



An
Coimisiún
Pleanála

Inspector's Report PL-500264-CE-25

Development	Construction of a house, entrance, waste water treatment system together with all ancillary site works.
Location	Moanmore Lower, Kilrush, Co Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	25163
Applicant(s)	Grant Kelly
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Grant Kelly
Observer(s)	None
Date of Site Inspection	28 th January 2026
Inspector	Kathy Tuck

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.307ha is situated within the townland of Moanmore Lower, Kilrush, Co. Clare. Moanmore is located approximately c.5.6km to the north of Kilrush Town Centre and c.9km to the east of Kilkee.
- 1.2. The site is rectangular in form and relatively flat in nature. The northern boundary of the site is shared with LP2036 local primary road and to the east and west with existing residential dwellings. It appears that the appeal site is currently in use for agricultural practices.

2.0 Proposed Development

- 2.1. Permission is being sought for the provision of a single storey 3 bedroom dwelling which has a stated area of c.123.24sq.m Permission is also sought for a new vehicle entrance from the LP2036 and the installation of a wastewater treatment system and percolation area in addition to all ancillary site works.
- 2.2. The proposed dwelling has been set back c.2.12m from the northern roadside boundary and has a finished floor level of 0.45m.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority Issued a decision to refuse planning permission on the 16th October 2025 for the following reason.

1. *With regard to the protection of water quality and public health, on the basis of the available information, the Planning Authority considers that it has not been demonstrated that there is adequate unsaturated sub soil on the site to treat wastewater in accordance with the requirements of the EPA Code of Practice for Domestic Wastewater Treatment Systems 2021. Therefore in the absence of an adequate discharge route for foul effluent the Planning Authority considers that the proposal site does not have the capacity to adequately treat wastewater, that the proposal would have adverse impacts on water quality,*

that it would be prejudicial to public health, and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first report of the Planning Officer provides details of the site description, proposed services, planning policy, planning history of the site, details of internal and external consultee reports and provides for an AA and EIA Screening determination.

The assessment concluded that while the applicant has demonstrated compliance with the rural housing policy, that the proposal would not negatively impact upon the residential or visual amenities of the area, would be able to achieved the desired sightlines, they failed to demonstrate that the site has the capacity to accommodate a wastewater treatment system and soil polishing filter which would accord with the requirements of the EPA code of Practice. As such a recommendation in line with the decision issued by the Planning Authority was made to refuse permission.

3.2.2. Other Technical Reports

Environment Section – Recommends that permission be refused.

Report notes:

- Based on a site inspection and the site suitability report, it has not been demonstrated that the water table in the location where it is proposed to locate the soil polishing filter will rise no higher than 500mm below ground level, therefore it has not been demonstrated that there is adequate suitable soil in this location.
- *'If the soil or subsoil is mottled at a level above 500 mm below ground, the site will usually be unacceptable for discharge to ground, as the upper level of mottling is taken to be that of the water table or of periodic saturation, unless site improvement works can be proved to be successful on the site'* pg 23 2021 EPA Code of Practice.
- As the weather in March 2025 was dry it is not indicative of wet winter conditions. The information submitted does not demonstrate that this location is suitable to locate soil polishing filter area that may not lead to public health risk and risk to the environment.

3.3. Prescribed Bodies

TII - Submission dated 28th May 2025 and states that the TII will rely on the planning authority to abide by official policy in relation to development on/ affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

3.4. Third Party Observations

None received.

4.0 Planning History

PA Ref 05/1437 Outline planning permission REFUSED to erect 4 no. dwellinghouses, septic tanks and foul sewer treatment plants.
Reasons for refusal:

1. Having regard to the poor drainage characteristics of the site and the absence of an adequate discharge route, the proposed development would compromise the proper operation of the soil polishing filter area and would result in an excessive concentration of development served by waste water treatment units in the area. Therefore, the development would be prejudicial to public health.
2. The proposed development would materially contravene Policy CDP72 of the Clare County Development Plan, 2005 which seeks to permit houses that are for permanent housing only as the development is seeking to provide for holiday home.
3. Having regard to the location of the site in a rural area, the proposed development of 4 no. houses would seriously injure the rural amenities of the area and constitute an incongruous form of development in the rural area. The proposed development would be contrary to the proper planning and sustainable development in the area.

