



Inspector's Report

PL-500812-CE-26

Development	Reconfiguration and change of use of workshop building to accommodate HCV and LCV testing arrangements and. Retention and continuation of established vehicle testing operations (HCV and LCV) within existing facility, and ancillary site works.
Location	Lismulbreeda, Darragh, Ennis, Co. Clare.
Planning Authority	Clare County Council.
Planning Authority Reg. Ref.	2560715.
Applicant(s)	Ennis Vehicle Centre Limited.
Type of Application	Retention.
Planning Authority Decision	Grant Retention with Conditions.
Type of Appeal	Third Party Normal Planning Appeal.
Appellant(s)	Míceál Neylon.
Observer(s)	None.
Date of Site Inspection	14 th May 2026.
Inspector	C. Daly.

1.0 Site Location and Description

- 1.1. The subject site, of area 1.1ha., consists of a large pitched roof warehouse type building in use as a commercial vehicle testing centre, surrounded by hard standing on all sides. The two storey building consists of grey metal wall panelling above a low white painted wall. There is a front projecting pitched roof mainly concrete element which includes a full height glass fronted area where the building entrance is located. The site is relatively flat with the front part up to the building rising modestly towards the building. The immediately surrounding land rise modestly towards the north-west.
- 1.2. There is no front site boundary such that there is a wide front entrance adjoining the local road on to which the site directly fronts. The site frontage is adjacent to a junction with this local road and a new wider road which links directly to the N68 which is c.580m to the south-east. There is a detached dwelling house c.115m to the north-east separated by a grass field.
- 1.3. The area to the rear of the site consists of four separate areas of hard standing some of which include parked lorries and sheds. To the west separated by a narrow grass field is a Council yard and building and there is a quarry to the south-west of the site. There are open views down the hill from the site towards the N68 with agricultural lands mainly in the intervening landscape.
- 1.4. On the date of my visit there were a number of lorries parked towards the south-east end of the site and there were a number of cars parked to the front of the building at the south-west end.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
 - Reconfiguration and change of use of existing workshop building to accommodate updated HCV and LCV testing arrangements and machinery storage.

- Alteration/extension to east side entrance of HCV testing area to include modest size projecting element and three new garage type entrance doors in addition to the existing two garage type entrance doors.
- Provision of additional entrance/exit doors including three on the west elevation.
- Change of use of existing canteen to customer waiting area.
- Retention and continuation of established vehicle testing operations (HCV and LCV) within the existing facility.
- Landscaping along majority of four site boundaries and delineated parking spaces.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Clare County Council decided to grant permission and grant retention permission subject to 8 no. conditions. Notable conditions include:

- Condition no. 2 requires the submission of a revised Site Layout Plan which makes provision for the safe movement of pedestrians between the parking area and the entrance to the test centre.
- Condition no. 5 requires the site be landscaped including the full perimeter of the site with planting per the submitted drawings.
- Condition no. 6 restricts the operating hours to between 0800 and 1800 hours Monday to Friday and between 0800 and 1300 hours on Saturdays only.
- Condition no. 7 requires all lights to be cowled and directed so as to not interfere with passing traffic and be in accordance with guidelines for bat conservation.

3.2. Planning Authority Reports

3.2.1. The Planner's Report assessment notes the location within an unzoned rural area and within the Cullinagh River Farmlands Landscape Character Area. It noted the planning history including the granting of permission to construct a truck workshop,

office and car parking, later extensions for the purpose of a vehicle test centre and later to modify and construct an extension to the existing vehicle testing centre and install new sewerage treatment system but this was refused on appeal. This refusal related to the scale in the rural area and the intensification of the existing use and that it would be contrary to the objective to permit development in the Western Working Corridor Landscape where it seeks to sustain economic activity and enhance social wellbeing and quality of life. It notes two recent ACP refusals of permission due to the rural location and traffic safety.

3.2.2. Based on the previous permissions on the site, the report considered that the principle of a vehicle test centre to have been established on the site. It notes that the application is required to meet RSA testing standards. It also notes the grant of retention permission for a road to access the site. In this context, it considered the proposed development to be consistent with Sections 6.15 and 6.21 and Objective 14.3 of the CDP and that the proposal was acceptable in principle subject to further assessment.

