



<b>Development</b>	Demolition of hotel and construction of a mixed use development consisting of 58 residential units, retail store and retail/office units. This applications is accompanied by a Natura Impact Statement (NIS).
<b>Location</b>	Former Shannon Shamrock Hotel , Bunratty , Co. Clare
<b>Planning Authority</b>	Clare County Council
<b>Planning Authority Reg. Ref.</b>	2460618
<b>Applicant(s)</b>	Crescent House Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with conditions
<b>Type of Appeal</b>	Third Party Appeal
<b>Appellant(s)</b>	Mike Fitzpatrick Bunratty Local Development Association
<b>Observer(s)</b>	Michael Duffy Geraldine Lillis

**Date of Site Inspection**

12<sup>th</sup> February 2026

**Inspector**

Bébhinn O'Shea

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Appendix 1: EIA Pre Screening (Form 1) and EIA Screening Determination (Form 3)

Appendix 2: Appropriate Assessment

Appendix 3: Water Framework Directive Screening

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## 1.0 Site Location and Description

- 1.1. The site is located in Bunratty, Co. Clare, with significant road frontage onto the L3136 and Hill Road. Bunratty Castle and folk park is adjacent to south and partly to east, along with self-catering residential properties to east. To the west is a pub (Clarkes) residential properties, a public green area and bus station opposite on Hill Road. Outside the red site boundary, but within ownership of the applicant and forming part of the former hotel site, is a detached conference centre and associated curtilage.
- 1.2. The site as outlined in red measures 2.93 hectares and contains a derelict 2 storey hotel building with some basement elements and associated structures including swimming pool and parking areas. Generally it rises from front (west) to rear (east) There are several notable mature trees to the front of the former hotel and a low stone wall delineates the site to the front.
- 1.3. A wayleave is indicated within the site and landholding, between the former hotel and conference centre and along partial frontage of the site on Hill Road. A National Monument is also within the site, at the southeastern end.

## 2.0 Proposed Development

### **Description:**

- 2.1. The proposed development is described as follows

*The regeneration of an existing brownfield site. A seven year planning permission is sought to demolish the existing hotel and ancillary outbuildings and to provide for the phased delivery of a mixed use development including provision of:*

- (a) 67 no. residential units comprising 20 no. 2 bed houses and 47 no. 3 bed houses;*
- (b) 1 no. convenience retail store of 470sqm (net) floor area;*
- (c) 6 no. retail / office units including 4 no. units of 167sqm (net) floor area and 2 no. retail / office units of 231sqm (net) floor area intended to accommodate Class 1 & Class 2 Uses;*

(d) a bat house; and

(e) all ancillary site development works including

(i) car & bicycle parking;

(ii) bin storage;

(iii) signage;

(iv) 2 no. ESB sub-stations; and

(v) public lighting.

The existing conference centre building shall be retained on site and shall form part of a future phase of development.

A Natura Impact Statement (NIS) has been submitted with the planning application.

## 2.2. Key Figures<sup>1</sup>

Site Area	2.87 ha
Total floor area	
Residential	5936 sqm
Commercial (supermarket )	706 sqm gross/470 sqm nett
Commercial (retail/office)	1696 sqm gross/1130 sqm nett
Maximum Building Height	2 storey
No. dwellings	58 (reduced from original 67 at FI )
Density	31.6uph
Housing mix	21% 2 Bedroom Houses (12 No.) 72% 3 Bedroom Houses (42 No.) 4% 4 bedroom Houses (4 No.)
Public open space	12% gross of overall site (2267smq)

<sup>1</sup> All figures related to amended proposals submitted in response to Further Information.

Car parking	110 residential 60 commercial
Cycle parking	267 <sup>2</sup> (Includes 82 commercial)

## 2.3. Key Documents

2.3.1. The application is accompanied by (not exhaustive):

Planning Statement	Architectural Design Report
EIA Screening Report	Natura Impact Statement
Ecological Impact Assessment	Archaeological Impact Assessment
Site Specific Flood Risk Assessment	WFD Assessment Report
Engineering Planning Report	Landscaping Masterplan
Outline CEMP	Tree Protection Plan
Pre-Construction RWMP	Landscape Design Report
Proposed site masterplan	Housing Quality Assessment
DMURS Compliance Statement	Photomontages
Outline Mobility Management Plan	Part V compliance Proposal
Traffic and Transport Assessment	Phasing Plan
Stage 1 Road Safety Audit and DMURS Quality Audit	Boundary Plan

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. **Further Information:** The Planning Authority issues a request for Further Information on 7<sup>th</sup> February 2025 relating to the following:

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<sup>2</sup> Note: Cycle parking was not revised with FI response when 9 houses were omitted.

1. Revised plans to address the following:
  - (a) Reconsider house design such that they integrate better in to the village character, incorporate more natural materials, finishes, colours and window proportions
  - (b) Greater separation distance between the development and Bunratty castle, omission of units, nos. 37-43 of particular concern
  - (c) Improved housing mix
  - (d) improved private open space
  - (e) Improved public open space
  - (f) Rear boundaries should not face onto public space, particular concern of units 1-12
  - (g) Clarification of finishes to commercial building
  - (h) Provision of services area for commercial building.
2.
  - (a) Revised phasing proposals to deliver retail and commercial units at an earlier phase
  - (b) Type of commercial uses envisaged for commercial units.
  - (c) Comments to address concerns that the proposal may prejudice the development of a hotel on site through its access and parking arrangements.
3. Noise Assessment Report and mitigation measures.
4.
  - (a) Outline CEMP and Lighting Plan to be updated to reflect guidance in Derogation Licence.
  - (b) Details of locations of types of bat boxes to be put in place, and same to be reflected in the CEMP.
5. Additional information in the NIS to address the following:
  - (a) More detailed Pre construction WMP
  - (b) Details of pre-connection agreement form Uisce Eireann, and confirmation the plant has capacity to accommodate sewage from the proposed development. An analysis as to the assimilative capacity of the receiving waters of same such that it leads to adverse effects upon the QIs of the

Lower River Shannon SAC or the SCIs of the River Shannon and Fergus Estuaries SPA.

7. Road Safety
  - (a) Provision of Footpath along Hill Road
  - (b) Proposed pedestrian crossing at commercial entrance, and linkage to same
  - (c) Internal road width
  - (d) Turning bays not to required standard.
  - (e) Raised uncontrolled pedestrian crossings to be provided across vehicular accesses.
  - (f) EV charging
  - (g) Parking bas to comply with DMURS
  - (h) Proposals to accommodate access Castle Gardens to the west during construction
  - (i) Details of areas to be used for deliveries/loading for commercial uses/supermarket and associated turning areas.
8. Details are required as to the location of capacity and condition of stormwater pipe and its suitability to accommodate storm water from the proposed development.
9. Supermarket:
  - (a) Reassess the means of escape from the proposed supermarket and commercial unit.
  - (b) details on water supplies for firefighting to serve the proposed development.
10. Alter the design of two of the proposed three bedroom properties so that they are suitable for use by wheel chair users.

### 3.1.2. **Grant of Permission**

The Planning Authority granted permission on 25<sup>th</sup> September 2025 subject to 29 No. conditions some of which I highlight as follows:

Condition No. 2: Mitigation measures as per NIS, EclA, Arborocultural Impact Assessment, Archaeological Impact Assessment, Flood Risk Assessment, Landscape Design Report, CEMP

Condition No. 7: First occupation by individual purchasers.

Condition No. 8: Social and affordable housing provision

Condition No. 9: Finished Floor Levels

Condition No. 11: Bat Boxes and derogation license details

Condition No. 14: Connection Agreement Uisce Éireann

Condition No. 16: Development to be open plan – boundary treatments de-exempted

Condition No. 17: Archaeology

Condition No. 25: External finishes and details of external shopfronts and signage to be agreed

Condition No. 27: Use of commercial units

Condition No. 28: Contributions.

Condition No. 29: Cash security /bond

## **3.2. Planning Authority Reports**

### **3.2.1. First Planning Report**

I summarise the key points of assessment in the first planning report as follows:

- The development is in keeping with the mixed use development land use zoning on this site, however concerns in relation to phasing of uses were noted.
- The density is in accordance with the Compact Settlement Guidelines and is appropriate.
- Proposed private space areas for many of the dwellings not adequate
- Larger, more usable areas of public open space are required
- Conditions for archaeological monitoring are considered acceptable.

- Further consideration required in term of access/through traffic and separation of residential from retail.
- Some concerns over traffic safety at vehicular access and uncertainty regarding continued access to housing development to the north.
- Parking provision is acceptable.
- Concerns re. capacity of Bunratty wastewater treatment plant and storm water disposal, and related concerns in relation to European Sites and adequacy of NIS.
- Satisfied in relation to SSFRA and that the site and proposed development are not at
- Waste management Plan not considered within the NIS.
- No requirement for EIAR.

A request for further information was recommended.

### 3.2.2. **Second Planning Report**

The report notes that

#### 3.2.2.1. In terms of layout and design:

- A reduction in the number of units now proposed from 67 no. units to 58 units. The changes have also resulted in an amendment to the house design.
- An amended layout has been submitted, incorporating reduced number of housing units, more open layout, greater distance between housing and southern boundary with Bunratty Castle.
- Revised housing mix is provided. 12 no. 2 Bedroom Houses (21%); 42 no. 3 Bedroom Houses (72%) ; 4 no. 4 Bedroom Houses (7%)
- The applicant states that the revisions to the development has resulted in a revised layout with more standard private garden provision, and that public open space is 12% of site area in full compliance with CSG

- Rear boundaries no longer address the road. External finishes have been clarified.
- Delivery loading area is a shared area, for loading between 6pm and 7 am and parking between 7am and 6pm. A vehicle tracking drawing is also submitted.

The design and layout as now proposed is considered acceptable.

- 3.2.2.2. Revised phasing proposal is submitted such that 30 housing units will be delivered in advance of commercial units, with 28 following competition. It is necessary to fund the delivery of commercial units. Proposed uses are Class 1 retail and Class 2 offices. The agent states that there is adequate car parking as per the development plan standards indicated for the future hotel phase of the development. The report considers the response acceptable.
- 3.2.2.3. An Acoustic Design Statement has been submitted and predicted that the internal and external noise levels will achieve the targeted noise levels , which was deemed acceptable.
- 3.2.2.4. The applicants have submitted an Updated CEMP & Lighting Plan with respect to Derogation License Recommendations. The location of the 20 no. bat boxes has been identified on the Landscape Masterplan and their types specified in accordance with the requirements of the Derogation License. The types and location of the bat boxes have been reflected in the CEMP. The details in the response are considered sufficient.
- 3.2.2.5. The report notes that the applicant states the NIS and WFD assessment have been updated and reflect details from the Pre-construction Waste Management Plan. Confirmation of feasibility letter from Uisce Eireann is provided. Capacity in the WWTP is indicated however the potential requirement for 24-hour storage at the existing wastewater pumping station is acknowledged. The agent states that the ability/capacity to comply with Condition 5 of the Derogation License (DER-BAT-2025-95) is contingent on both the progress of the planning application for the proposed development and the behaviour of bats. The wastewater details, Natura

Impact Statement and revisions to same as were submitted as Further information are deemed to be acceptable.

- 3.2.2.6. A response is noted in relation to each of the road safety items within Item 6 of the Further Information Request. Amendments include an alternative pedestrian crossing, revised turning bays, additional EV parking, and two raised uncontrolled pedestrian crossings. The response is considered to address concerns re. access, vehicle movements, loading areas and car parking to serve the development.
- 3.2.2.7. The report notes that the applicant states that the proposed development will result in a decrease rather than an increase in stormwater from the site. The report indicates the response is sufficient and that earlier queries in terms of surface water disposal have now been addressed.
- 3.2.2.8. Amended proposals are noted in relation to supermarket fire escape, water supply for firefighting, and revisions to dwelling units for wheelchair access., and the report deems these acceptable.

The report recommends a grant of planning permission.

### 3.2.3. **Other Technical Reports**

#### **Environment Assessment Officer:**

**5/2/2025:** Lighting on the entire site to comply with updated guidance in relation to bats, CEMP to reflect same. Location of bat boxes to be clarified to ensure no conflict with landscape/tree plans.

NIS does not provide details in relation to waste management and removal which should inform the AA. Adequacy of WWTP to accommodate the development, confirmation of upgrades re should also be confirmed and inform the AA in terms of impact of water quality in receiving waters.

**19/09/2025:** Requests conditions relating to lighting and bats. Is satisfied in relation to waste removal and wastewater disposal. Is satisfied that there will be

no risk of adverse effects or cumulative or in combination risks subject to mitigation measures.

