of AASR/NIS.

Disturbance to Lesser Horseshoe Bat

Disturbance to Lesser Horseshoe Bat as a result of increased noise, additional lighting and increased human activity at both construction and post construction phases. Potential off of habitat.

Mitigation measures and conditions

Standard and Best Practice Construction Procedures and specific mitigation measures set-out at Table 7 of AASR/NIS.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the SAC by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures proposed in relation to impacts from light and noise on Lesser Horseshoe Bats. Compensatory planting and a day roost also provided.

In-combination effects

Page 132 – 137 of the AASR/NIS addresses cumulative effects. I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European Site. Based

on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for Pouladatig Cave SAC (Site Code: 000037). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants, and to address disturbance of Lesser Horseshoe Bat, and loss of habitat. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment Conservation objectives of Pouladatig Cave SAC (Site Code: 000037). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Ballyallia Lake SAC (Site Code: 000014)

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water Quality Degradation (construction and operation phase)

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)

<p>[3150] Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation</p>	<p>Maintain</p>	<p>Uncontrolled release of sediment laden waters, wastes, or other pollutants during construction and operational phase of the proposed development impacting ground water quality, resulting in water quality degradation and/or alteration of habitat quality which would undermine the conservation objective.</p>	<p>See Table 7 of AASR/NIS (see above)</p>
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The above table is based on the documentation and information provided on the file, and publicly available at <https://www.npws.ie/protected-sites/sac/000014> and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects view of conservation objectives

Regarding Loss of Habitat, there are no Annex I habitats within or adjacent to the proposed works boundary.

Water quality degradation

Deterioration of water quality and substrates in the designated site, resulting in adverse impacts to qualifying interests that the SAC has been designated for.

Mitigation measures and conditions

Standard and Best Practice Construction Procedures and specific mitigation measures set-out at Table 7 of AASR/NIS.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the SAC by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

In-combination effects

Page 132 – 137 of the AASR/NIS addresses cumulative effects. I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European Site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for Ballyallia Lake SAC (Site Code: 000014). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment Conservation objectives of Ballyallia Lake SAC (Site Code: 000014). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Dromore Woods & Loughs SAC (Site Code: 000032)**Summary of Key issues that could give rise to adverse effects (from screening stage):****(i) Water Quality Degradation (construction and operation phase)**

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
[3150] Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation	Maintain	Uncontrolled release of sediment laden waters, wastes, or other pollutants during construction and operational phase of the	See Table 7 of AASR/NIS (see above)

<p>[6430] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</p> <p>[8240] Limestone pavements</p> <p>[1355] Lutra lutra (Otter)</p>	<p>Restore</p> <p>Maintain</p> <p>Maintain</p>	<p>proposed development impacting ground water quality, resulting in water quality degradation and/or alteration of habitat quality would undermine conservation objectives.</p>	
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The above table is based on the documentation and information provided on the file, and publicly available at <https://www.npws.ie/protected-sites/sac/000032> and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects view of conservation objectives

Regarding Loss of Habitat, there are no Annex I habitats within or adjacent to the proposed works boundary.

The appeal site is located outside the 2.5 km foraging range for Lesser Horseshoe bat associated with the SAC and there is therefore no potential for significant effects on this QI.

Water quality degradation

Deterioration of water quality and substrates in the designated site, resulting in adverse impacts to qualifying interests that the SAC has been designated for.

Mitigation measures and conditions

Standard and Best Practice Construction Procedures and specific mitigation measures set-out at Table 7 of AASR/NIS.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the SAC by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

In-combination effects

Page 132 – 137 of the AASR/NIS addresses cumulative effects. I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European Site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for Dromore

Woods & Loughs SAC (Site Code: 000032). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment Conservation objectives of Dromore Woods & Loughs SAC (Site Code: 000032). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Ballycullinan Lake SAC (Site Code: 000016)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) **Water Quality Degradation (construction and operation phase)**

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)

<p>7210] Calcareous fens with Cladium mariscus and species of the Caricion davallianae</p>	<p>Maintain</p>	<p>Uncontrolled release of sediment laden waters, wastes, or other pollutants during construction and operational phase of the proposed development impacting ground water quality, resulting in water quality degradation and/or alteration of habitat quality would undermine the conservation objective.</p>	<p>See Table 7 of AASR/NIS (see above)</p>
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The above table is based on the documentation and information provided on the file, and publicly available at <https://www.npws.ie/protected-sites/sac/000016> and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects view of conservation objectives

Regarding Loss of Habitat, there are no Annex I habitats within or adjacent to the proposed works boundary.