3.2.3. The report considered that it would not give rise to a traffic hazard having regard to, inter alia, the planning history, new road, the stated unchanged building footprint and requirement to meet the RSA standards. It did not consider it would detract from the existing visual amenities of the area having regard to the existing established development, the limited expansion proposed and the natural screening which it considered would improve the visual amenities of the area.

3.2.4. In relation to impact on residential amenities, it noted its significant distance from existing dwellings and that the main impact relates to general traffic disturbance which it considered acceptable and noting that the principle of the development type has been permitted and established.

3.2.5. Other Technical Reports

- West Clare Municipal District: No observations.

3.3. Prescribed Bodies

- An Taisce: No response received.
- Uisce Eireann: No response received.
- The Heritage Council: No response received.

- Department of Housing, Local Government and Heritage: No response received.

3.4. Third Party Observations

One third party observation was received which can be summarized as follows:

- The site is not zoned for development.
- The planning history including the previous refusals support the refusing of permission.
- There is no permission in place for the change from rural to commercial/industrial use.
- The increased traffic negatively impacts on residential amenities including in relation to visual and sound impacts.
- There has been a significant increase in traffic on the local rural road.

4.0 Planning History

Subject Site

081895: Permission granted by the P.A. to construct truck workshop, office, car parking including all ancillary site works.

To note the F.I. submitted on 27th February 2009 confirmed that the company has 15 trucks in operation with trucks only remaining during maintenance and that there will be two office staff and two maintenance staff to be employed such that traffic movements of 40 loads per day were to be dispatched.

Condition no. 2 required the use as a truck workshop only and truck depot not permitted and the hours of use were restricted to between 0800 and 1800 hours Monday to Saturday.

Condition 5(b) required the area for the proposed polishing filter to be fenced off per the site layout plan received on 27th February 2009.

Condition no. 13 required the front, rear and side boundaries to be mounded and planted per the details received on 27th February 2009.

09787: Permission granted by the P.A. to construct extension to truck workshop for the purpose of a vehicle test centre.

Condition no. 2 of this permission restricted the hours of use to between 0800 to 1800 hours Monday to Saturday.

Condition no. 5 restricted emissions, effluent and noise vibration and electrical interference and provided for no accumulation of waste material or machinery.

Condition no. 6 included conditions for the storage of oils.

2360016: Permission granted by the P.A. and refused on appeal (ABP-317786-23) to modify and construct extension to existing vehicle test centre and install new sewerage treatment system and percolation area on enlarged site.

ABP refusal reason related to the intensification of use to accommodate the LCV testing centre as evidenced in the traffic movements submitted on the file, the extension to the vehicle test centre, together with the size and nature of the existing facility, would be at an inappropriate scale for a rural area. This would be contrary to Objective CDP 14.3 of the CDP which seeks to permit development in the Western Corridor Working Landscape that will sustain economic activity and enhance social wellbeing and quality of life.

Sites in the Vicinity

14123: Permission refused by the P.A. at the junction of the L4224 and the N68 to erect signage at the side of the roadway. Reasons for refusal related to (1) noting the size and location, it would endanger public safety by reason of a traffic hazard or obstruction of road users, and (2) It would be contrary to the Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

14337: Permission granted by the P.A. and on appeal (Ref. PL03.244031) at junction of L4224 and N68 to erect two signs on sides of roadway.

17707: Permission refused by the P.A. on land to rear of subject site to erect machinery storage area, canteen, office, parts storage area, toilets and for development of the yard, boundary fence, new site entrance and connection to proposed foul sewer treatment system. The four refusal reasons related to (1) Intensification of commercial and industrial activity in a rural area and additional traffic movements along local road LPO-4224, (2) Visually obtrusive feature in the

landscape clearly visible over a wider area, (3) would not be in accordance with orderly site development noting the use of the site for open storage of machinery, and (4) noting the removal of effluent off-site and poor suitability for on-site wastewater treatment it would be prejudicial to public health.