**Road Design:**

**28/01/2025:** Highlights concerns with permeability, road layout and specification, pedestrian crossing, and parking and notes other standard requirements.

**Shannon MD:**

**23/9/202:** Concerns re. surface water addressed

**TIC/Estates:**

**18/01/2025:** Comments in relation to layout, parking, lack of green area, roads/footpaths and surface water.

**27/08/2025:** Comments on parking spaces, road markings, crossing points and stormwater drainage

**Fire:**

**6/01/2025:** Requests further information re supermarket escape and water for firefighting

**3.3. Prescribed Bodies**

**DoHLGH:** Recommends conditions of archaeological monitoring. Notes bat derogation licence applied for. All mitigation measures in bat report to be applied as conditions.

**TII:** Abide by official policy in relation to development on/affecting national roads. The proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted.

**3.4. Third Party Observations**

A number of third party submissions were received when the application when received by the Planning Authority, and following receipt of significant Further

Information for which revised public notices were published/erected. The main issues raised are largely as the appeals set out, and relate to:

- Principle of development in terms of zoning and opportunity site designation.
- Compliance with Core Strategy in terms of residential units proposed and permission already granted/in train
- Inadequate services and infrastructure, including water supply, wastewater treatment capacity, childcare, education, community hall, playground
- Impact on character of Bunratty Castle and the established character of the surround area including the design of the commercial block. FFL should be reduced further.
- The need for tourism and related activities, and the preference for a hotel on the site. A CPO of the site by Clare County Council is also suggested, or purchase by another party.
- The ability of the village to sustain the additional retail area, lack of retail impact assessment and likelihood of commercial units remaining empty.
- Traffic and parking impact, traffic safety and intensification of use of entrance to Castle Gardens
- NIS does not deal with various matters of waste disposal
- Flood risk
- Finished floor level of proposed housings to be reduced further
- Restrictions on hours of work to be put in place along with measures to reduce noise, air pollution
- Water supply and wastewater

#### 4.0 **Planning History**

**91/1147** – Permission for construction of 18 no. chalets

**P94/807** – Permission granted to renovate and extend the existing leisure facilities to include staff offices, car parking and tennis courts

**P94/923** – Permission granted to build a conference centre and extend existing car parks

**P17/253** – Permission granted for the refurbishment of the former Shannon Shamrock Hotel including 55 bedrooms and change of use from pool to function room signage, carparking, landscaping, associated works. (Not implemented).

**ACP Ref 323341-25** - Appeal under section 653J (1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax. ACP confirmed that the lands were to remain on the RZLT map

## 5.0 Policy Context

### 5.1. National/Regional Policy

- National Planning Framework First Revision 2025
- Climate Action Plan, 2025
- National Biodiversity Action Plan 2023-2030
- Regional Spatial & Economic Strategy for the Southern Region 2020-2032

### 5.2. Section 28 Guidelines

- Sustainable Residential Development and Compact Settlements Guidelines 2024 (DoHLGH),
- Retail Planning Guidelines for Planning Authorities 2012, (DoECLG)
- Development Management Guidelines for Planning Authorities 2007 (DoEHLG).
- The Planning System and Flood Risk Management 2009 (DoEHLG).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities, 2010, (DoEHLG).

### 5.3. Development Plan

#### **Clare County Development Plan 2023-2029**

- 5.3.1. Clare County Development Plan 2023-2029 (CCDP) is the relevant development plan. As per Table 3.1 Bunratty is located within the Limerick to Shannon Metropolitan Area. The overall objective of the settlement strategy is to strengthen the role of the Limerick Shannon Metropolitan Area as an international location of scale, and a driver of sustainable economic and population growth in the Southern Region. Bunratty is designated a Large Village.
- 5.3.2. Table 3.4 sets out population targets, housing targets and land requirements along with land zonings, to deliver the Core Strategy. Bunratty has a population target of 424 for 2029, identifying growth target of 66 persons and 41 dwellings. 12 dwellings to be delivered on infill/bownfield sites and 29 on greenfield sites.
- 5.3.3. Chapter 5 relates to Housing. Chapter 9 relates to Tourism and includes
- Development Plan Objective: CDP9.22** It is an objective of Clare County Council:
- a) ...
  - b) To support the enhancement of Bunratty Castle and Folk Park as a visitor experience;
  - c) To support the development of a flagship, international scale tourism project in Bunratty;
  - d) To facilitate the development and expansion of the hospitality sector, particularly as it relates to business tourism, in Bunratty and Shannon Town;
  - e) ...etc.
- 5.3.4. Chapter 17 relates to Towns and Villages. Chapter 18 relates to Design and Placemaking
- 5.3.5. Chapter 19 relates to Land Use and Zoning. Section 19.4 describes /zonings.
- Mixed Use** The use of land for 'mixed use' developments shall include the use of land for a range of uses, making provision, where appropriate, for primary and secondary uses e.g. commercial/retail development as the primary use with residential development as a secondary use. Secondary uses will be considered by the local authority having regard to the particular character of the given area. On lands that have been zoned 'mixed-use' in or near town or village centres, a diverse

range of day and evening uses is encouraged and an over-concentration of any one use will not normally be permitted.

5.3.6. Appendix 1 contains Development Management Guidelines including Section A1.4.2 Urban Residential Development and Section A1.6 Transport and Movement

5.3.7. Appendix 2 contains an Indicative Land Use Zoning Matrix

5.3.8. Volume 3(b) of the CCDP contains settlement plans for the Shannon Municipal District including Limerick-Shannon Metropolitan Area. The general objectives for Bunratty area are

- To support the role of Bunratty within the Limerick-Shannon Metropolitan Area in accordance with the Metropolitan Area Strategic Plan.
- To maintain and enhance the role of Bunratty as a prime tourist destination in the County;
- To promote tourism by providing sufficient land to meet demand for tourism orientated activities, tourism retail developments and expansion of the hospitality sector;
- To require all future tourism-related development within the village to demonstrate that it will contribute positively to the vitality and viability of the settlement and to the promotion of sustainable communities;
- To identify land for the provision of community facilities to support the local resident population; Bunratty
- To improve the local roads within the village leading to the village core;
- To reserve residential lands for permanent occupancy sufficient to meet assigned population targets;
- To identify a suitable area for additional parking to serve visitors, tourists and residents;
- To facilitate the development of a flagship tourism development in Bunratty to complement the existing facilities and attractions.
- To support the appropriate redevelopment of the vacant hotel brownfield site (OP1)

5.3.9. The subject site is Opportunity Site 1 (see zoning map page 37). As per the CCDP:

*OP1 Former Shannon Shamrock Site*

*The site of the former Shannon Shamrock Hotel and Conference Facility is designated as a key Opportunity Site for new Mixed Use development and to facilitate any future expansion/renovation/redevelopment of the existing premises/site. The site is centrally located within walking distance of all the attractions in the village. The opportunity exists to establish a mix of uses which consolidate Bunratty and support its tourism function.*

**5.4. Proposed Variation No. 1 to the CCDP**

5.4.1. I note the above, publicised 6<sup>th</sup> March 2026, with the reasons for variation being as follows:

- To align the CCDP with the NPF Implementation: Housing Growth Requirement' Guidelines S23 Guidelines
- To change the zoning of lands in accordance with the Finance Acts and Residential Zoned Land Tax Guidelines
- To incorporate 'Ennis 2040 Economic and Spatial Strategy' and 'Ennis Local Transport Plan' into the CCDP
- To align the CCDP with the Compact Settlement Guidelines.

5.4.2. The Variation relates to the following sections of the current CCDP:

- Chapter 1 Introduction (Proposed Amendment No. 1a)
- Chapter 3 Core Strategy (Proposed Amendment No. 1b)
- Chapter 4 Urban and Rural Settlement Strategy (Proposed Amendment No. 1c)
- Chapter 5 Housing (Proposed Amendment No. 1d)
- Chapter 6 Economic Development (Proposed Amendment 1e)
- Chapter 19 Land Use and Zonings (Proposed Amendment 1f)
- Appendix 1 – Development Management Guidelines (Proposed Amendment 1g)

- Appendix 7 – Plans Policies and Guidelines (Proposed Amendment 1h).

5.4.3. The Variation remains in draft form. However I highlight relevant content in the assessment below as required, for information.

## 5.5. **Built and Natural Heritage**

### **European Sites**

River Shannon and River Fergus Estuaries SPA c. 250m to south

Lower River Shannon SAC 90m south east

### **Protected Structures**

RPS No. 191 Bunratty Bridge built 1804 c. 120 m to south east

RPS No. 260 Bunratty Castle medieval towerhouse, built c.1425 adjacent site

### **Sites and Monuments**

CL062-001006- : Battery within site

CL062-001008- : House - 16th/17th century within site

CL062-001010- : Designed landscape - formal garden within site

Several other sites and monuments are located within Bunratty village.

## 6.0 **EIA Screening**

6.1. See Appendix 1. The EIA Screening Report within the application was submitted with reference to the criteria set out in Schedule 7A of the Planning and Development Regulations 2001 (as amended) and has informed the Determination attached.

6.2. Having regard to the criteria set out in Schedule 7, in particular

- The limited nature and scale of the proposed mixed use development, on a brownfield site served by public infrastructure
- The results of other relevant assessments of the effects on the environment, including of an Appropriate Assessment and Strategic Environmental Assessment of the Clare County Development Plan 2023 - 2029, of Stage 2

Appropriate Assessment and Water Framework Directive Screening attached to the Inspector's Report

- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, in particular the proposal to preserve in situ known archaeological features, the measures to protect the character and setting of the Protected Structures near the site, the proposed surface water and SuDS strategy, the Outline Construction and Environmental Management Plan, the Pre-construction Resource and Waste Management Plan and the proposed bat house, derogation licence conditions and ecologist supervision of same.

I have concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

There were two appeals which I summarise below as follows:

#### **7.1.1. Bunratty Local Development Association:**

- This is a key site in terms of tourism development and development of site should have a substantial tourism component. It is a central and prominent site. Policy in the plan seeks to facilitate the development of a flagship tourism development. The site should be used to consolidate the tourism focus of the town. The layout is predominantly for housing with a small number of shops.
- The zoning of the site has not been properly addressed. A Material Contravention of the Development Plan occurs. The proposal would be the largest housing development carried out in the village on what is a Mixed Use site. Mixed Use zoning encourages a diverse range of day and evening uses, over concentration of any one use will not be permitted.
- The proposal would significantly exceed the housing target for the village leaving zoned R1 and R2 lands available for development and would contravene the Core

Strategy. The proposed development proposes 50% greater housing than what is anticipated as needed up to 2029. There are two existing permissions for housing in the village already 19/939 and 24/60514. The Compact Settlement Guidelines states that villages such as Bunratty are not identified for significant population growth.

- There is no formal agreement in relation to water supply services.
- No assessment has been made on the impact on local educational facilities and no account has been taken of the fact that there is no primary school. There is a shortage of childcare and primary school places. There is no secondary school and the nearest primary school is 3.4 km in Clonmoney. The Council should take proactive measures towards the provision of a primary school.
- The layout will impact negatively on Bunratty Castle a Protected Structure. A significant opportunity has been lost to integrate the development with the castle and create a connection which would have been possible with a tourism related development. The layout ignores the Castle.

#### 7.1.2. **Mike Fitzpatrick**

- The proposed development contravenes the development plan in terms of Opportunity Site 1. It is only a mixed use development by stretching the meaning of the term. It is a residential use with some token retail use. The nature of such uses will not in a significant way support the tourism function of Bunratty. There is no diverse range of day and evening uses and there is an over concentration of residential uses.
- Scale of housing which exceeds the allocation of Bunratty. The allocation for brownfield sites is only 12 houses. The amount of land zoned for development in Bunratty is more than 3 times that required. The housing allocation has been exhausted. The Planning Report does not address this issue.
- The proposed development is inconsistent with objectives to grow and manage the tourism product. While there are also objectives for new housing land, there is sufficient land zoned for this. Given the sites strategic location at the heart of the tourism area, the site is appropriate for tourism development.

- The development is of a suburban nature. It would have a negative visual impact on one of Ireland's most iconic heritage sites.
- Although vacant and derelict, this cannot be a factor in determining the appropriate development on the site.