PA Ref 06/2291	Permission GRANTED to erect a garage.
PA Ref 10/300	Permission sought to construct a dwelling house, foul sewer treatment system and percolation area. Deemed withdrawn as no response to request for further information.
Pa Ref 23/517	Permission sought to construct a dwelling house, foul sewer treatment system and percolation area. Deemed withdrawn as no response to request for further information

5.0 Policy Context

5.1. National Planning Policy

5.1.1. National Planning Framework (NPF) – First Revision 2025

National Policy Objective 28 states that *'In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements'*.

5.1.2. Code of Practice Domestic Wastewater Treatment Systems (p.e. ≤ 10) 2021

The Code of Practice (CoP) sets out guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses.

5.2. Ministerial Guidelines

5.2.1. Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

The appeal site is located within a rural area under strong urban pressure. The Guidelines state that these areas exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

5.3. Clare County Development Plan 2023-2029

The subject site is situated within a 'Settled Landscape' and within the 'Area of Special Control' which is identified as an area under 'Strong Urban Influence' as per Map D – Areas of Special Control of the County Development Plan.

The northern boundary of the appeal site is bounded by the 'Euro Velo' Cycle Route.

Other Relevant Sections:

Chapter 4 – Urban and Rural Settlement Strategy

- Policy CDP 4.14 - It is an objective of Clare County Council:

I. In the parts of the countryside within the 'Areas of Special Control' i.e.:

- Areas Under Strong Urban Influence
- Heritage Landscapes
- Sites accessed from or abutting Scenic Routes

To permit a new single house for the permanent occupation of an applicant who meets the necessary criteria as set out in the following categories.

- II. To ensure compliance with all relevant environmental legislation as outlined in Objective CDP3.1 and to have regard to the County Clare House Design Guide, with respect to siting and boundary treatments.

Note: Where the proposed site is accessed from a National route or certain Regional routes, the proposal must, in addition to compliance with this objective, also be subject to compliance with objectives CDP11.13 and 11.14 as set out in Chapter 11.

Chapter 5 – Housing

Chapter 8 – Rural Development and Natural Resources

Chapter 11 – Physical Infrastructure

- CDP 11.32 - It is an objective of Clare County Council:

g) To permit the development of single dwelling houses in un-serviced areas only where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with the Code of

Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), EPA (2021).

Chapter 14 – Landscape

- Policy CDP14.2 It is an objective of Clare County Council:

To permit development in areas designated as ‘settled landscapes’ to sustain and enhance quality of life and residential amenity and promote economic activity subject to:

- i. Conformity with all other relevant provisions of the Plan and the availability and protection of resources;
- ii. Selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design which are directed towards minimising visual impacts;
- iii. Regard being had to the need to avoid intrusion on scenic routes and on ridges or shorelines.

Developments in these areas will be required to demonstrate:-

- a) That the site has been selected to avoid visual prominence
- b) That the site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies, public amenities and roads.
- c) That design of buildings and structures reduces visual impact through careful choice of forms, finishes and colours, and that any site works seek to reduce visual impact.

Chapter 15 - Biodiversity, Natural Heritage and Green Infrastructure

Chapter 19 - Land Use and Zoning

Appendix 1 Development Management Guidelines

A1.4.1 Rural Residential Development - Wastewater Treatment Systems

5.4. Natural Heritage Designations

The appeal site is not situated within or directly abutting any Natura 2000 sites. The appeal site is situated c.802m to the east of the Lower River Shannon SAC (site code 002165), the River Shannon and River Fergus Estuaries SPA (Site code 004077) and the Poulnasherry Bay pNHA (site code 000065).

The site is also situated:

- c. 3km to the south of the Tullaher Lough and Bog SAC (site Code 002343) and the Tullaher Lough and Bog pNHA (side code 000070); and
- c.7.998km to the south-east of the Kilkee Reefs SAC (site code 002264).

6.0 EIA Screening

The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

7.0 The Appeal

7.1. Grounds of Appeal

This is a 1st Party appeal against the decision of the Planning Authority to refuse planning permission. The grounds of appeal can be summarised as follows:

- Applicant's original extensive environmental report (as enclosed) dismisses all the issues/concerns expressed by the Planning Authority – cannot understand how the Planning Authority arrived at its conclusion for refusal against such a comprehensive proof development.
- 10th October 2023 – Planning permission submitted PA Ref 23/517.
- 25th November 2023 – Planning Authority sought further information.