18113: Permission refused by the P.A. on lands to rear of subject site to retain reclaimed agricultural lands, gravel on said lands and for permission to erect machinery storage area, canteen, office, parts storage area, toilets, to develop yard, erect boundary fence, new site entrance and connect to proposed foul sewer treatment system. Reasons for refusal relate to (1) Intensification of commercial and industrial activity in a rural area and additional traffic movements along local road LPO-4224, (2) Visually obtrusive feature in the landscape clearly visible over a wider area, (3) noting the removal of effluent off-site, dependency on a foul effluent holding tank and poor suitability for on-site wastewater treatment it would be prejudicial to public health.

19679: Permission granted by the P.A. at lands to the south-east of the subject site for land reclamation works with imported inert soils and overburden materials to enable the beneficial after use of the agricultural lands.

21598: Permission granted and granted on appeal (ABP-314009-22) for retention of existing hardcore road and permission to complete the 310m long road. This is to bypass a winding narrow section of the existing private road.

2460591: Permission granted by the P.A. and refused on appeal (ABP-323503-25) at site to the rear of the subject site for a three year retention for plant and machinery storage yard. Two reasons for refusal related to (1) No tangible locational links to the area or sufficient justification as to why the development could not be accommodated on zoned lands closer to the edge of the settlement and the scale is not appropriate for a rural area; and (2) the cumulative vehicle movements would not result in adverse impacts on residential amenities in the rural area related to vehicular movements, noise and dust generation or significant intensification of the existing access on to the N68 contrary to CDP 11.13 of the CDP.

2460592: Permission granted by the P.A. and refused on appeal (Ref. ACP-323502-25) at a site to the rear of the subject site for a temporary three year period, to retain plant and machinery storage yard. ACP reasons for refusal relate to (1) No tangible

locational links to the area or sufficient justification as to why the development associated with a floor screeding business could not be accommodated on zoned lands closer to the edge of the settlement and the scale of the yard is not appropriate for a rural area; and (2) the cumulative vehicle movements in combination with the Ennis Vehicle Test Centre would not result in adverse impacts on residential amenities in the rural area related to vehicular movements, noise and dust generation or significant intensification of the existing access on to the N68 contrary to CDP 11.13 of the CDP.

Enforcement History

There are two live enforcement files which relate to non-compliance with certain conditions of previous permissions and there are other open enforcement files relating to lands to the rear of the test centre.

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029 (the CDP)

Current Proposed Variation no. 1 of the CDP does not include policy directly applicable to this case.

Per Map D, the area is within the designated 'Rural Areas Under Strong Urban Influence'.

The landscape designation per Map C is 'Working Landscape'.

Section 6.15 Availability of Land and Infrastructure

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

Section 6.21 Rural Enterprise

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

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

Objective CDP 11.13 Direct Access onto National Roads

It is an objective of Clare County Council:

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

Section 14.3.2.2 Working Landscapes

CDP14.3 Western Corridor Working Landscape

It is an objective of Clare County Council:

- a) *To permit development in these areas that will sustain economic activity, and enhance social well-being and quality of life - subject to conformity with all other relevant provisions of the Plan and the availability and protection of resources;*
- b) *To ensure that selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design, are directed towards minimising visual impact;*
- c) *To ensure that particular regard should be had to avoiding intrusions on scenic routes and on ridges or shorelines. Developments in these areas will be required to demonstrate:*
- i. *That the site has been selected to avoid visual prominence,*
 - ii. *That site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, public amenities and roads,*
 - iii. *That design of buildings and structures reduces visual impact through careful choice of form, finishes and colours and that any site works seek to reduce the visual impact of the development.*

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

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

Section 2.5 Required Development Plan Policy on Access to National Roads

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

5.3. Natural Heritage Designations

In relation to designated sites, the subject site is located:

- c.2.15km north-west of Knockanira House SAC (site code 002318).
- c.4.6km north-east of Lough Acrow Bogs NHA (site code 002421).
- c.4.9km north-west of River Shannon and River Fergus Estuaries SPA (site code 004077).
- c.4.9km north-west of Lower River Shannon SAC (site code 002165).
- c.4.9km north-west of Fergus Estuary and Inner Shannon North Shore PNHA (site code 002048).
- c.4.95km south-west of Newhall and Edenvale Complex SAC (site code 002091).
- c.5.7km south-west of Pouladatig Cave SAC and PNHA (site code 000037).
- c.5.75km south-west of Cahircalla Wood PNHA (site code 001001).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the third party appeal on behalf of Micéál Neylon can be summarised as follows:

Unsuitable Location

- The grant of permission contradicts the recent Commission decision to refuse permission as the location was considered unsuitable for a vehicle testing centre.
- There is no existing permission on the site for a new facility open to the public.
- The planning history included permission for a workshop and the vehicle testing centre granted was not for a public testing centre, it was for a facility that was to test two vehicles per day and there would be no expansion of staff on the site (see documentation for reg. ref. 09/787).
- The location away from a population centre could not be more unsustainable.