## 7.2. Applicant Response

I summarise the applicant's response as follows:

- The site was zoned for tourism purposes under the previous CDP; the current zoning is Mixed Use. The appellants position seeks to perpetuate an outdated and unviable single land use.
- The CDP has zoned in excess of 46ha of land for dedicated tourism use and it does not contain the application site. The success of tourism in Bunratty is not dependent on the site.
- The population of the village has declined as visitor numbers have increased.
- The village has a number of services and facilities including a Spar Express, filling station, a number of restaurants and cafes and bars. There are regular bus services and a greenway is proposed between Shannon and Limerick.
- The planning authority consideration of the site is well founded on planning policy rather than the site's vacant status.
- The development is a Mixed Use development with 71% residential use and 29% commercial use. There are no prescriptive standards in the CDP in relation to quantum of uses for mixed use development. The Masterplan for the site currently envisages further development including hotel and short term let apart-hotel units, with a resulting mix of 54% commercial/tourism and 46% residential use. The development is in compliance with the zoning and no Material Contravention of the zoning occurs.
- The Opportunity Site designation promotes mixed use development. It does not explicitly require the provision of tourism or a hotel. It does not mandate that the tourism function of the village is consolidated on the site.

- Bunratty is designated as a large village. Housing target of 41 houses is identified between 2023 and 2029 based on 2016 population. Population had fallen in 2022 and to achieve the target, an additional 136 no. people are required, double that forecasted in the development plan. Therefore the development is within the required quantum for Bunratty to satisfy its population target, including permission for housing since the last CDP. Section 3.4.2 of the CDP allows for growth above the Core Strategy stated target.
- The proposed development provides retail/commercial floor space as part of the development. The CDP identifies appropriate service provision for Bunratty; it does not identify the need for a primary school.
- The matter of water supply services has been addressed in the planning application. The Confirmation of Feasibility from Irish water supports the application. The CoF acknowledges the potential requirement for 24 hours storage at the existing waste water pumping station to accommodate the proposed development wastewater loading.
- The development has been carefully designed and amended to respect and enhance the setting of Bunratty Castle.

### 7.3. Planning Authority Response

Requests the Commission to uphold the decision of the PA.

### 7.4. Observations

Two observations as summarised below.

#### 7.4.1. Michael Duffy

- The development will make it harder to achieve good status in identified water bodies. Deterioration is not the issue.
- The Appropriate Assessment is flawed. The letter of feasibility to connect is highly qualified and does not commit to a connection for wastewater. The AA must look at all potential impacts including impacts from the Shannon WWTP and network and need for additional storage at the WWPS.

- Condition 14 is unsustainable, the AA of any proposed solution must be carried out in advance of planning decision. The network and wwtp will have issues causing impacts on protected sites if additional loading is applied without upgrades
- The extension of the pump station cannot be exempt development if AA is required and the extension is likely to impact the SAC.
- There is no sewer integrity risk for the Shannon WWTP or event monitoring. There are numerous SWO and EOs in the network , the assessment of which must form part of any AA to increase the discharge of wastewater.

#### 7.4.2. Geraldine Lillis on behalf of D'un na Ri Management Company.

- Location of development so close to Bunratty Castle will destroy its character and cause the decline of the key tourist destination.
- Large scale residential development will undermine character of Bunratty village
- Tourism or heritage focused use would be more consistent with the development objectives for the village. Noting OP1, the development does not support Bunratty's tourism function .
- Scale and siting of residential and commercial elements would adversely affect the setting of Bunratty Castle, a protected structure.

#### 7.5. **Further Responses**

None

### 8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development, Zoning and Opportunity Site Designation

- Compliance with Core Strategy
- Design, layout and impact on character of Bunratty Castle and the area
- Water supply and drainage
- Services and infrastructure.
- Landscape, Ecology
- Appropriate Assessment

8.2. My assessment will focus on the above. I have considered all documentation on file, including quality housing assessment, Part V proposals, private and public open space, ecological impact assessment, transport and traffic, flood risk assessment, and am generally satisfied with the assessment of the Planning Authority and its conclusions in this regard. Where my conclusions differ from those of the Planning Authority I have raised it under the above headings.

### 8.3. Principle of Development, Zoning and Opportunity Site Designation

8.3.1. I have no objection to the demolition of the existing hotel on site which is in derelict condition. I note that the CCDP states “the Planning Authority will encourage the repair, retrofitting and reuse of buildings in preference to their demolition and reconstruction where possible” however there is no requirement in the plan for a demolition justification statement or similar. Noting the topography of the site and the constraints to development present, including the setting of Bunratty Castle, the national monument within the site, mature trees and the elevated/elongated nature of the existing building, and its age and condition, I consider that its demolition is likely to allow for more efficient and sustainable development of the lands and greater planning gain. As such I consider demolition acceptable.

8.3.2. The site is zoned in the Bunratty settlement plan as Mixed Use. The CCDP describes Mixed Use as follows:

*The use of land for ‘mixed use’ developments shall include the use of land for a range of uses, making provision, where appropriate, for primary and secondary uses e.g. commercial/retail development as the primary use with residential development as a secondary use. Secondary uses will be considered by the local authority having*

*regard to the particular character of the given area. On lands that have been zoned 'mixed-use' in or near town or village centres, a diverse range of day and evening uses is encouraged and an over-concentration of any one use will not normally be permitted.*

8.3.3. Under the zoning matrix for Mixed Use:

- Residential – single dwelling (Permanent Occupation) Will normally be acceptable in principle.
- Shops (excluding Retail Warehousing) Will normally be acceptable in principle.
- Office 100m<sup>2</sup>-1000m<sup>2</sup> Open to consideration.

8.3.4. 4 offices of 251 sqm each and 2 of 346 sqm each are proposed.

*As per the CDP "Open to consideration" means A 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*

8.3.5. Condition 17 sets out that use shall be as under Class 1 and 2 of Schedule 2 Part 4 of the Planning Regulations with the exception of betting offices, vape/e-cigarette outlets, discount goods outlets and mobile phone/repair shops, and also excluding fast food sale without separate grant of permission.

8.3.6. As per the Planning Regulations:

CLASS 1 Use as a shop.

CLASS 2 Use for the provision of—

- (a) financial services,
- (b) professional services (other than health or medical services),
- (c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public.

8.3.7. Residential and retail uses are acceptable in principle. I consider that the proposed retail/office uses are compatible with adjoining uses and would establish a type of local centre. They are of medium scale and dual fronted which lends them to flexibility e.g. sub division (subject to planning permission). I do not consider they

would not prejudice the amenities of adjoining property. I am satisfied that the proposed uses are consistent with the zoning matrix and that no Material Contravention occurs. (Note I consider alternative uses later at Section 8.8.)

- 8.3.8. The proposed development contains a mix of 5936 sqm (71%) residential and 2402 sqm (29%) retail/office. Breaking down the non-residential use further, there is 71% residential, 8.5% supermarket retail use and 20.5% other retail/office use, the latter limited in nature by Condition 17. I also note that the site, as outlined in red, does not comprise the entirety of the lands zoned mixed use, i.e. Opportunity Site 1. I estimate that approximately 20% of the lands zoned for mixed use are outside this application site. They currently contain a disused conference facility. I note it is stated in the application that the future use of this land is intended to be as hotel and short term let apart-hotel units, with a resulting mix of 54% commercial/tourism and 46% residential use. While this stated intention cannot be relied upon, it demonstrates scenarios where residential proportion of use on the overall mixed use lands is less concentrated than that proposed within the application site (subject to the development management process).
- 8.3.9. The zoning description for Mixed Use provides general guidance and example. It is not prescriptive in terms of specific proportions of use. Nor does it state that the primary use cannot be residential. I am again satisfied in terms of mix and proportion of uses that residential use is acceptable and no Material Contravention occurs.
- 8.3.10. Submissions note that the description of Mixed Use states that “on lands that have been zoned ‘mixed-use’ in or near town or village centres, a diverse range of day and evening uses is encouraged and an over-concentration of any one use will not normally be permitted.” and some also express a preference for the commercial uses at the southern end of the site.
- 8.3.11. In relation to location, I note that the objective in relation to OP1 describes the lands as being *centrally located within walking distance of all the attractions in the village*. Bunratty has an unusual settlement form, and does not have a typical village centre in terms of form and local service provision, but has a focus of activity at the southern end based on the Castle and several large commercial hospitality enterprises around it. There is a lesser node to the north west at Bunratty Manor Hotel and JP Clarkes, also tourism/hospitality focussed. The subject site is

elongated in form, and positioned between both. However I consider it all central as the settlement is quite compact and very walkable. The location of commercial development within same is therefore acceptable in my view; the future development of the remainder of the OP1 site could consolidate uses at the northern 'node' . Considering the constraints of the site at the southern end (in terms of the monument within the site and the setting of Bunratty Castle), I consider the residential development to be more fitting at the southern end of the site. I consider that the application allows for a suitable extent of uses to accommodate diverse and evening uses. As above, I do not consider that there is an over concentration of any one use *on the site*.

8.3.12. The site is within lands designated as an Opportunity Site: OP1 Former Shannon *Shamrock Site*

*The site of the former Shannon Shamrock Hotel and Conference Facility is designated as a key Opportunity Site for new Mixed Use development and to facilitate any future expansion/renovation/redevelopment of the existing premises/site. The site is centrally located within walking distance of all the attractions in the village. The opportunity exists to establish a mix of uses which consolidate Bunratty and support its tourism function.*

8.3.13. I do not consider that the above description requires a tourism function within the site. It allows for new Mixed Use development (as per zoning). It allows for renovation/expansion of the derelict hotel/conference centre and site (hotel use is normally acceptable in principle on Mixed Use zoning). It notes that there is potential to consolidate Bunratty, and I consider the development will help achieve this, particularly given its expanse between the two existing nodes as described above, and it proposed retail/services use which will serve the population of the village. It notes the opportunity to support Bunratty's tourism function; in supporting population growth the development supports workforce provision the tourism industry and the future range of retail/services may also serve tourists. I note that there are large expanses of land zoned specifically for Tourism use elsewhere in the settlement.

8.3.14. In the above context, having regard to the mix of uses and quantum of each proposed, and the remaining area of land with Mixed Use zoning, I consider the

development is acceptable in terms of the zoning of the site and the objectives within CCDP for Opportunity Site 1.

#### 8.4. Compliance with Core Strategy

8.4.1. The CCDP was adopted in 2023. I note the following within Chapter 3 of the CCDP in relation to Core Strategy:

- While the purpose of the Core Strategy within identifies locations across the county where future development is likely to take place it is not intended that an overly rigid approach to development would be employed by consenting authorities. The growth projections are to be viewed as targets rather than caps or limitations to growth within those individual settlements. Where there is scope within settlements and appropriately zoned land available, planning decisions which may include growth over and above the stated target as set out in the Core Strategy will be considered (page 62).
- The Core Strategy includes ‘Additional Provision’ as per Section 4.4.3 of the Development Plan Guidelines, 2022 (CCDP p 63)
- Dwellings yet to be completed prior to the plan coming into effect have been accounted for in the housing allocations (CCDP p 64). This is intended to recognise that it is desirable that a degree of choice in development sites to be provided, to avoid restricting the supply of new housing through inactivity on a particular landholding or site.
- 30% of all new homes are to be provided within the existing built-up footprint of settlements and this is reflected in the Core Strategy Table. The compact growth portion is to be achieved in Mixed Use lands within and contiguous to town centres. (CCDP p. 64)
- Table 3.4 for Bunratty (CCDP p. 66)

2016 Population <sup>3</sup> :	375
Pop Target 2029	424
2023-2029 Pop Target	66
Housing units Target:	41

<sup>3</sup> With reference to the population of Bunratty, it is not clear which census units either the Core Strategy uses or the appellant uses in referencing population in the appeal response. I note Census 2022 designated Bunratty as a Built Up Area, but this was new designation under the 2022 Census.

Compact Growth/Infill/Brownfield (Units)	12
Residential Units to be delivered on Greenfield Sites:	29
Density	30/15
Greenfield Land required for Residential Development (ha)	1.38
Additional provision (ha)	.35
Greenfield land required for residential development + Additional ha)	1.73
Unmet population	
Unmet units by location	
Land requirement for unmet demand (ha)	
2023-2029 Population Target + Unmet Population	66
Housing Units Target + Unmet Demand	41
Compact Grown/Infill/Brownfield (units) for unmet demand	
Residential Units to be Delivered on Greenfield Sites for Unmet	
Land Requirement for Population Target + Additional	1.73
Zoning as per Map (ha)	4.8

8.4.2. The Core Strategy identifies a housing target demand of 41 units for 2023-2029 for Bunratty, and 12 units within built up areas. While the proposed development exceeds this, I do not consider that a Material Contravention of the Core Strategy occurs because, as above, the CCDP clearly states that planning decisions which may include growth over and above the stated target as set out in the Core Strategy will be considered.

8.4.3. I note the density of the site marginally exceeds that set out in the Core Strategy Table. However, I do not consider this a material difference and, subject to the residential standards being satisfied and the form of the development suiting the character of the area, I consider this is acceptable on this central brownfield site.