Water quality degradation

Deterioration of water quality and substrates in the designated site, resulting in adverse impacts to qualifying interests that the SAC has been designated for.

Mitigation measures and conditions

Standard and Best Practice Construction Procedures and specific mitigation measures set-out at Table 7 of AASR/NIS.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the SAC by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

In-combination effects

Page 132 – 137 of the AASR/NIS addresses cumulative effects. I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European Site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for Ballycullinan Lake SAC (Site Code: 000016). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment Conservation objectives of Ballycullinan Lake SAC (Site Code: 000016). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

East Burren Complex SAC (Site Code: 001926)**Summary of Key issues that could give rise to adverse effects (from screening stage):****(i) Water Quality Degradation (construction and operation phase)**

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
140] Hard oligo-mesotrophic waters with benthic vegetation of Chara spp	Restore	Uncontrolled release of sediment laden waters, wastes, or other pollutants during construction and	See Table 7 of AASR/NIS (see above)

<p>[3180] Turloughs</p> <p>[3260] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation</p>	<p>Restore</p> <p>Maintain</p>	<p>operational phase of the proposed development impacting ground water quality, resulting in water quality degradation and/or alteration of habitat quality would undermine conservation objectives.</p>	
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The above table is based on the documentation and information provided on the file, and publicly available at <https://www.npws.ie/protected-sites/sac/001926> and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

The NIS submitted by the applicant notes that the proposed development will have no potential for adverse effects on the following QI of East Burren Complex SAC (Site Code: 001926) –

- [4060] Alpine and Boreal heaths
- [5130] Juniperus communis formations on heaths or calcareous grasslands
- [6130] Calaminarian grasslands of the Violetalia calaminariae
- [6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (FestucoBrometalia) (* important orchid sites)
- [6510] Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis)

- [7210] Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae*
- [7220] Petrifying springs with tufa formation (*Cratoneurion*)
- [7230] Alkaline fens
- [8240] Limestone pavements
- [8310] Caves not open to the public
- [91E0] Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)
- [1065] *Euphydryas aurinia* (Marsh Fritillary)
- [1303] *Rhinolophus hipposideros* (Lesser Horseshoe Bat)
- [1355] *Lutra lutra* (Otter)

on the basis of the location of the development site relative to the particular QI within the SAC/absence of Source-Pathway-Receptor.

Assessment of issues that could give rise to adverse effects view of conservation objectives

Regarding Loss of Habitat, there are no Annex I habitats within or adjacent to the proposed works boundary.

Water quality degradation

Deterioration of water quality and substrates in the designated site, resulting in adverse impacts to qualifying interests that the SAC has been designated for.

Mitigation measures and conditions

Standard and Best Practice Construction Procedures and specific mitigation measures set-out at Table 7 of AASR/NIS.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the SAC by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

In-combination effects

Page 132 – 137 of the AASR/NIS addresses cumulative effects. I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European Site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for East Burren Complex SAC (Site Code: 001926). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment Conservation objectives of East Burren Complex SAC (Site Code: 001926). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Poulnagordon Cave (Quin) SAC (Site Code: 000064)**Summary of Key issues that could give rise to adverse effects (from screening stage):****(i) Water Quality Degradation (construction and operation phase)**

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
Caves not open to the public [8310]	Not set (linked to LHB) Maintain	Uncontrolled release of sediment laden waters, wastes, or other pollutants during construction and operational phase of the proposed development impacting ground water quality, resulting in water	See Table 7 of AASR/NIS (see above)

Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]		quality degradation and/or alteration of habitat quality would undermine conservation objectives.	
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The above table is based on the documentation and information provided on the file, and publicly available at <https://www.npws.ie/protected-sites/sac/000064> and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects view of conservation objectives

Regarding Loss of Habitat, there are no Annex I habitats within or adjacent to the proposed works boundary.