- The facility is without proper foul water services and is dependent on a septic tank system and the facility includes a substantial customer waiting area which is inimical to the protection of groundwater.
- Objective CDP6.14 requires the location of such employment generating activities within urban zoned lands.
- The significant change of use is a material contravention of the CDP.

Planning History

- There has been a pattern of disregard for the planning code generally by the applicants and others who have used the property.
- It was not accepted by the Board in the previous appeal that there is an established public vehicle testing use on the site.
- It is alleged that planning conditions to limit night time activity have been ignored.
- There are 10 current enforcement files related to these lands.
- The constructed road access has not been built in accordance with the delineation of the planning permission.
- It is alleged that the site has been used for the storage of materials and as a transportation depot for that purpose.
- It is estimated that a vehicle is tested at the site every half hour.
- It is alleged that the site has been used for fertiliser storage and as a collection depot for same as well for the storage of construction materials and these activities give rise to nuisance impacts.
- The alleged failure to comply with the terms of previous permissions should lead to a refusal in this case.
- Traffic levels are commensurate with what would be found in an industrial zone with traffic having increased 10 to 20 fold or more.
- If permission is granted it could be used to justify completion of the unauthorized roadway development.

- The enforcement actions have had a lack of effectiveness and several companies still operate in the area as if it is an industrial zone.

Traffic

- The vehicle test centre with associated intensification of use will result in significant traffic and road safety implications on the N68 at a location which is seriously substandard for a national secondary route and which has been the scene of accidents in recent years.
- The location along a very small link road, the L-4224 is manifestly unsuitable for large vehicles and it would discharge onto a substandard national secondary route.
- This is contrary to the 'Spatial Planning and National Roads' (2012) guidelines where it is policy to avoid the creation of new additional access points or the generation of increased traffic onto to national roads with speed limits above 60kph.
- This is contrary to CDP 11.13 of the Development Plan which seeks to safeguard the capacity of the national road network and restrict access.
- There are many examples of permission for houses being refused because they discharge onto national secondary roads.
- The L-4224 is not taken in charge by the Council and is a private road and it may be considered a direct access on to the N68.
- There are a number of commercial operators along the L4224 which have turned the area into an industrial estate.

Residential Amenity

- The existing facility has caused a severe loss of residential amenity and the proposed intensification of use will cause further loss of amenity and depreciation of property value.
- What is proposed should be regarded as a completely new use notwithstanding that it is the de facto situation on the ground.

- The development has operated outside of the conditioned hours including early in the morning and late at night and this has involved noise, light pollution and overlooking by tall vehicles passing his residence.
- The new road has resulted in damage to the roadside boundary of the appellant and to their hedge.
- There is a history of casual parking, drop-offs and pick ups which has resulted in interference with residential amenity and out of hours operations has resulted in sleep loss.
- There has been an increase in ambient noise and dust from the passing vehicles and operations such that opening windows in their residence is not possible.
- There are five dwellings along or adjacent to the access road to the facility and these residents have also been severely impacted.
- The grant of permission could be used to justify an extension at a later date leading to further intensification.
- The machinery yard may be seen as a separate use to the test centre in the future which could be used to facilitate an intensification of use and any separation should be prohibited by condition.

The appeal includes extracts from the local media in relation to the safety of the N68 road to Kilrush.

6.2. Applicant Response

The response to the appeal on behalf of the applicant can be summarised as follows:

- The application is compliance driven in nature and does not seek to materially intensify activity on the site beyond the current operational context.
- The principle of vehicle testing at this location has been accepted through a sequence of planning permissions and appeal decisions over a long period.
- The Vehicle Testing Centre (VTC) provides an essential statutory service to commercial vehicle operators in the county.