8.4.4. Therefore having regard to:

- The location of Bunratty within the Limerick to Shannon Metropolitan Area, which is to be a driver of sustainable economic and population growth in the Southern Region.
- The central location of the site
- National policy objectives to deliver **at least** 30% of all new homes that are targeted in settlements within their existing built-up footprints contributing to compact growth
- The delivery of retail and other local service uses on the site in conjunction with residential development which will support the overall resident population and address existing shortfall

- Updated population projections within the NPF First Revision
- The urgent need to increase housing delivery nationally
- The brownfield and derelict nature of the site and noting land activation measures are applicable to the site
- The absence of any planning application on more remote R2 residential zoned lands within the settlement plan and permissions granted and under construction on the entire R2 residential zoned lands,

I consider that the proposed development is appropriate in terms of the Core Strategy of the current CCDP 2023.

8.4.5. For information, I note proposed Variation no. 1 to the CCDP which seeks in part to implement the Section 28 Guidelines “NPF Implementation: Housing Growth Requirements” published in July 2025 and the revised housing demand scenario to 2040 for each local authority. I note the following within the proposed Variation:

- There are no amendments to zoning map for Bunratty. There remain two portions of lands zoned Residential, R1 to the north west and R2 to the south west. There is no newly-identified Residential land.
- The proposed Core Strategy table identifies:  
 Housing Unit Target from Q1 2026 to end Q1 2029 for Bunratty: 39  
 Housing Units currently deliverable on zoned Residential land in settlements<sup>2</sup>: 37  
 Footnote 2 states: *These figures are based on detailed monitoring of development activity. Any land that is zoned in the CDP as Residential, Low-Density Residential or Strategic Residential Reserve, and where a multi-unit housing development has been constructed, commenced or permitted is discounted. ....*
- Proposed Variation lists R1 lands (2.95 ha) R2 lands (1.85 ha) totalling 4.8 ha as Tier 2 lands.

- I note R2 land have a permitted and commenced housing development (69 dwellings) but this area of land does not appear to have been discounted from housing units deliverable.
- The proposed Variation does not address the 30% of units to be on infill or brownfield sites as in the current CCDP Table 3.4. The proposed Variation (p. 33) states the following as per the current CCDP: *Across the rest of the county, 30% of all new homes are to be provided within the existing built-up footprint of settlements and this is reflected in the Core Strategy Table. The compact growth portion is to be achieved in Mixed Use lands within and contiguous to town centres. The remaining housing is to be achieved on residentially zoned sites.*
- The proposed Variation retains a statement providing for flexibility (Proposed Variation page 30): *While the purpose of the Core Strategy is to identify locations across the county where future development is likely to take place it is not intended that an overly rigid approach to development would be employed by consenting authorities. The growth projections are to be viewed as targets rather than caps or limitations to growth within those individual settlements. Where there is scope within settlements and appropriately zoned land available, positive planning decisions which may include growth over and above the stated target, for the short-term, i.e. the remaining plan period, as set out in the Core Strategy will be considered proactively.*

The above is provided for the Commission for information purposes; the proposed Variation is at draft stage and under public consultation until 7<sup>th</sup> April 2026.

8.4.6. I conclude that the proposed development is acceptable in terms of the Core Strategy of the current CCDP 2023.

## 8.5. **Design, layout and impact on character of Bunratty Castle and the area**

8.5.1. The proposed development has two distinct building forms, the residential units and the commercial building. A Design Report accompanies the application, which sets out the design evolution, key design principles and considerations in relation to placemaking, building height, form/materials of housing, landscaping. A further report accompanied the response to Further Information requested.

- 8.5.2. The design/layout aims to create a village community in a sylvan setting. The retail development is stated to divide the housing from the future hotel development providing both a buffer and a node point central to the masterplan scheme.
- 8.5.3. The existing rubble limestone wall to the front is proposed to be retained and new sections constructed to match in with existing. Existing mature trees within the site are proposed to be retained. No boundaries or gardens are proposed to the front of dwellings which lends an open village-like nature to the proposed development. The number of dwellings has reduced from to 58 which gives a nett density of 31.6units/ha. Generally I find the layout responsive to site features and the nature of the development and sense of density acceptable for this location.
- 8.5.4. I consider adequate separation distance is achieved between proposed dwellings and Bunratty Castle at c. 15m from proposed dwellings to boundary. I note the expanse of the castle grounds between the structure and the boundary of the site with the proposed development, which preserves the main vista of the castle. I consider a better transition in scale could be achieved at house no. 41, possibly by using a version of house type B4. This would break up the continuous bulk formed by the eastern façade of units 40 and 41. However, the impact of this change would be limited due to vegetation within the boundary of the folk park. I note views from within the castle are not possible due to the obscure nature of the historic windows within. I consider photomontages within the visual impact statement accurately depict the impact from wider views. I do not consider the proposal will detract from the setting of Bunratty Castle
- 8.5.5. Materials consist of slate roofs, painted nap renders, selected areas of grey natural stone, and dark eaves and rainwater goods. The design is stated to be contemporary vernacular in nature. I note House type B has been revised following Further Information to include a gable to front, which in my view gives it a more suburban than village/vernacular character. However, the addition detailing on the front elevation has been submitted in response to the FI request and benefits the streetscape in terms of greater proportion of stone finish. I note the Planning Authority considered the revised drawings acceptable. I consider the scale, design and choice of materials are not out of character with the area and are acceptable.

- 8.5.6. I have considered the layout of residential units in terms of overlooking and private open space. In relation to Castle Gardens to the east, due to the nature and arrangement of the existing development and existing mature vegetation, there is limited potential for overlooking of private rear spaces. I consider that the proposed development through its layout, separation distances and fenestration arrangement is acceptable in relation to these dwellings.
- 8.5.7. I note an improvement was provided in the revised layout submitted in response to FI. I still have concerns in relation to the proximity of the following units to the rear boundary of their site, in terms of the direct overlooking of private garden areas opposite: 29, 30, 38, 48. These dwellings have first floor windows only approximately 3-6m from the boundaries of other properties, and the gardens onto which they look are not generous in terms of depth. I do not consider an adequate level of privacy is afforded the overlooked gardens.
- 8.5.8. I note SPPR 1 of the Compact Settlement Guidelines states that "Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces." I do not consider that suitable privacy measures have been designed into this scheme in this instance, in terms of the amenity of private open space. If the Commission is minded to grant planning permission, I consider that this may be addressed by condition, requiring revised fenestration arrangement/house design for these units, or revised private open space arrangement for those units opposite to rear.
- 8.5.9. I note that in some cases the rear gardens of some houses are defined on one site by the external wall of adjoining properties (e.g. unit 40). This is not an ideal scenario in terms of property maintenance and upper window (to circulation area) opening onto another garden area. However on balance I consider this a civil matter in terms of any future necessary access arrangements.
- 8.5.10. The design of the commercial units is contemporary in nature, with timber cladding , dark framed double height Crittall style glazing, rubble coloured natural stone, and dark rainwater goods and flashing, and what appears to be plaster render on sections and most of the rear elevation. There information provided in the Design

Report in terms of design evolution and choice of materials relates to the residential units. I note the Planning Authority sought confirmation of materials for this building by way of Further Information, but did not express concerns in relation to design.

- 8.5.11. Although the building is of singular form and different character to that in the area, there is no policy in the plan precluding contemporary design. I consider that its bulk and form is capable of being assimilated into the area. It is not overbearing or overlooking of other properties and has adequate separation distances to existing properties and proposed residential units nearby. I consider it has a pleasing design aesthetic, set back from the road, softened by existing mature trees and proposed planting. I consider that it is sufficiently removed from Bunratty Castle such the setting of same is not impacted upon. It will provide variety to the streetscape/public realm, and a sense of place. Although I have some reservations regarding the colour of timber cladding depicted on elevations and photomontages, and I consider there remains some ambiguity in terms of external finishes (as drawings suggest plaster render on rear and some front section, while materials listed refer to rubble coursed natural stone) I consider that this could be addressed by condition in the event the Commission is minded to grant planning permission.
- 8.5.12. On the above basis I consider the design of the commercial building will not detract from the amenities of the area or the character of the village, and is acceptable. Overall I conclude that the design and layout of the proposed development is acceptable, subject to conditions as outlined above.

## **8.6. Water supply and drainage**

- 8.6.1. Submissions raise concerns regarding the adequacy of water supply to serve the development. I note from details on the application that is proposed to provide two number 100mm diameter (ID) watermains to serve the proposed development based on calculated demand. Calculations of water demand are submitted. The proposed watermains will connect to the existing 150mm watermain on Old Bunratty Road. The watermain layout is stated to have been designed in accordance with Uisce Eireann Code of Practice for Water Infrastructure and calculations are provided.
- 8.6.2. A pre-connection enquiry form was submitted to Uisce Eireann. Confirmation of feasibility was received from Uisce Eireann and is submitted with the response to

Further Information. This indicates that water supply connection is “Feasible without infrastructure upgrade”. The submissions do not raise specific concerns in relation to any of the above details but are general in nature. I am satisfied that water supply has been adequately addressed in the application.

- 8.6.3. Submissions also raise concerns re. the capacity of the wastewater network/treatment plant to cater for the loading from the proposed development. The Engineering Planning Report by Punch Engineering (revised in response to Further Information request) sets out the foul drainage proposals. The foul water drainage has been designed using standard industry software in accordance with Recommendations for Site Development Works for Housing Areas design guide and Uisce Eireann Code of Practice for Water Infrastructure and calculations are provided.
- 8.6.4. It is proposed that the foul sewer will discharge by gravity to the existing UE Gallaghers Wastewater Pumping Station (northwest of the site within a green area). This station foul effluent to the UE Newbridge Bunratty Wastewater Pumping Station (just south of Blarney Woolen Mills site) The Newbridge Bunratty Wastewater Pumping station which pumps foul effluent to a UE wastewater treatment plant in Shannon Town.
- 8.6.5. As above, confirmation of feasibility was received from Uisce Eireann and is submitted with the response to Further Information. This states “ According to Uisce Eireann records, the nearest Uisce Eireann owned foul sewer appears to be located approx. 80m from your property boundary. Any such network extension would have to be entirely funded by the customer. 24 hour storage will be required at the existing Uisce Eireann wastewater pumping station (WWPS) to accommodate the proposed development wastewater loading. This would require assessing at connection application and will be funded by the Customer if required.”
- 8.6.6. The effluent is ultimately pumped to a WWTP at Shannon WWTP D0045, which discharges into the Shannon Estuary. The EU Capacity Register indicates available capacity at Shannon. The Confirmation of Feasibility does not raise any issues relating to capacity at Shannon WWTP. The WFD report submitted by the applicant in response to Further Information reviews the Annual Environmental Report from

the WWTP and indicates remaining capacity in the WWTP as being c. 13000, with a population equivalent from the proposed development of 402.

8.6.7. I am satisfied that proposed wastewater connections have been demonstrated to be feasible to a sufficient degree. While submissions raise concerns in relation to pumping station storage, I do not share that level of concern. The potential storage is required in relation to pumping foul effluent, not in relation to treatment. Essentially this is likely to be an additional or larger underground tank. I note that the foul effluent is on a separate network to surface water and in this regard, there is more certainty in terms of volume and performance (whereas surface water would be affected by weather events). Therefore I consider the confirmation of feasibility satisfactory in terms of demonstrating that the load from the proposed development can be accommodated in the network.

8.6.8. I am satisfied that the application has satisfactory water and wastewater proposals and that Condition 14 of the Planning Authority decision is a suitable, standard condition that allows Uisce Eireann manage connections from new developments at an appropriate stage, within its remit. I am satisfied that an adequate Site Specific Flood Risk Assessment was carried out for the proposed development and that mitigation in the event of MRFS 0.5% AEP breach event is acceptable. In relation to issues raised in submissions on Appropriate Assessment/European sites and Water Framework Directive, please see Section 9 and 10 below.

## 8.7. **Services and infrastructure.**

8.7.1. Submissions raise concerns regarding the shortage of primary school and childcare places, and general lack of community facilities within the village for the proposed population.

A number of objectives in the CCDP relate to community uses:

8.7.2. Development Plan Objective CDP10.7 sets out the objectives of the Local Authority for Community Facilities and includes

c) To encourage, advise and assist community groups wishing to provide community facilities in their area

d)To ensure that sufficient lands are zoned for community use to meet the demands of the projected population during the lifetime of this Plan.”