The appeal site is located outside the 2.5 km foraging range for Lesser Horseshoe bat associated with the SAC and there is therefore no potential for significant effects on this QI in relation to disturbance.

Water quality degradation

Deterioration of water quality and substrates in the designated site, resulting in adverse impacts to qualifying interests that the SAC has been designated for.

Mitigation measures and conditions

Standard and Best Practice Construction Procedures and specific mitigation measures set-out at Table 7 of AASR/NIS.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the SAC by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

In-combination effects

Page 132 – 137 of the AASR/NIS addresses cumulative effects. I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European Site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for Poulmagordon Cave SAC (Site Code: 000064). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment Conservation objectives of Poulmagordon Cave SAC (Site Code: 000064). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Lough Gash SAC (Site Code: 000051)**Summary of Key issues that could give rise to adverse effects (from screening stage):****(i) Water Quality Degradation (construction and operation phase)**

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
[3180] Turloughs [3270] Rivers with muddy banks with <i>Chenopodium rubri</i> p.p. and <i>Bidention</i> p.p. vegetation	Maintain Maintain	Uncontrolled release of sediment laden waters, wastes, or other pollutants during construction and operational phase of the proposed development impacting ground water quality, resulting in water	See Table 7 of AASR/NIS (see above)

		<p>quality degradation and/or alteration of habitat quality would undermine conservation objectives.</p>	
<p>The above table is based on the documentation and information provided on the file, and publicly available at https://www.npws.ie/protected-sites/sac/000051 and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.</p>			
<p>Assessment of issues that could give rise to adverse effects view of conservation objectives</p> <p>Regarding Loss of Habitat, there are no Annex I habitats within or adjacent to the proposed works boundary.</p> <p>Water quality degradation</p> <p>Deterioration of water quality and substrates in the designated site, resulting in adverse impacts to qualifying interests that the SAC has been designated for.</p> <p>Mitigation measures and conditions</p> <p>Standard and Best Practice Construction Procedures and specific mitigation measures set-out at Table 7 of AASR/NIS.</p> <p>I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the SAC by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.</p> <p>In-combination effects</p>			

Page 132 – 137 of the AASR/NIS addresses cumulative effects. I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European Site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for Lough Gash SAC (Site Code: 000051). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment Conservation objectives of Lough Gash SAC (Site Code: 000051). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Moyree River System SAC (Site Code: 000057)

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water Quality Degradation (construction and operation phase)

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
<p>[3260] Water courses of plain to montane levels with the Ranunculum fluitans and Callitriche-Batrachium vegetation</p> <p>[7230] Alkaline fens</p> <p>[8240] Limestone pavements</p> <p>[8310] Caves not open to the public</p>	<p>Maintain</p> <p>Maintain</p> <p>Maintain</p> <p>Not set (linked to LHB)</p>	<p>Uncontrolled release of sediment laden waters, wastes, or other pollutants during construction and operational phase of the proposed development impacting ground water quality, resulting in water quality degradation and/or alteration of habitat quality would undermine conservation objectives.</p>	<p>See Table 7 of AASR/NIS (see above)</p>

[1303] Rhinolophus hipposideros (Lesser Horseshoe Bat)	Maintain		
[1355] Lutra lutra (Otter)	Maintain		

The above table is based on the documentation and information provided on the file, and publicly available at <https://www.npws.ie/protected-sites/sac/000057> and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects view of conservation objectives

Regarding Loss of Habitat, there are no Annex I habitats within or adjacent to the proposed works boundary.

Water quality degradation

Deterioration of water quality and substrates in the designated site, resulting in adverse impacts to qualifying interests that the SAC has been designated for.