- The applicant will lose his RSA contract licence if the permission is not granted and the testing operations will cease on the site with people required to travel to Galway or Limerick for testing. The traffic would simply be displaced over a wider area.
- The appeal should be dismissed under Section 138(1)(b)(i) of the Act as it relates to extraneous matters and does not meaningfully engage with the substance that it is not a new enterprise and that there would be no significant intensification beyond the existing operational context.
- The appeal focus on irrelevant issues such as the enforcement history, allegations of unauthorised development on adjoining lands, speculation about future development and general objections to commercial activity in the area are not relevant and the appeal should be dismissed.
- The enforcement matters referred to refer to separate lands outside of the subject site and the Commission has no enforcement role.
- There is no direct connection between the enforcement matters and the subject development.
- The application to regularise the evolved operation on the site through the proper planning process is consistent with the objectives of the planning code.
- The appeal reference to intensification does not address the cessation of the workshop repair function, the internal reconfiguration required to meet revised RSA standards, the absence of any material increase in throughput and the limited nature of the external works.
- There are material inconsistencies with previous submissions where the appellant previously acknowledged the VTC and workshop were permitted commercial operations, that it operated within the specified hours, that the L-4224-0 is a public roadway, that the area is primarily agricultural and the appellant has objected to farm developments (see reg. refs. 19/679 and 25/252) and this demonstrates opposition to development of the applicant.

Site Suitability

- Previous permissions (reg. refs. 08/1895 and 09/787) established the building and the vehicle testing activity. The 08 permission did not include any condition restricting the servicing of vehicles to the applicant's own fleet and the 09 permission extended the workshop for the purpose of a VTC.
- No conditions were attached to the establishing permissions restricting testing activity to private or internal use only.
- The facility was authorized by the Council on 18th January 2010 as an Authorized Vehicle Tester under the EC vehicle testing regulations including for HGVs and buses.
- ABP previously accepted the planning status and established business of the VTC in separate but related decisions concerning signage and infrastructure serving the site. See reg. ref. 14/337 where the Board referred to the "permitted vehicle testing centre".
- In granting permission for the new road, the Inspector identified the VTC as one of the established commercial uses served by the road and this is another material consideration that supports its recognition through multiple stages of the planning process.

Development Plan Policy

- Sections 6.15, 6.21 and Objective CDP 14.3 support the development as an established rural enterprise and investment in local infrastructure has taken place.
- Section 6.21 of the CDP supports such rural enterprises in sustaining employment and the fabric of rural communities.
- The cessation of workshop repair and the reallocation of that space for compliant testing is an operational adjustment and not an expansion.
- This is not a town centre of walk-in use that would benefit from a relocation to zoned land in Ennis and the traffic would still arise in a different location.

- The location is consistent with the Western Corridor Working Landscape Objective CDP 14.3 which permits economic activity and the development in the existing footprint does not introduce visually prominent structures.
- Permission was granted in similar circumstances although it involved an expansion under reg. ref. 25/60546 for four new warehouse units which was accepted based on the long established industrial and warehouse character of the site and it found the local road network could accommodate it.
- Development Plan policy allows for continued adaptation for such employment generating uses.
- ACP found a commercial vehicle roadworthiness test centre in a rural location in Donegal (ACP-322909-25) acceptable in principle and only refused in relation to wastewater treatment concerns. The Inspector did not consider the use to be a significant departure from the heavy vehicle repair use on the site.

Character of the Area

- The area has been long associated with commercial activities including from the Cliff Quarry and the Council yard both of which used the road in front of the appellant's house before he built it.
- The immediate area has a history of quarrying with associated quarry traffic, dust and noise including early in the morning and late in the evening.

Roads and Traffic

- The assertion that the site would be accessed via a small link road is not correct given the new road infrastructure available.
- In relation to the permission for the new road, the Inspector noted the traffic levels of 100 to 150 vehicle movements per day and that it would improve safety in relation to the heavy vehicular traffic generated by the VTC.
- The assertion that the local road network is manifestly unsuitable is directly contradicted by the Commission in its permission for the new road.
- Contrary to the appeal, the new road has been completed, is now in full use serving the VTC, Cliff Quarry, the Council yard and other properties and the

section of the L4224 between the N68 and the applicant's property has been recently widened and it bypasses the applicant's dwelling.