- 8.7.3. Development Plan Objective CDP10.15 relates to childcare facilities and includes
- a) 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 throughout County Clare and in line with population and employment growth;
  - b) To facilitate the development of additional childcare services for vulnerable or disadvantaged groups in the community; and
  - c) To have regard to Childcare Facilities – Guidelines for Planning Authorities (2001) or any updated version in the assessment of applications for childcare facilities.
- 8.7.4. Development Plan Objective CDP10.16 relates to Primary and Secondary Education
- a) To facilitate the provision of schools by zoning suitable lands in settlement plans and local area plans capable of meeting the demands of the projected populations and in line with the 2008 Code of Practice, The Provision of Schools and the Planning System;
  - f) To assess and ensure the adequacy of school capacity when dealing with planning applications for large residential developments; and
- 8.7.5. Development Plan Objective CDP10.20 relates to health services.
- a) To improve access to quality healthcare services through facilitating initiatives and projects under the National Development Plan 2018-2027 as well as facilitating public, private and community-based agencies to provide appropriate healthcare facilities including for mental health, hospital care and community-based primary care throughout the County;
  - b) To encourage the integration of appropriate healthcare facilities within new and existing communities;
- 8.7.6. It is evident from the above that the policy of the CCDP is focused on supporting/facilitating community services and zoning land for same. With the exception of Bunratty Cemetery there are no lands zoned for community use in the village.

- 8.7.7. There is no objective for school provision in the settlement plan for Bunratty. While I accept school provision is driven by the Department of Education and more strategic in nature, the absence of other community facilities has not been addressed in the appeal response. There is no GP within Bunratty, and the nearest childcare facilities are at least 3 km from the village. It is unclear whether there is any multi-purpose space to facilitate community events/meetings, social groups/meetings, children's/adult activities, outside of hospitality establishments.
- 8.7.8. The response notes the requirement under the Childcare Guidelines, 20 no. childcare spaces are required for every 75 dwelling units, or a rate of 0.26 per unit. This would equate to a requirement for 17 no. childcare spaces within the proposed Mixed Use Development. The response states that "Whilst Bunratty village does not have a childcare facility, there are a number of facilities in the general area. Hurlers Cross Childcare, located in proximity to Clonmoney National School which serves Bunratty, is located circa 3km from the subject site with capacity for 20 preschool children and 10 afterschool children. In addition to this facility there are a number of private childcare providers operating in Cratloe, circa 3.5km from the site." This response does not demonstrate available capacity within these facilities, or show that they address the need within Bunratty or that generated by the proposed development. I note that 69 houses were granted under 19/939 and 24/60514 without provision of any childcare facilities.
- 8.7.9. Having regard to the absence of any such facilities within Bunratty, the failure within the application to demonstrate that there is capacity within existing facilities in the surrounding area, and given the Mixed Use zoning of the site, I consider that the development should facilitate and encourage the provision of childcare/health/community facilities. This is not provided for under the current permission which limits the use of commercial units to Class 1 and 2 of Part 4 of the Regulations and does not reserve any unit for such community use such as those of Class 7, 8 and 10 of Part 4.
- CLASS 7 Use— (a) for public worship or religious instruction, (b) for the social or recreational activities of a religious body, (c) as a monastery or convent.
  - CLASS 8 Use— (a) as a health centre or clinic or for the provision of any medical or health services (but not the use of the house of a consultant or practitioner, or

any building attached to the house or within the curtilage thereof, for that purpose), (b) as a crèche, (c) as a day nursery, (d) as a day centre.

- CLASS 10 Use as— (a) an art gallery (but not for the sale or hire of works of art), (b) a museum, (c) a public library or public reading room, (d) a public hall, (e) an exhibition hall, (f) a social centre, community centre or non-residential club, but not as a dance hall or concert hall.

8.7.10. In the event of a grant of planning permission, I recommend that this matter be addressed by condition. I do not consider this a **New Issue** as appeals reference the limited facilities which are available to service a local residential community and in particular educational deficit and the appeal response comments on childcare and school provision. I note that the provision of an outdoor area, to allow for potential childcare provision, may require some redesign of a commercial unit or the outdoor space near it.

8.7.11. Phasing: The phasing proposals as per drawing Site Context Plan /Development Phasing BNRT-02-SW-DR-RAU-AR-1005 issue date 31/7/2025 received by the Planning Authority 01/08/2025 are as follows:

- Phase 1: Bat house built
- Phase 2: Demolition of buildings
- Phase 3: 14 houses plus services to commercial area
- Phase 4: 16 houses
- Phase 5: 13 houses
- Phase 6: Commercial plus permanent works to services
- Phase 7: 13 Houses

This allows for 43 houses before commercial units and 13 after provision of commercial units

8.7.12. The written response to FU request states “ *The proposed phasing plan has been restructured to ensure that there are only two phases of housing delivered prior to the delivery of the retail/commercial units. In essence, 30 no. units will be delivered in advance of the commercial units, with the remaining 28 no. units delivered in phases following completion of the commercial units.*”

*It is submitted that the successful delivery of the two phases for housing units will allow the development to then fund the delivery of the commercial units (for which there is no tenant currently). It is commercially difficult to deliver the non-residential units in the early phases of the development, as the burden of the cost of the development would negatively affect the ability of a funding stream to develop the later stages.”*

8.7.13. The drawing received on 01/08/2025 appears to be an error. I am satisfied with the approach as written by the applicant in response to FI. The error may be addressed by condition in the event of a grant of planning permission.

## **8.8. Landscape, Ecology**

8.9. I note the Ecological Impact Assessment, Arboricultural Impact Assessment, Tree Protection Plan, Landscape Design Report, Landscaping Masterplan and Boundary Treatment Plan submitted with the application.

8.10. There are significant notable mature trees on the site, at the roadside area. I note that some trees are to be removed to facilitate development; 1 no. category A trees, 6 no. category B and 8 no. category C trees. Two further trees in category U are to be removed due to poor condition. The significant tree stands at the front are largely unaffected. I consider the approach acceptable, along with replacement and new planting set out in the Landscaping Masterplan. An archaeological monument is to be incorporated into the landscape features to the rear of the site. Archaeological monitoring and conditions apply. A Boundary Plan accompanies the application;

8.11. I note Special Boundary Walls in Tree RPA Areas All works in tree RPA areas are to be carried out under the supervision of an appointed arborist. It is indicated that the development is to be open plan (i.e. no boundaries to the front of dwellings); this approach is consistent with the open character of the village. A condition requiring same was attached to the grant of permission by the Planning Authority.

8.12. The survey within the Ecological Impact Assessment notes a significant bat population on the site, including the Lesser Horseshoe Bat. All bat species occurring in Ireland are legally protected under the Irish Wildlife Acts with Lesser Horseshoe Bats listed on Annex II and Annex IV of the Habitats Directive. A Derogation was obtained in relation to the disturbance of these roosts on the site. Proposals for the

protection of bats have been incorporated into the development in consultation with the NPWS. A bat house is proposed to the rear of the site, to be constructed as Phase 1, along with monitoring measures to be implemented. 20 bat boxes are to be located around the site, additional detail was received in response to FI request. Bat sensitive lighting has been designed and incorporated into the proposed development.

- 8.13. I highlight to the Commission that the applicable period of the Derogation for bats has expired and a new application is required. While the typical approach would not normally be to recommend that permission be granted in the absence of a Derogation, given the Derogation was previously obtained from the consenting authority (NPWS) following detailed consultation, and given the requirements of same have been incorporated into the proposed development, all with consultation with the NPWS, if the Commission is minded to grant planning permission, I consider that the renewal of the Derogation as a condition of any grant of planning permission would be reasonable and appropriate.

## 9.0 **Appropriate Assessment**

- 9.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA and that Appropriate Assessment under the provisions of S177V was required.
- 9.2. Following an examination, analysis and evaluation of the NIS, all associated material submitted, I consider that adverse effects on site integrity of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.
- 9.3. My conclusion is based on the following:
- The relevant Conservation Objectives of the Qualifying Interests relating to Water Quality
  - Detailed assessment of construction and operational impacts.

- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP and WMP
- Application of planning conditions to ensure application of these measures.

## 10.0 Water Framework Directive Screening

See Appendix 3. I have assessed proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no likely risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- Design and construction best practice
- Standard operational measures e.g. Nature based SuDS treatment, petrol interceptor, attenuation and hydrobrake, and maintenance regime
- The connection of the proposed development to public wastewater infrastructure

10.1. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Recommendation

I recommend that permission be granted subject to the conditions below.

An overview of modifications to LA conditions is provided below for clarity.

LA Cond	Topic	ACP Cond	Comment/Reasoning
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1a	General	1	
1b	Duration	2	
1c	No. units	-	Covered by condition 1
2	Mitigation	5	
3	Mobility Management Plan	-	Basis unclear Not necessary
4	Phasing	3	Revised, Ref. 8.8
5	CEMP and WMP	7	
6	Acoustic Design	6	Amalgamated into mitigation condition 5
7	Sale to individual purchasers	8	18
8	Part V	9	19
9	FFLs	1	Covered by condition 1
10	Public lighting as per EBS	1	Omit ESB reference would conflict with bat sensitive lighting Otherwise covered b condition 1, 5, 12.
11	Bats	9	Revised. Boxes, lighting, phasing, monitoring covered in other conditions & Derogation
12	Taking in charge	11	Condensed
13	Open spaces	-	Condition 11, 17
14	UE	12	
15 a	TIA/RSA	-	Condition 1
15 b	DMURS	13	
16	Front boundary walls.	17	
16	Landscaping Plans	17	
16	Landscape re-planting	17	
17	Archaeology monitoring	7	
18	Name and numbering	18	
19	Roads, footpaths, lighting, surface water	3,11, 14	Covered by phasing, TIC, Drainage
20	Sign and road markings	13	TIC / TII matter. 11
21	Site works	13	21
22	EV charging	16	

23	All services underground	15	
24	No development over sewer	-	Basis unclear – not necessary. Relevant to TIC . 11.
25	External finishes Shopfronts and signage	10	
26	Post completion drawings	-	TIC matter
27	Use of units	4	Wider range of uses Ref. 8.8
28	Contributions	22	
29	Bond	23	

## 12.0 Reasons and Considerations

Having regard to the brownfield central location of the site, its zoning and designation as an Opportunity Site, the mixed use nature of proposed development, its design and layout, the mitigation measures proposed in relation to ecology, biodiversity, archaeology and surface water, it is considered that the proposed development would, subject to conditions, be in keeping with the provisions of the Clare County Development 2023-2029 and would not detract from the setting of Bunratty Castle or the character of the area, and would be in accordance with the proper planning and development of the area.

## 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 plans and particulars received by the planning authority on the 1 <sup>st</sup> August 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.
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	Reason: In the interest of clarity.
2	<p>The period during which the development hereby permitted may be carried out shall be 7 years from the date of this Order.</p> <p>Reason: Having regard to the nature of the development the Commission considers it appropriate to specify a period of validity of this permission in excess of five years.</p>
3	<p>The development shall be carried out on a phased basis, in accordance with a revised phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.</p> <p>The phasing of the proposed development shall be in accordance with written detail received by the Planning Authority on 1st August 2025. Drawing NRT-02-SW-DR-RAU-AR-1005 shall be revised to be consistent with the above and shall contain a schedule of houses to be constructed within each phase.</p> <p>For clarity,</p> <ul style="list-style-type: none"> <li>(a) The bat house shall be provided in Phase 1 and prior to Phase 2 Demolition</li> <li>(b) 30 No. dwellings <b>only</b> shall be provided in phase 3/4/5 prior to the provision of the commercial building.</li> <li>(c) The internal roads footpaths lighting and open space within each phase shall be fully in situ prior to first occupation of dwellings within that phase</li> <li>(d) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase.</li> </ul> <p>Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings</p>

4.	<p>(a) Prior to the commencement of development, the applicant shall submit revised plans and drawings of the commercial building for the written agreement of the Planning Authority providing for the following:</p> <p>One unit shall be modified to provide a childcare facility, including outdoor play area, suitable in size to serve a minimum 17 No. children. Drawings submitted shall be accompanied by a schedule setting out the nature of childcare proposed to be accommodated and the basis of calculation of floor area and external play area.</p> <p>(b) Apart from the childcare unit provided under (a) above, the use of the commercial units shall be in accordance with the following uses as set out in Schedule 2 Part 4 of the Planning &amp; Development Regulations 2001 (as amended):</p> <p>Class 1 and Class 2, with the exception of betting offices, vape/e-cigarette outlets, discount goods outlets, mobile phone/repair shops, sale of fast food</p> <p>Class 7 (a) and Class 7 (b)</p> <p>Class 8</p> <p>Class 10</p> <p>Reason: To facilitate the provision of a range of community and local services on this Mixed Use site, to support the growing population of the village.</p>
5	<p>Prior to the commencement of development, the applicant shall submit revised plans and drawings for the written agreement of the Planning Authority providing for the following:</p> <p>(a) All mid terrace units shall have dedicated covered and secure refuse (3 bins) and cycle storage (2 cycles) in proximity to the front entrance to the dwelling, of high quality design and construction.</p> <p>(b) The design and/or rear boundaries of units 29, 30, 38, 48 shall be revised such that first floor fenestration is at least 6m from the rear</p>