- Item 1 requested percolation tests be carried out in the presence of staff from Environment Section of Local Authority.
- 25th July 2024 – Percolation tests completed in the presence of 2 no. staff members.
 - Agreed surface and sub surface percolation values accorded with that in that presented in the site suitability report submitted under PA Ref 23/517.
 - Level of water table recorded at 1.3m below ground level.
 - Council staff noted level of mottling in the trial hole extended to 260m below ground level.
- Section 5.4.21 of the EPA code of practice states:

***Colour:** Colour is a good indicator of the state of aeration of the soil and/or subsoil. Free-draining soils/subsoils are in an oxidised state and exhibit brown, reddish brown and yellowish brown colours. Saturated soils/subsoils are in a reduced state and exhibit dull bluish grey, or mottled bluish grey and yellowish brown, colours. Mottling of the soil layers can indicate either the depth of the water table in winter or impermeability within the soil and subsoil.*

If the soil or subsoil is mottled at a level above 500 mm below ground, the site will usually be unacceptable for discharge to ground, as the upper level of mottling is taken to be that of the water table or of periodic saturation, unless site improvement works can be proved to be successful on the site.

- Section 5.4.1 of EPA code of practice states “...site will **usually** be unacceptable for discharge to ground, as the upper level of mottling is taken to be that of the **water table or of periodic...**” (appellants emphasis).
- In order to determine if winter water table extends to a higher level than 500m below ground level – on the 6th March 2025 the trial holes were re-excavated.
- After 48hours on the 8th March 2025 level of water table recorded at 1.7m below ground level:

- Level of water table was recorded weekly until 3rd April 2025.
- Determined that the level of water table reached a consistent level of 0.7m below ground level (as set out on site suitability report).
- Water table readings completed in the period of expected highest water table – Months of March and April.
- Council staff agreed on site on the 25th July 2024 that surface and subsurface percolation values accord with site suitability report submitted with P23/517
 - Surface percolation value of 29.28
 - Sub-Surface percolation value of 35.11
- Therefore, mottling that was recorded at 260mm below ground level could be deposition of minerals and metals which were transferred in water percolation from root zone to water table:
 - Borne from fact water table did not rise higher than 700mm below ground level (monitoring period)
- In fact, in absence of winter water table rising to the level of mottling any explanations for source of mottling is surface water percolation down through soil column and being absorbed by the soil and deposited at a level above the winter water table.

Based on the above following observations from the subject site:

- surface and sub surface percolation values indicate that the water percolates down through the top soil and sub-soil.
- Mottling was recorded at 260mm below ground level.
- Winter water table was recorded over a period of 4 weeks and was demonstrated to stabilize at 700mm below ground level.
- The winter water table did not reach a level of 500mm below ground level and therefore could not be the source of the mottling at 260mm below ground level.
- The source of the mottling is surface water percolating down through the soil column.

- The site does not meet the requirements of a failed site outlined in Section 5.4.1 of the EPA Code of Practice 2021.
- This is not a failed site
- The Site Characterisation Form (attached to appeal) documents the assessment that was completed in the presence of members of Staff of Environmental Section of the Clare County Council along with a proposal for a new wastewater treatment system and soil polishing filter which is designed in accordance with the level of winter water table.

The 1st Party Appeal was accompanied by an 'On-site waste-water treatment site suitability report' which was previously submitted to the Planning Authority as part of PA Ref 23/517 and also the subject application.

7.2. Planning Authority Response

A response from the Planning Authority was received on the 25th November 2025 which notes no further comments and requests that the decision to refuse permission be upheld.

7.3. Observations

None received.