- The cessation of the workshop use allows for the upgrade within the existing building envelope and this reduces activity associated with vehicle servicing, repair works and storage.

Planning Compliance

- There are no active enforcement cases within the red line boundary.
- Other enforcement actions are not relevant to this case.
- Matters in relation to the storage of fertiliser, construction materials or other activities outside the site boundary are not relevant.
- The facility operates within its established business hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturday.
- Matters in relation to the new road are not relevant and have been determined.
- The application only refers to internal storage and does not involve the establishment of an external storage yard.
- Traffic associated with the test centre was assessed by the Commission in the context of the road application based on higher traffic movements than currently arise.
- The matters raised do not include any substantive planning reason why the current proposal should be refused.

Residential Disamenity

- It is not reasonable to attribute vehicle activity in the area outside of normal operating hours to the VTC.
- Traffic conditions in the vicinity of the VTC have improved following the opening of the new road.
- There is no new use proposed just the continuation of an established use.

Traffic Safety

- The Commission granted permission for the new road in the operational context including in relation to the VTC traffic movements and the new road has been taken in charge by the Council.
- Operational traffic from the VTC is lower than the range of traffic assessed in the appeal.
- References to access via a small scale road do not reflect the current arrangements.
- References to development potential on other lands is not relevant to this application.
- Appendices attached including confirmation of appointment as authorised vehicle tester, previous submissions of the appellant and taking in charge letter from the Council.

6.3. Planning Authority Response

The P.A. referred the Commission to their Planner's Report.

7.0 Assessment

7.1. 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:

- Validity of Appeal
- Principle of Use and Intensification of Development
- Transport and Access
- Residential and Visual Amenity
- Wastewater Treatment and Drainage

7.2. Validity of Appeal

7.2.1. I note the applicant has responded to the appeal requesting it be dismissed under Section 138(1)(a)(i) of the 2000 Act. I note that Section 138 of the 2000 Act provides

the Commission with the power to dismiss an appeal where, inter alia, it considers the grounds of the appeal to be vexatious, frivolous or without substance or foundation.

- 7.2.2. Having considered the grounds of appeal where planning matters have been raised which are of relevance to the determination of the application, I do not consider the third party appeal to be vexatious, frivolous or without substance or foundation. I therefore do not advise the Commission to dismiss the third party appeal.

7.3. Principle of Use and Intensification of Development

- 7.3.1. I note that the appellant has raised the issue of intensification of use on the site and does not accept that there is an established public vehicle test centre on the site. The appellant has asserted that the location is inappropriate. I note that the Planner's Report considered the principle of the VTC to have been established and noted the requirement to meet national standards in considering that no traffic hazard issue would arise. I do not consider the requirement to meet national vehicle testing safety standards to be relevant to planning matters.
- 7.3.2. I note that the Inspector's Report (ACP-317786-23) set out what it considered the baseline position in relation to permitted development on site at that time including by reference to the position that permission had been granted for the new road at that stage.
- 7.3.3. The Inspector found that based on the permissions and associated documentation under reg. refs. 09/787 and 08/1895 that "*the baseline permitted position for the vehicle test centre is for 4 employees, approximately 2 vehicles being tested per day and the site is not permitted to be used as a truck depot*". I note this assessment was based mainly on the submitted floor plans, elevations and documentation in relation to staff numbers and operations.
- 7.3.4. The Inspector noted discrepancies in staff numbers submitted which in that application had increased to a stated number of 6 from the previous total of 4 and with 7 staff noted in 2021 and 8 in 2022. The report agreed with the appellants that there appeared to have been incremental intensification of use of the VTC and that the then proposal to extend the facility by an additional two number lanes to test LCVs will result in further intensification of this use. It noted the first permission was

for a workshop based on a synergy with the quarry operations and the subsequent permission was based on two HCV tests per day with no drive through facility.