	<p>boundary of the property, to minimise overlooking of the rear gardens of adjoining dwellings.</p> <p>Reason: In the interest of residential amenity.</p>
6	<p>(a) The mitigation measures and recommendations contained in the Natura Impact Statement, Ecological Impact Assessment, Landscape Design Report, Arboricultural Impact Assessment, Archaeological Impact Assessment, Flood Risk Assessment and Construction Environmental Management Plan and Acoustic Design Statement (as revised by Further Information and/or to satisfy conditions below, where applicable) shall be implemented.</p> <p>(b) All works shall be supervised by an on-site Ecological Clerk of Works who will report on compliance with the relevant mitigation measures. The Ecological Clerk of Works shall be empowered to halt works where they consider that the continuation of the works is likely to result in a significant pollution or siltation incident or impact on protected habitats or species, and on-site works will cease until authorised to continue by the planning authority. A compliance monitoring report shall be prepared by the Ecological Clerk of Works and shall be submitted to the planning authority at the end of the main construction period.</p> <p>Reason: To ensure compliance with mitigation measures, to protect the environment and in the interest of residential amenity.</p>
7	<p>All mitigation measures in relation to archaeology as set out in the Archaeological Impact Assessment report (Aegis Archaeology Ltd, December 2024) included in the application documents shall be implemented in full, except as may otherwise be required in order to comply with the archaeological conditions of this permission. In this regard, the developer shall retain/engage a suitably qualified Archaeologist (licensed/consented under the National Monuments Acts) to:</p> <p>Carry out a programme of pre-development archaeological testing in all accessible/suitable areas of proposed ground disturbance and to submit an updated archaeological impact assessment report for the written</p>

agreement of the Planning Authority, following consultation with the National Monuments Service of the Department of Housing, Local Government and Heritage, in advance of any site preparation/enabling works or groundworks, including site investigation works/site clearance//topsoil stripping/demolition works or construction works.

Where evidence of town defences is identified during the test excavation, the National Monuments Service of the Department of Housing, Local Government and Heritage shall be consulted to determine possible requirements for Ministerial Consent under Section 14 of the National Monuments Act 1930-2014. Please note that Ministerial Consent is a free-standing requirement for both archaeological work and works required for development. Such consent requirements apply whether or not other approvals are in place.

Carry out archaeological monitoring of the breaking/removal of floor slabs and other groundworks at a post-demolition stage. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

Should archaeological remains be identified during the course of the archaeological works, all works shall be suspended in the area of archaeological interest pending a decision of the Planning Authority, in consultation with the National Monuments Service of the Department of Housing, Local Government and Heritage, regarding appropriate mitigation (preservation in situ / excavation).

The developer shall facilitate the Archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the Planning Authority, following consultation with the National Monuments Service of the Department of Housing, Local Government and Heritage, shall be complied with by the developer.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the Planning Authority and the National Monuments Service of the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological

	<p>report describing the results of the archaeological monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>The final Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development (as set out in AIA and as may become relevant during archaeological works). The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and present all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.</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>
8	<p>A final Construction and Environmental Management Plan (CEMP) and a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement.</p> <p>Reason: In the interest of environmental protection and reduction of waste</p>
9	<p>The applicant shall renew the Derogation under Regulation 54 of the European Communities (Bird and Natural Habitats) Regulations 2011 in relation to works affecting bats, which shall be in place and current at the time of carrying out works. All works shall be carried out in compliance with the Derogation terms and conditions.</p> <p>Reason: For the protection of bats, a protected species.</p>
10	<p>Details of</p> <p>(c) the materials, colours and textures of all the external finishes to the proposed dwellings and commercial buildings</p> <p>(d) all external shopfronts and signage</p>

	<p>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>
11	<p>The development shall be completed to the construction standards set out in Clare County Council's Taking in Charge Policy Recommendations for Site Development Works for Housing Areas</p> <p>Reason: In the interest of orderly development</p>
12	<p>(a) Prior to the commencement of development the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for a service connections to the public water supply and wastewater collection network.</p> <p>(b) The development shall not be occupied until such time as any network extension or upgrade, including storage requirements, as deemed necessary by Uisce Éireann (Irish Water) are constructed and operational.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
13	<p>(a) The internal road network serving the proposed development shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).</p> <p>(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of orderly development and traffic safety.</p>
14	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of</p>

	<p>the planning authority for such works and services. Surface water shall not be allowed to flow onto the public road.</p> <p>Reason: In the interest of public health and traffic safety.</p>
15	<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 interest of orderly development and visual amenity.</p>
16	<p>All parking spaces serving the residential units shall be provided with functional electric vehicle charging points, or ducted electric connections to the exterior of the houses, to allow for the provision of future electric vehicle charging points, without obstructing the public footpath. 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 interest of orderly development and sustainable transportation.</p>
17	<p>Landscaping and boundary treatment</p> <p>(a) The development shall be open plan and no front boundary walls/fences shall be erected, whether or not such provision would normally constitute exempted development under the provisions of the Planning and Development Regulations 2001, as amended.</p> <p>(b) The landscaping scheme shown on drawing number P633-101 Rev A, as submitted to the planning authority on 1<sup>st</sup> August 2025 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>(c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the</p>

	<p>completion of the development 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>(d) The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme . This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed in writing with the planning authority and shall be maintained as public open space by the developer until taken in charge by the local authority.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
18	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility.</p>
19	<p>(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential 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 demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units 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>
20	<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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the</p>

	<p>parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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 for the area.</p>
21	<p>Site development and building works shall be carried out only between the hours of 07:30 to 19:00 Mondays to Friday inclusive, between 08:00 and 14:00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
22	<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 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</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission
23	<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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge</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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Bébhinn O'Shea

Senior Planning Inspector

30th March 2026

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Coimisiún Pleanála Case Reference</b>	500107-25		
<b>Proposed Development Summary</b>	Demolition of hotel and construction of a mixed use development consisting of 58 residential units, retail store and retail/office units		
<b>Development Address</b>	Site of former Shannon Shamrock Hotel, Bunratty Co. Clare		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
		N/A	<b>Conclusion</b>
<b>No</b>			No EIAR or Preliminary Examination required
<b>Yes</b>	X	Class 10(b)(i) Construction of more than 500 dwelling units  Class 10(b)(iv)	Proceed to Q.4

		Urban development in a built-up area		
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4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes	X	Screening Determination required

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

### Form 3 EIA Screening Determination

<b>A. CASE DETAILS</b>		
<b>An Bord Pleanála Case Reference</b>	500107-25	
<b>Development Summary</b>	Demolition of hotel and construction of a mixed use development consisting of 58 residential units, retail store and retail/office units at site of former Shannon Shamrock Hotel, Bunratty Co. Clare	
<b>Sub-threshold - development class referred to under Schedule 5 of Planning and Development Regulations 2001 (as amended) or Article 8 of Roads Regulations 1994:</b>	Class 10(b)(i) Construction of more than 500 dwelling units  Class 10(b)(iv) Urban development in a built-up area	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	<b>No</b>	
<b>2. Has Schedule 7A information been submitted?</b>	<b>Yes</b>	EIA Screening Report by HRA planning. Section 6.1.4 page 34.
<b>3. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	NIS – Ecology Ireland
<b>4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	

<p>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>		<p>Clare County Development Plan 2023 - 2029 SEA  Clare County Development Plan 2023 - 2029 AA  Site Specific Flood Risk Assessment  Water Framework Directive Screening  Pre-Construction Resource &amp; Waste Management Plan  Ecological Impact Assessment</p>	
<p><b>B. EXAMINATION</b></p>	<p>Yes/ No/ Uncertain</p>	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p><b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p>Yes/ No/ Uncertain</p>
<p><b>This screening examination should be read with, and in light of, the rest of the Inspector’s Report attached herewith</b></p>			
<p><b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b></p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>Development entails redevelopment of brownfield site with existing structures of up to 2 storeys. Proposed is 2 storey residential development and a commercial building. Surrounding area generally 2 storey structures in open setting with a number of larger commercial buildings</p>	<p>No</p>

<p><b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>No</p>	<p>More intensive and diverse land use. No significant changes to topography.</p>	<p>No</p>
<p><b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Raw materials to be used as per typical construction scheme but not of such scale and quantity that there would be significant effects on the environment</p>	<p>No</p>
<p><b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Uncertain</p>	<p>Demolition element and construction activities will require the use of potentially harmful materials such as asbestos, contaminated soil, fuels and give rise to waste for disposal. The pre-construction Resource and Waste Management Plan would mitigate potential impacts.</p>	<p>No</p>
<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Uncertain</p>	<p>Construction activities will require the use of potentially harmful materials such as fuels and give rise to waste for disposal. Pollutants such as dust emissions are likely. There is potential for asbestos. Waste during construction works. Pre-construction Resource and Waste Management Plan would mitigate potential impacts sets out mitigation and management measures which are typically standard construction practice.</p>	<p>No</p>
<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>Typical construction management practices as set out in the Outline Construction &amp; Environment Management Plan to mitigate against contamination. Application contains robust surface water and nature based SuDS strategy. Water Framework Directive</p>	<p>No</p>

		Screening accompanies the application and this Inspectors Report.	
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	During construction the project will cause noise and vibration, but will be subject to mitigation through the CEMP and planning conditions, and monitoring	No
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	No	Typical construction management practices as set out in Outline Construction & Environment Management Plan to mitigate against contamination of noise, dust (both temporary and local) and water.  Operationally potential for air pollution from noise, traffic etc. However, noting traffic levels generated, existing urban environment this is not considered significant.	No
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No	Site not in the vicinity of any site with a risk. Some risk of coastal flooding. See 2.5	No
<b>1.10</b> Will the project affect the social environment (population, employment)	Yes	The proposed development will provide housing and population growth on 153 based on national household size of 2.74.	No
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	Yes. County Clare is targeted for growth of in line with NPF. However, this has been subject to Strategic Environmental Assessment during the preparation of the CCDP	No
<b>2. Location of proposed development</b>			
<b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:	Yes	European Sites: River Shannon and River Fergus Estuaries SPA c. 250m to south. Lower River Shannon SAC 90m south east. NIS submitted. AA	No

<ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> <li>- Designated Nature Reserve</li> <li>- Designated refuge for flora or fauna</li> <li>- Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>		<p>above concludes proposed development does not affect the integrity of the European Sites</p> <p>Sites and Monuments : CL062-001006: Battery within site. CL062-001008: House - 16th/17th century within site. CL062-001010: Designed landscape - formal garden within site.</p> <p>Mitigation by design. Layout providing for incorporation of feature and its setting. Archaeological Impact Assessment submitted. Submission from DAU. Conditions recommended include monitoring and sufficient to mitigate impact.</p>	
<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	Yes	<p>Ecological Impact Assessment included with application. No rare or plant species of conservation value present.</p> <p>Bat survey. Significant bat population on site. Lesser Horseshoe bat (annex 1 species), Common Pipistrelle Soprano Pipistrelle. Derogation obtained and on file (note that authorized period has expired). Bat house proposed. Bat sensitive lighting scheme. Conditions.</p>	No
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	Yes	<p>Protected structures in vicinity. RPS No. 191 Bunratty Bridge built 1804 c. 120 m to south east. RPS No. 260 Bunratty Castle medieval towerhouse, built c.1425, adjacent site</p> <p>Mitigation by design. Visual impact assessment / photomontages. See assessment in report. No significant impact arises</p>	No
<p><b>2.4</b> Are there any areas on/around the location which contain important, high quality</p>	Yes	Water as below and European Sites above	No

or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?			
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	SSFRA accompanies application. Rules out fluvial, pluvial, groundwater flooding. Existing coastal flood defences. Acknowledges risk to the site during a MRFS 0.5% AEP breach event. Mitigation – Residential in Zone C. Proposed levels within the site have been raised wherever possible. Proactive flood warning supermarket and retail units can be closed and the retail car parking areas can be closed off	No
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No		No
<b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	Site served by local road network but 1km close N18 junction. Scale of proposal unlikely to affect same.	No
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	None in the immediate area	No
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No significant recent developments in the vicinity. See applicant EIA screening statement p 16. Cumulative impacts are most likely to arise in demolition and construction phase can be mitigated by CEMP.	No

<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No		No
<b>3.3</b> Are there any other relevant considerations?	No		No