8.0 Assessment

8.1. Introduction

8.1.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Public Health

8.2. Public Health

- 8.2.1. The Planning Authority issued a decision to refuse planning permission as it was considered that it has not been demonstrated that there is adequate unsaturated sub soil on the site to treat wastewater in accordance with the requirements of the EPA Code of Practice for Domestic Wastewater Treatment Systems 2021. The Planning Officer within their assessment makes reference to the planning history pertaining to the appeal site and the significant issues which were raised under the previous assessment with regards to issues with on-site percolation.
- 8.2.2. The proposed development includes for a secondary treatment system and soil polishing filter. As such, the application is required to be accompanied by a Site Characterisation Form to demonstrate compliance with the requirements of the EPA Code of Practice – Domestic Waste Water Treatment Systems (population equivalent ≤ 10), 2021 (referred to CoP).
- 8.2.3. Appendix A of the Characterisation Assessment indicates that the site is situated at Moanmore Lower, Kilrush, Co. Clare and that the proposed development of a single storey 3 bed dwelling will have a population equivalent (PE) of 6. It is further indicated that water supply will be from the mains.
- 8.2.4. The report further identifies that the subject site is located in an area with a 'Locally Important Aquifer' (LI) where the bedrock vulnerability is 'Medium'. A ground protection response of 'R1' is noted. Accordingly, I note that the suitability of the site for a treatment system is therefore, in line with EPA Code of Practice, subject to normal good practice. However, consideration also needs to be given the percolation findings.
- 8.2.5. The trial hole depth referenced in the Site Characterisation Report was 2.1 metres with the water table being encountered at 0.7m below ground level. The assessment notes that no rock was encountered in the trial holes.
- 8.2.6. The trial holes were dug on the 11th July 2024 at 10.05 and examined on the 25th July 2024. I note that the trial holes were soaked three times on the 24th July 2024 at 9.15am and re-soaked on the same day at 15.45. The assessment notes a T Value of 35.11. Having regard to table 6.4 of the EPA Code of Practice and based on the characterisation assessment, the site would appear to be suitable for a secondary treatment system and soil polishing filter area. However, the Environment Section

noted significant concern over evidence of mottling, which they found when undertaking a site inspection on 25th July 2025 and on previous site visits relating to the previous application submitted.

- 8.2.7. I undertook my site visit on the 28th January 2025, the day after Storm Chandra where extremely heavy spells of rain were experienced which gave rise to extreme localised flooding and river flooding. I found the ground on site to be extremely wet underfoot with areas of pooling water evident. Trial holes that had been dug on site appeared were not open.
- 8.2.8. The appellant has contended that the trial holes on site were re-excavated on the 6th March 2025 in order to determine if the winter water tables do extend to a level higher than 500mm below ground level. The trial holes were checked on a weekly basis up until the 3rd April 2024 and the appellant states that it was determined that the level of the water table reached a consistent level of 700mm below ground level. It was further stated that the water table readings were completed in the period of the expected highest water table that being the months of March and April.
- 8.2.9. The Environment Department have stated that the period in which the trial holes were open, March 2025, was recorded by Met Eireann as being mild and dry with high pressure dominating this month which implies that in winter conditions the water table may have gone higher than 0.7m and that the wastewater treatment proposal submitted is based upon the water table not rising.
- 8.2.10. I note from a review of the Monthly Data provided by Met Eireann ([Monthly Data - Met Éireann - The Irish Meteorological Service](#)) it is indicated that the period from October 2024 to March 2025 was an unusually dry period for the Shannon Area, that being the closest to the appeal site, with rainfall levels recorded as being well below average. Further data provided by Met Eireann [30 Year Averages - Met Éireann - The Irish Meteorological Service](#) which sets out 30 year averages indicates that in March 2025, rainfall levels were less than 40% of the annual amount.
- 8.2.11. Therefore, I consider, having regard to the information available to me and the report of the Environment Section of the Local Authority, that the water table levels included by the appellant cannot be relied upon in terms of determining if the site is suitable for a Wastewater Treatment Plant and associated soil polishing filter, as they are not indicative of traditional wet winter conditions.

8.2.12. Having regard to section 5.4.2 of the Code of Practice Domestic for Wastewater Treatment Systems (p.e. ≤ 10) 2021 where it is stated that *'if the soil or subsoil is mottled at a level above 500 mm below ground, the site will usually be unacceptable for discharge to ground, as the upper level of mottling is taken to be that of the water table or of periodic saturation, unless site improvement works can be proved to be successful on the site'*, I do not consider that the appellant has demonstrated that the water table at this location will rise no higher than 500mm and there for to permit the proposed development would be contrary to the Code of Practice and prejudicial to public health.

9.0 **Appropriate Assessment**

9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Lower River Shannon SAC (site code 002165), the River Shannon and River Fergus Estuaries SPA (Site code 004077), the Tullaher Lough and Bog SAC (site Code 002343) and the south-east of the Kilkee Reefs SAC (site code 002264) or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.2. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- Taking into account screening determination by LPA.