Mitigation measures and conditions

Standard and Best Practice Construction Procedures and specific mitigation measures set-out at Table 7 of AASR/NIS.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the SAC by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

In-combination effects

Page 132 – 137 of the AASR/NIS addresses cumulative effects. I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European Site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for Moyree River System SAC (Site Code: 000057). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment Conservation objectives of Moyree River System SAC (Site Code: 000057). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Ballyogan Lough SAC (Site Code: 000019)

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water Quality Degradation (construction and operation phase)

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
[7210] Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion <i>davallianae</i>	Maintain	Uncontrolled release of sediment laden waters, wastes, or other pollutants during construction and operational phase of the proposed development impacting ground water quality, resulting in water quality degradation and/or alteration of habitat quality	See Table 7 of AASR/NIS (see above)

		would undermine the conservation objective.	
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The above table is based on the documentation and information provided on the file, and publicly available at <https://www.npws.ie/protected-sites/sac/000019> and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects view of conservation objectives

Regarding Loss of Habitat, there are no Annex I habitats within or adjacent to the proposed works boundary.

The NIS does not carry Limestone pavements [8240], the second QI of the SAC, through to Stage 2. The NIS does not provide a rationale for this. However, I consider that there is no potential for significant effects on this QI given the separation distance (i.e. 12.5 km) between the appeal site and the SAC.

Water quality degradation

Deterioration of water quality and substrates in the designated site, resulting in adverse impacts to qualifying interests that the SAC has been designated for.

Mitigation measures and conditions

Standard and Best Practice Construction Procedures and specific mitigation measures set-out at Table 7 of AASR/NIS.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the SAC by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

In-combination effects

Page 132 – 137 of the AASR/NIS addresses cumulative effects. I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European Site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for Ballyogan Lough SAC (Site Code: 000019). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment Conservation objectives of Ballyogan Lough SAC (Site Code: 000019). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Ballyallia Lough SPA (Site Code: 004041)**Summary of Key issues that could give rise to adverse effects (from screening stage):****(i) Water Quality Degradation (construction and operation phase)**

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
[A050] Wigeon <i>Anas penelope</i> [A051] Gadwall <i>Anas strepera</i> [A052] Teal <i>Anas crecca</i> [A053] Mallard <i>Anas platyrhynchos</i> [A056] Shoveler <i>Anas clypeata</i> [A125] Coot <i>Fulica atra</i>	Restore Restore Maintain Restore Restore Restore	Uncontrolled release of sediment laden waters, wastes, or other pollutants during construction and operational phase of the proposed development impacting ground water quality, resulting in water	See Table 7 of AASR/NIS (see above)

<p>[A156] Black-tailed Godwit <i>Limosa limosa</i></p> <p>[A999] Wetland and Waterbirds</p>	<p>Maintain</p> <p>Maintain</p>	<p>quality degradation and/or alteration of habitat quality would undermine conservation objectives.</p>	
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The above table is based on the documentation and information provided on the file, and publicly available at <https://www.npws.ie/protected-sites/spa/004041> and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects view of conservation objectives

The appeal site does not provide suitable *ex-situ* habitat for any of the bird species listed as SCI associated with the SPA.

Water quality degradation

Deterioration of water quality and substrates in the designated site, resulting in adverse impacts to qualifying interests that the SPA has been designated for.

Mitigation measures and conditions

Standard and Best Practice Construction Procedures and specific mitigation measures set-out at Table 7 of AASR/NIS.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the SPA by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

In-combination effects

Page 132 – 137 of the AASR/NIS addresses cumulative effects. I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European Site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for Ballyallia Lough SPA (Site Code: 004041). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation

measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment Conservation objectives of Ballyallia Lough SPA (Site Code: 004041). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

River Shannon and River Fergus Estuaries SPA (Site Code: 004077)

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water Quality Degradation (construction and operation phase)