### C. CONCLUSION

<b>No real likelihood of significant effects on the environment.</b>	X	EIAR Not Required
<b>Real likelihood of significant effects on the environment.</b>		EIAR Required

### D. MAIN REASONS AND CONSIDERATIONS

***EG - EIAR not Required***

Having regard to: -

1. the criteria set out in Schedule 7, in particular the limited nature and scale of the proposed mixed use development, on a brownfield site served by public infrastructure
2. the results of other relevant assessments of the effects on the environment, including of an Appropriate Assessment and Strategic Environmental Assessment of the Clare County Development Plan 2023- 2029, of Stage 2 Appropriate Assessment and Water Framework Directive Screening attached to the Inspector’s Report
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, in particular the proposal to preserve in situ known archaeological features, the measures to protect the character and setting of the Protected Structures near the site, the proposed surface water and SuDS strategy, the Outline Construction and Environmental Management Plan, the Pre-construction Resource and Waste Management Plan and the proposed bat house, derogation licence conditions and ecologist supervision of same.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector \_\_\_\_\_

Date \_\_\_\_\_

Approved (DP/ADP) \_\_\_\_\_

Date \_\_\_\_\_

## **Appendix 2: Appropriate Assessment**

### **1.0 Appropriate Assessment**

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

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

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

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

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

**Screening for Appropriate Assessment  
Test for likely significant effects**

**Step 1: Description of the project and local site characteristics**

Brief description of project	<p>Site of just under 3 hectares, brownfield containing a disused and derelict hotel and notable mature trees.</p> <p>It is proposed to demolish the hotel and construct 58 houses, a small supermarket and 6 retail/office units associated parking, boundary treatment and landscaping.</p> <p>Archaeological monument within site proposed to be retained. Bat house proposed. Derogation license on file (note that authorized period has expired).</p>
Brief description of development site characteristics and potential impact mechanisms	<p>Site is brownfield and within a settlement. Largely made ground. Significant mature trees within the site. Drainage ditch along front boundary. No watercourse.</p> <p>A new storm water drainage system is proposed to be constructed which includes SuDS and an attenuation tank. Run-off will overflow from the site at a controlled rate via a storm sewer pipe which discharges to a nearby watercourse eventually discharging to the Shannon Estuary which is c. 1500m from the site. Potential for contaminants, silt, entering the watercourse.</p> <p>Proposed foul wastewater connection to the public network through provision of network extension (c. 80m) and potential 24 hour storage at the Wastewater Pumping Station. Effluent is pumped to Shannon WWTP which discharges into the Shannon estuary.</p> <p>Potential for impacts by air. Demolition of existing structures and construction will result in waste material, noise, dust, and potential airborne contaminants.</p>
Screening report	Yes within Ecology Ireland report dated 6 <sup>th</sup> December 2024 and revised dated 30 <sup>th</sup> July 2025 following request for Further Information.
Natura Impact Statement	Yes Ecology Ireland report dated 6 <sup>th</sup> December 2024 and revised dated 30 <sup>th</sup> July 2025 following request for Further Information.
Relevant submissions	Micheal Duffy (observation)

Other Information: Bat population on site. Bats not QI of Lower River Shannon SAC or River Shannon and River Fergus Estuaries SPA, nearest sites.

## Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The applicants screening report considered 8 European sites in the wider area. I am satisfied the relevant sites are as follows:

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Lower River Shannon SAC <b>Site code:</b> 002165	<a href="#">Site specific cons obj</a> Version 1	c. 90m east	Surface water discharge via Urlan Beg_010 watercourse Foul water discharge via network and Shannon WWTP.	Y
River Shannon and River Fergus Estuaries SPA <b>Site code:</b> 004077	<a href="#">Site specific cons obj</a> Version 1	c. 250m to south	Surface water discharge via Urlan Beg_010 watercourse Foul water discharge via network and Shannon WWTP.	Y
Danes Hole Poulnalecka SAC <b>Site code</b> 000030	<a href="#">ConservationObjectives.rd</a> ! Version 1	c. 13 km to northeast	No - Distant hydrological connection but upstream of SAC	N
Ratty River Cave SAC <b>Site code</b> 002316	<a href="#">ConservationObjectives.rd</a> ! Version 1	c. 7.5km	No - Distant hydrological connection but upstream of SAC	N

Note the Lower River Shannon SAC and the River Shannon and River Fergus Estuary SPA overlap. The conservation objectives for these sites are considered in conjunction with the overlapping site as appropriate.

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

### AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 1:</b> Lower River Shannon SAC 90m  <b>Site code:</b> 002165  <b>Qis</b> 1029 Freshwater Pearl Mussel 1095 Sea Lamprey 1096 Brook Lamprey	<b>Direct:</b> None  <b>Indirect:</b>  Impacts on water quality due to construction related emissions including increased sedimentation and construction related pollution	<b>Direct:</b>  <b>Indirect:</b>  Negative effect on habitat quality/ function by undermining conservation objectives related to water quality

<p>1099 River Lamprey 1106 Atlantic Salmon (only in fresh water) 1110 Sandbanks which are slightly covered by sea water all the time 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1150 *Coastal lagoons 1160 Large shallow inlets and bays 1170 Reefs 1220 Perennial vegetation of stony banks 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 1310 Salicornia and other annuals colonizing mud and sand 1330 Atlantic salt meadows 1349 Bottlenose Dolphin 1355 Otter 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 3260 Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation 6410 Molinia meadows on calcareous, peaty or clayey-silt laden soils (<i>Molinia caerulea</i>) 91E0* Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnus incana</i>, <i>Salicetum albae</i>)</p>	<p>Impacts on air due to noise during construction</p> <p>Impacts on air due to dust/particulate matter during demolition/construction</p> <p>Impact on water quality from foul water discharge through Shannon WWTP during operation.</p> <p>Impacts on water quality during operation due to hydrocarbons, silt entering surface water network.</p>	<p>Disturbance of mobile species</p> <p>Negative effect on habitat quality. Deposition effect on habitat quality and undermining conservation objectives related to water quality</p> <p>Negative effect on habitat quality/ function by undermining conservation objectives related to water quality</p> <p>Negative effect on habitat quality/ function by undermining conservation objectives related to water quality</p>
	<b>Likelihood of significant effects from proposed development (alone):</b>	

Noise is not an impact mechanism for the water-based species and habitats which form most of the QIS for this site.

Otter is the only mobile terrestrial species. The applicant's screening report notes no signs of Otter activity within or near the site. The habitats within the site are of limited value to Otter, with more optimal habitat elsewhere nearby. Otter are primarily nocturnal therefore during times when noise and construction activity levels at the development site are low. Significant effects therefore unlikely.

Four of the Qis have conservation objectives relating to water quality:

Freshwater pearl mussel (1029)

Atlantic salmon (1106)

Coastal lagoons (1150)

Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation (3260)

**Construction:**

CEMP and RWP contain standard waste and dust management and monitoring measures which will mitigate against deposition of particles. I do not consider these mitigation measures to be specific to the European Sites.

The applicants screening report states that impacts on water quality from construction cannot be discounted without adequate Construction and Environmental Management Plan (CEMP) commitments being implemented and/or site-specific mitigation measures being put in place during the project construction phase. I do not consider these mitigation measures to be specific to the European Sites.

The report however takes a precautionary approach and states that it cannot be concluded that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on a Natura 2000 site, without the consideration and analysis of further information. Therefore Stage 2 NIS (AA) follows.

**Operation:**

Surface water drainage design is according to SuDS with a full retention separator and attenuation tank, with surface-water run-off from the proposed development site limited to greenfield discharge rates. The attenuation tank has been sized to cater for a 1:100 storm event with a 30% allowance for climate change and urban creep (20% climate change + 10% urban creep). A Stormwater Drainage Maintenance Plan forms part of the application. The applicant's screening report states that there is no potential for any significant effects to the nearby Natura 2000 sites, arising from surface-water run-off during the operational phase of the proposed development, and that operational phase measures to manage surface-water run-off will serve to protect water quality and have not been designed to address any risks identified in relation to the Natura 2000 sites in the wider area.

There is capacity in the foul wastewater network. (Possible 24 hour storage is noted – this relates to pumping station not treatment, is contained, has predicted flow and remote from discharge point. Provision of such storage is not part of this application).

	The applicants screening report notes that there is capacity at the treatment plant, which has been subject to recent upgrades that have significantly increased capacity and ensures compliance with Wastewater Treatment Regulations. (The operation of the WWTP is subject to separate assessment and license). Coupled with the dilution factor occurring within the tidally influenced Shannon Estuary, the report states that no significant effects on Natura 20000 sites are expected as a result of foul waste-water discharge from the proposed development. I agree with this conclusion.	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b> N/A – conclusion based on precautionary approach is yes.	
	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b> Possible effects on water quality during construction phase	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 2:</b> River Shannon and River Fergus Estuaries SPA 250m  <b>Site code:</b> 004077  <b>QIs:</b>  A017 Cormorant breeding + wintering  Wintering birds: A038 Whooper Swan A046 Lightbellied Brent Goose A048 Shelduck A050 Wigeon A052 Teal A054 Pintail A056 Shoveler A062 Scaup A137 Ringed Plover A140 Golden Plover A141 Grey Plover A142 Lapwing A143 Knot Calidris A149 Dunlin A156 Blacktailed Godwit A157 Bar-tailed Godwit A160 Curlew A162 Redshank A164 Greenshank A179 Black-headed Gull  A999 Wetlands	<b>Direct:</b> None  <b>Indirect:</b> Development of greenfield land.  Impacts on water quality due to construction related emissions including increased sedimentation and construction related pollution  Impacts on air due to noise during construction  Impacts on air due to dust/particulate matter during demolition/construction  Impact on water quality during operation from foul water discharge through Shannon WWTP.	Loss of ex situ habitat  Negative affect on habitat quality/ function by undermining conservation objectives related to water quality  Disturbance of mobile species unlikely due to distance of site to European sites  Negative effect on habitat quality. Deposition effect on habitat quality and undermining conservation objectives related to water quality  Negative effect on habitat quality/ function by undermining conservation objectives related to water quality

	Impacts on water quality during operation due to hydrocarbons, silt entering surface water network.	Negative effect on habitat quality/ function by undermining conservation objectives related to water quality
	<p><b>Likelihood of significant effects from proposed development (alone):</b> No.</p> <p>The site is made ground and not suitable foraging / nesting / roosting habitat for sea bird species. Distributions indicated on Conservation Objectives Supporting Document <a href="#">Report</a> Version 1.</p> <p>Temporary disturbance through noise during construction phase is possible however the site is 250m from the European site and there is an intervening urban environment and national road creating background noise. CEMP and RWP contain standard waste, noise and dust management and monitoring measures which will mitigate against noise and deposition of particles. I consider these mitigation measures are not specific to the European Sites.</p> <p>The QIs of this SPA do not have conservation objectives related to water quality. (The conservation objectives of those QIs in the SAC in relation to water quality are considered above The QIs of the SAC are relevant, as these support bird population.)</p> <p>However, the applicants screening report states that impacts on water quality from construction cannot be discounted without adequate Construction and Environmental Management Plan (CEMP) commitments being implemented and/or site-specific mitigation measures being put in place during the project construction phase It states that it cannot be concluded that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on this European Site, without the consideration and analysis of further information. Therefore Stage 2 NIS (AA) follows.</p>	
	<p><b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b> N/A – conclusion based on precautionary approach is yes.</p>	
<p><b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b></p>		
<p>It is not possible to exclude the possibility that proposed development alone would result significant effects on the River Shannon and River Fergus Estuaries SPA Site code: 004077 and Lower River Shannon SAC Site code 002165 from effects associated with impacts from construction on water quality within the European Sites. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.</p>		

**Proceed to AA.**

### **Screening Determination**

#### **Significant effects cannot be excluded**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone [or in combination with other plans and projects] will give rise to significant effects on River Shannon and River Fergus Estuaries SPA Site code: 004077 and Lower River Shannon SAC Site code 002165 in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

The screening report of the applicant and potential effects on water quality from construction related activity.

### Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed housing development in view of the relevant conservation objectives of the River Shannon and River Fergus Estuaries SPA Site code: 004077 and Lower River Shannon SAC Site code 002165 on scientific information provided by the applicant and considering expert opinion through observations on nature conservation.