9.3. See Appendix 2 of this report for Appropriate Assessment Screening Determination. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

10.0 Water Framework Directive

- 10.1. The subject site is situated at Brownseshill Avenue , Kernanstown , Carlow. The application is seeking permission for a new private dwelling with garage site entrance and all associated site works.
- 10.2. The Burren River is situated c.402.9m to the east of the site. The site is also situated within the New Ross groundwater catchment.
- 10.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.4. The reason for this conclusion is as follows:
- Nature of works regard the scale;
 - Location-distance from nearest Water bodies and/or lack of hydrological connections.
- 10.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend that the decision of the Planning Authority be upheld and permission be refused for the following reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the protection of water quality and public health, on the basis of the available information provided, it is considered that it has not been demonstrated that there is adequate unsaturated sub soil on the site to treat wastewater in accordance with the requirements of the EPA Code of Practice for Domestic Wastewater Treatment Systems 2021. Therefore in the absence of an adequate discharge route for foul effluent it is considered that the proposal site does not have the capacity to adequately treat wastewater, that the proposal would have adverse impacts on water quality, that it would be prejudicial to public health, and would therefore be contrary to the proper planning and sustainable development of the area.

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

Kathy Tuck

25th February 2026.

Appendix 1

EIA Pre-Screening

Case Reference	ACP-500264-25
Proposed Development Summary	New private dwelling with garage site entrance, on site waste water treatment plant and all associated site works.
Development Address	Moanmore Lower, Kilrush, Co. Clare
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class	

and meets/exceeds the threshold.	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.

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

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

Case Reference	ACP-500248-25
Proposed Development Summary	New private dwelling with garage site entrance and all associated site works.
Development Address	Moanmore Lower, Kilrush, Co. Clare.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Permission is sought for the provision of a new single storey dwelling, a garage and site entrance on a site situated at Moanmore Lower, Kilrush, Co. Clare.</p> <p>Water connection will be provided from existing mains within the vicinity of the subject site and it is proposed to provide for a onsite waste water treatment plant to serve the dwelling.</p> <p>The development would not result in the production of significant waste, emissions, or pollutants.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The proposed site is located within designated Settled Landscape. There are no significant sensitivities in the immediate area.</p> <p>The subject site is not located within a designated site. The site is situated c.802m to the east of the Lower River Shannon SAC (site code 002165), the River Shannon and River Fergus Estuaries SPA (Site code 004077) and the Poulnisherry Bay pNHA (site code 000065). The site is also situated c. 3km to the south of the Tullaher Lough and Bog SAC (site Code 002343) and the Tullaher Lough and Bog pNHA (side code 000070). In addition, the site is situated c.7.998km to the south-east of the Kilkee Reefs SAC (site code 002264).</p> <p>There is no direction connection from the subject site to any Natura 2000 sites.</p> <p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other rural developments.</p>

	There are no other locally sensitive environmental sensitivities in the vicinity of relevance.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There would be no significant cumulative considerations.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

Appendix 3

Screening for Appropriate Assessment

Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

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

The proposed development comprises the construction of a new dwelling, garage, vehicular entrance, on site waste water treatment plan and all associated site works at Moanmore Lower, Kilrush, Co. Clare.

The Planning Authority, within their assessment, undertook a screening determination of the proposed development and found that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. It was concluded that a full Appropriate Assessment of this project is therefore not required.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

The boundary of the nearest European Site is within 15 km or 4 no. of European sites are located within a potential zone of influence of the proposed development. These are:

- Lower River Shannon SAC (site code 002165),
- the River Shannon and River Fergus Estuaries SPA (Site code 004077),

- the Tullaher Lough and Bog SAC (site Code 002343) and
- the south-east of the Kilkee Reefs SAC (site code 002264)

There are no direct natural hydrological connections from the subject site to any Natura 2000 Sites.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Lower River Shannon SAC (site code 002165), the River Shannon and River Fergus Estuaries SPA (Site code 004077), the Tullaher Lough and Bog SAC (site Code 002343) and the south-east of the Kilkee Reefs SAC (site code 002264) or any other European site, in view of the Conservation Objectives of those sites and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- Taking into account screening determination by Planning Authority.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.