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
<p>[A017] Cormorant <i>Phalacrocorax carbo</i> [A038] Whooper Swan <i>Cygnus cygnus</i> [A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A048] Shelduck <i>Tadorna tadorna</i> [A050] Wigeon <i>Anas penelope</i> [A052] Teal <i>Anas crecca</i> [A054] Pintail <i>Anas acuta</i> [A056] Shoveler <i>Anas clypeata</i></p>	<p>Maintain (for all SCI listed)</p>	<p>Uncontrolled release of sediment laden waters, wastes, or other pollutants during construction and operational phase of the proposed development impacting surface water quality, resulting in water quality degradation and/or alteration of habitat quality</p>	<p>See Table 7 of AASR/NIS (see above)</p>

<p>[A062] Scaup <i>Aythya marila</i> [A137] Ringed Plover <i>Charadrius hiaticula</i> [A140] Golden Plover <i>Pluvialis apricaria</i> [A141] Grey Plover <i>Pluvialis squatarola</i> [A142] Lapwing <i>Vanellus vanellus</i> [A143] Knot <i>Calidris canutus</i> [A149] Dunlin <i>Calidris alpina</i> [A156] Black-tailed Godwit <i>Limosa limosa</i> [A157] Bar-tailed Godwit <i>Limosa lapponica</i> [A160] Curlew <i>Numenius arquata</i> [A162] Redshank <i>Tringa totanus</i> [A164] Greenshank <i>Tringa nebularia</i> [A179] Black-headed Gull <i>Chroicocephalus ridibundus</i></p>		<p>would undermine conservation objectives.</p>	
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The above table is based on the documentation and information provided on the file, and publicly available at <https://www.npws.ie/protected-sites/spa/004077> and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects view of conservation objectives

The appeal site does not provide suitable *ex-situ* habitat for any of the bird species listed as SCI associated with the SPA.

Water quality degradation

Deterioration of water quality and substrates in the designated site, resulting in adverse impacts to qualifying interests that the SPA has been designated for.

Mitigation measures and conditions

Standard and Best Practice Construction Procedures and specific mitigation measures set-out at Table 7 of AASR/NIS.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the SPA by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

In-combination effects

Page 132 – 137 of the AASR/NIS addresses cumulative effects. I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated sites. No other plans and projects could combine to generate significant effects when

mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European Site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for River Shannon and River Fergus Estuaries SPA (Site Code: 004077). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment Conservation objectives of River Shannon and River Fergus Estuaries SPA (Site Code: 004077). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Corofin Wetlands SPA (Site Code: 004220)

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water Quality Degradation (construction and operation phase)

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
<p>[A004] Little Grebe Tachybaptus ruficollis [A038] Whooper Swan Cygnus cygnus [A050] Wigeon Anas penelope [A052] Teal Anas crecca [A156] Black-tailed Godwit Limosa limosa [A999] Wetland and Waterbirds</p>	<p>Maintain (for all SCI listed)</p>	<p>Uncontrolled release of sediment laden waters, wastes, or other pollutants during construction and operational phase of the proposed development impacting surface water quality, resulting in water quality degradation and/or alteration of habitat quality would undermine conservation objectives.</p>	<p>See Table 7 of AASR/NIS (see above)</p>

<p>The above table is based on the documentation and information provided on the file, and publicly available at https://www.npws.ie/protected-sites/spa/004220 and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.</p>			
<p>Assessment of issues that could give rise to adverse effects view of conservation objectives</p> <p>The appeal site does not provide suitable <i>ex-situ</i> habitat for any of the bird species listed as SCI associated with the SPA.</p> <p>Water quality degradation</p> <p>Deterioration of water quality and substrates in the designated site, resulting in adverse impacts to qualifying interests that the SPA has been designated for.</p> <p>Mitigation measures and conditions</p> <p>Standard and Best Practice Construction Procedures and specific mitigation measures set-out at Table 7 of AASR/NIS.</p> <p>I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the SPA by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.</p>			
<p>In-combination effects</p> <p>Page 132 – 137 of the AASR/NIS addresses cumulative effects. I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that</p>			

could result in cumulative impacts on designated sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European Site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for Corofin Wetlands SPA (Site Code: 004220). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment Conservation objectives of Corofin Wetlands SPA (Site Code: 004220). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.