The information relied upon includes the following:

- Natura Impact Report (NIR) of Clare County Development Plan 2023-2029.
- Natura Impact Statement prepared by Ecology Ireland Ltd.
- Updated NIS report prepared by Ecology Ireland Ltd including Outline CEMP and Pre-construction Resource & Waste Management Plan
- Environmental Assessment Officer report Clare County Council
- NIS Determination Clare County Council dated 25/09/2025

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

Michael Duffy, Observer

It is stated that

- The Appropriate Assessment is flawed. The letter of feasibility to connect is highly qualified and does not commit to a connection for wastewater. The AA must look at all potential impacts including impacts from the Shannon WWTP and network and need for additional storage at the WWPS.
- Condition 14 is unsustainable, the AA of any proposed solution must be carried out in advance of planning decision. The network and WWTP will have issues causing impacts on protected sites if additional loading is applied without upgrades
- The extension of the pump station cannot be exempt development if AA is required and the extension is likely to impact the SAC.
- There is no sewer integrity risk for the Shannon WWTP or event monitoring. There are numerous SWO and EOs in the network, the assessment of which must form part of any AA to increase the discharge of wastewater.

#### European sites A & B:

##### Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA.

As noted this SAC and SPA overlap. The conservation objectives for each site should be considered in conjunction with the other.

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

Water quality degradation –The uncontrolled release during construction of sediment or contaminants (hydrocarbons, cementitious material, etc.) during a flood event or in run-off or discharge into the aquatic environment leading to increased siltation, nutrient release and/or contamination.			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and Attributes	Potential Adverse effects	Mitigation measures
<b>Lower River Shannon SAC</b>			
Freshwater pearl mussel (1029)	<b>Attribute:</b> Water quality: Macroinvertebrate and phytobenthos (diatoms) Measure: Ecological quality ratio (EQR) Target: Restore water quality - macroinvertebrates: EQR greater than 0.90; phytobenthos: EQR greater than 0.93	As per NIS and PPWS documentation I note that the COs of the site indicate the habitat for this QI significantly west of the site and upstream from the estuary in the Cloon River. Therefore adverse effects may be ruled out.	N/A
Atlantic salmon (1106)	<b>Attribute:</b> Water quality Measure: EPA Q value Target: At least Q4 at all sites sampled by EPA	Increased siltation, nutrient release and/or contamination leading to deterioration in water quality and resultant deterioration in habitat.	NIS (revised): Section 4.2.1 and 4.2.2 Pollution control measures Application of industry standard controls CEMP WMP Biosecurity Plan
Coastal lagoons (1150)	<b>Attribute:</b> Water quality: chlorophyll a Measure: µg/L Target: Annual median chlorophyll a within natural ranges and less than 5µg/L  <b>Attribute:</b> Water quality: Molybdate Reactive Phosphorus (MRP)	Increased siltation, nutrient release and/or contamination leading to deterioration in water quality and resultant deterioration in habitat.	NIS (revised): Section 4.2.1 and 4.2.2 Pollution control measures Application of industry standard controls CEMP

	<p>Measure: mg/L Target: Annual median MRP within natural ranges and less than 0.1mg/L</p> <p><b>Attribute:</b> Water quality: Dissolved Inorganic Nitrogen (DIN) Measure: mg/L Target: Annual median DIN within natural ranges and less than 0.15mg/L</p>		<p>WMP Biosecurity Plan</p>
Watercourses of plain to montane levels with the <i>Ranaunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation (326)	<p><b>Attribute:</b> Water quality: nutrients Measure Milligrammes per litre Target: The concentration of nutrients in the water column should be sufficiently low to prevent changes in species composition or habitat condition</p>	Increased siltation, nutrient release and/or contamination leading to deterioration in water quality and resultant deterioration in habitat.	<p>NIS (revised): Section 4.2.1 and 4.2.2 Pollution control measures Application of industry standard controls CEMP WMP Biosecurity Plan</p>
<b>River Shannon and River Fergus Estuaries SPA</b>			
A017 Cormorant breeding + wintering & Wintering birds (20 species)	<p>While noting that effects on water quality impact invertebrate communities, aquatic life and bird populations which depend on them for food, the conservation objectives for these species do not relate to water quality and as such are not assessed.</p> <p>As noted this SPA overlaps with the Lower River Shannon SAC. A number of the QIs of the SAC would support the bird population of this SPA, and have conservation objectives relating to water quality. These have been considered above.</p>	N/A for these QIs	<p>NIS (revised):p. 61 – 65 sets out Mitigation measures however none are specific to these QIs or their CO's.</p>
A999 Wetlands	The conservation objectives for this habitat do not relate to water quality	N/A for these QIs	<p>NIS (revised):p. 61 - 65 sets out Mitigation measures</p>

			however none are specific to these Qis or their CO's.
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The above tables are based on NPWS information and documentation and information provided on the file. The NIS discusses the Qualifying Interests of each site however I note that it does not identify the specific relevant Conservation Objectives and attributes, targets, measures; it has taken a precautionary approach and discusses water quality impact in general terms.

**Assessment of issues that could give rise to adverse effects:**

**Water quality degradation**

Good quality water is necessary to maintain the population of the aquatic and bird species listed. Water quality degradation is the main risk from unmanaged site works where silt laden surface water or contaminated water reaches the Urlan Beg\_010 watercourse (referred to as Bunratty \_west in NIS) watercourse and the Shannon Estuary downstream.

**Mitigation measures**

Proposed are set out in the NIS (revised in response to FI) and the CEMP and RWP appended to same. These are focused on preventing ingress of pollutants and silt into surface water and receiving water courses. This is to be achieved by design (avoidance) supervision by project ecologist, application of specific mitigation measures and monitoring effectiveness of same and an emergency response plan.

These measures include:

- Adherence to
  - a) Control of Water Pollution from construction Sites, Guidance for consultants and contractors (C532).
  - b) Environmental Good Practice on Site (3rd edition) (C692).
  - c) Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters (2016).
  
- All run-off will be prevented from directly entering any water courses as no construction will be undertaken directly adjacent to open water.
  
- Site specific surface water management measures including:
  - a) Earthworks operations should be limited to the summer months.
  - b) Silt fencing will be installed around the perimeter of the site.
  - c) Drainage ditches will be installed to intercept surface water where there is a risk of significant water flow into excavations or on to adjoining lands. Periodic pumping from excavations, treatment prior to discharge.
  - d) The settlement ponds in accordance with Ciria Document C532 and C648. Each pond to have forebay equivalent to 10%
  - e) Work involving moving of soil during heavy rainfall will be
  - f) Where stockpiling is required, temporary stockpiles will be located a minimum of 20m from any temporary or permanent surface water drainage features, with silt fencing.
  - g) Emergency contact numbers prominently displayed.
  - i) Construction manager will be responsible for the implementation of these measures.

- In the case of a MRFS 0.5% AEP breach coastal flood event all soil/materials that may be a cause for pollutants will be stored in areas above a level of 4.9mAOD (MRFS 0.5%AEP) flood level with 300mm freeboard.
- Control of washout of concrete delivery vehicles and management of plant
- Bunding of fuels stored on site.
- Refuelling of vehicles and the addition of hydraulic oils or lubricants to vehicles will take place in the compound.
- Emergency procedures and spill protection equipment
- Daily checks will be carried out and recorded in a Surface Water Management Log
- Management of construction related noise, vibration and dust will be according to the measures outlined in the CEMP.
- Wastes will be managed according to the updated Pre-construction Resource and Waste Management Plan
- Implementation of a Biosecurity management plan.

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

Mitigation measures related to water quality are captured in Planning condition 2 of the Inspectors Report.

Reference is made in relation to biosecurity to supervision by a project ecologist. While under the Ecological Impact Assessment a project ecologist will be appointed in relation to bats within the development site, this is not explicitly stated within the NIS. This may be clarified by a condition in the event of a grant of planning permission.

#### **In-combination effects**

Section 3.28 of the revised NIS report addresses cumulative and in-combination effects and considered recent planning applications in the area. The report states that these developments and other active sites in the wider area are to be seen in the context of a well developed urban infrastructure with appropriate planning, monitoring and licensing in place. Having regard to the nature of recently permitted projects I am satisfied that in-combination effects have been assessed adequately in the NIS.

#### **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 these European sites.

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 and River Shannon and River Fergus Estuaries SPA.

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. Monitoring measures are proposed. 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 of the Conservation Objectives of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA.

Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

**Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, based on a precautionary approach it was determined that the proposed development could result in significant effects on Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- The relevant Conservation Objectives of the Qualifying Interests relating to Water Quality
- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP and WMP
- Application of planning conditions to ensure application of these measures. and River Fergus Estuaries SPA.

### Appendix 3: WFD Screening

<b>WFD IMPACT ASSESSMENT STAGE 1: SCREENING</b>			
<b>Step 1: Nature of the Project, the Site and Locality</b>			
<b>An Bord Pleanála ref. no.</b>	500107-25	<b>Townland, address</b>	Former Shannon Shamrock Hotel, Bunratty, Co. Clare.
<b>Description of project</b>	Demolition of hotel and construction of a mixed use development consisting of 58 residential units, retail store and retail/office units.		
<b>Brief site description, relevant to WFD Screening</b>	<p>The site is 2.93 hectares and brownfield, largely surfaced. Existing 1-2 level dwelling on site, parking area, mature trees to front. There are no significant water features within the site.</p> <p>Water Framework Directive Assessment Report accompanies the application.</p>		
<b>Proposed surface water details</b>	Surface water network incorporating SUDS features; permeable paving, bioretention area, green roof. Petrol interceptors, attenuation tank with hydrobrake to existing 225mm diameter surface water sewer within the site that ultimately discharges via a watercourse to the River Shannon		
<b>Proposed water supply source &amp; available capacity</b>	Water supply from public network. Confirmation of feasibility without upgrade.		

<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		Proposed connection to public foul network. Confirmation of feasibility from Irish Water. 80m network extension required. Potential requirement for 24-hour storage at the existing wastewater pumping station.  Wastewater Treatment capacity register indicates capacity at current time.				
<b>Others?</b>		Existing coastal flood defences for Bunratty. Flood risk to site during a MRFS 0.5% AEP breach event.				
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
river	c. 138m	Urlan Beg_010	Moderate	Review		Surface water network discharges to this watercourse. Also referred to as Bunratty_west watercourse by applicant.
River	c.540m	CLOVERHILL STREAM_01	Poor	At risk	Hydromorphology, Agriculture, Domestic Wastewater	No direct hydrological path  Air (dust deposition)
Transitional	c. 110m	Upper Shannon Estuary	Poor	At risk	Agriculture	Indirect link via Urlan Beg_010 watercourse to which surface water discharges. Also foul wastewater treated at

						Shannon WWTP discharges into this water body at Clonmoney South.
Groundwater	0m	Tulla-Newmarket on Fergus	Good	Not at risk		Infiltration but limited as largely made ground.

**Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.**

**CONSTRUCTION PHASE**

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Surface	Urlan Beg_010  IE_SH_27U010 950	Existing surface water connection. Modified location of connection during construction.	Hydrocarbon spillages, silt entering SW network	Standard Construction Measures / CEMP/ Conditions	No	Screened out
2.	Surface	CLOVERHILL STREAM_01  IE_SH_27C100 600	No hydrological connection  Air	Contaminants depositing in watercourse from air however site considered to remote from watercourse.	Standard Construction Measures / CEMP/ Conditions for dust	No	Screened out

3	Transitional	Upper Shannon Estuary IE_SH_060_0800	Surface water runoff	Hydrocarbon spillages, silt entering SW network indirectly reaching waterbody	Standard Construction Measures / CEMP/ Conditions	No	Screened out
4	Ground	Tulla-Newmarket on Fergus	Infiltration – limited potential – made ground	Contaminated run-off from pH/hydrocarbon spillage entering ground water. Limited potential as largely made ground.	Standard Construction Measures / CEMP/ Conditions	No	Screened out
<b>OPERATIONAL PHASE</b>							
5	Surface	Urlan Beg_010 IE_SH_27U010950	Surface water run-off	Contaminated run-off entering surface water network, e.g. hydrocarbons.	Standard operational measures e.g. Nature based SuDS treatment, petrol interceptor, attenuation and hydrobrake. Conditions	No	Screened out
6	Transitional	Upper Shannon Estuary IE_SH_060_0800	Surface water run-off	Contaminated run-off entering surface water network, e.g. hydrocarbons.	Standard operational measures e.g. Nature based SuDS treatment, petrol interceptor, attenuation and hydrobrake. Conditions.	No	Screened out
			Foul wastewater.	Foul wastewater from network entering estuary.	Foul water treated at Shannon WWTP and discharge is under licence /monitoring from EPA. WFD Assessment report addresses capacity and upgrades in detail.	No	Screened out

6	Ground	Tulla- Newmarket on Fergus  IE_SH_G_229	Infiltration – limited potential – made ground	Contaminated run-off from pH/hydrocarbon spillage entering ground water	Standard operational measures	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
7.	NA	NA	NA	NA	NA	NA	NA