- 7.3.5. I note the appeal response asserted that the number and type of tests was not restricted by condition of the permissions. However, I note that the reg. ref. 09787 permission provides for an extension to the truck workshop for the purpose of a vehicle test centre. The truck workshop permission, which was permitted on the basis of 15 trucks in operation, remained as part of this new permission.
- 7.3.6. I note the first permission was on the basis of 15 trucks with the trucks only allowed on the site during maintenance and the subsequent permission was on the basis the two HCV tests per day. I note that the proposed development provides for the change of use of the permitted truck workshop and provides for public vehicle testing (35.9 average no. of HCV/bus and LCV vehicles per day). Noting this, I consider that a significant intensification of development has arisen and would arise from the proposed development.
- 7.3.7. I note the appeal response asserts that the Board in granting permission for roadside way-finding signage to the site from the N68 accepted the planning status of the established business and VTC use. I do not consider that the signage permissions imply that and if the Commission considers that they do, I would note the other recent precedent (ACP-317786-23) is contrary to this and specifically assessed the issue of intensification and found significant intensification had arisen. I propose to assess this matter “de novo” on the merits of the case.
- 7.3.8. Noting this, and the significantly increased intensification of development and proposed further intensification as part of this application, I note the Inspector under ACP-317786-23 considered the development and proposed development to be of an excessive scale for a rural area noting that policy under Section 6.21 (Rural Enterprise) of the CDP.
- 7.3.9. I note the Inspector noted this in the absence of “*sufficient mitigation measures (such as detailed landscaping proposals)*” noting the failure to ameliorate impacts on the existing residential and visual amenities. It then noted the failure to accord with Objective CDP 14.3 which seeks development in the working landscape that will sustain economic activity and enhance social well being and quality of life.

- 7.3.10. Having regard to the established permitted use on the site and associated built form and layout that has resulted, I note the proposed landscaping scheme includes landscaping along all of the front and rear site boundaries and along the majority of the side site boundaries. There would also be a new fence along the front site boundary and the vehicular entrance to the site would be from the south-west side. I note the submitted Planning Support Statement considers that the landscaping will improve the overall presentation of the property without altering the scale, form or character of the existing.
- 7.3.11. I note a lack of detail in relation to the landscaping scheme other than on the Site Layout Plan and brief general mentions in the application documentation. I note that a new landscaping scheme would take a number of years to provide adequate screening for the site. While noting this, I note that the physical expansion of the building is limited by reference to the existing permitted building and that a large building and surrounding hardstanding area is already permitted on the site. I also note the subject site is located in a designated working landscape area and that the site is beside a Council yard and is close to a quarry such that, in my opinion, there is some visual absorption capacity.
- 7.3.12. In this context, I consider that the proposed development, with a condition requiring site screen planting on all boundaries and on the embankments, would significantly improve the visual impact of the development on the receiving rural landscape. Accordingly, should permission be granted I recommend a landscaping condition for detailed agreement with the P.A. and this should require permanent screen planting along all of the north-east side boundary to fill in the gap shown on the site layout plan as well as in the areas shown in the Site Layout Plan.
- 7.3.13. While I have noted significant intensification of development above, I note this relates mainly to the number of vehicles visiting the site and the activities proposed to be carried out on the site. Accordingly, I propose to assess associated impacts in relation to transportation, residential and visual amenity and other impacts separately below to establish if the intensification on the site would be excessive and contrary to policy.
- 7.3.14. Based on the below assessment where I have found no significant issues in relation to the scale of development and associated impacts on visual and residential amenity

and in terms of traffic impacts, I therefore consider the principle of development and associated intensification of development of the site to be acceptable. I note this particularly in the context of the existing development permitted on the site, noting the existing built form and the limited building expansion proposed. In the context of the permitted development on the site, I consider the proposed development to be appropriate for the location and, noting the permitted new road infrastructure, I consider it to be a sustainable form of development. I note this also having regard to rural enterprise policy which provides for small-scale enterprises in rural areas.

- 7.3.15. I note this in the context of the existing side and rear embankments around the site and partial planting and the proposed landscaping scheme which in my opinion would appropriately ameliorate the proposed development in the rural context. Therefore, I consider that the existing and proposed development would accord with Sections 6.15, 6.21 (Rural Enterprise) and Objective CDP 14.3 of the Development Plan. I note this would be consistent with the approach taken in relation to visual impact under ACP-322909-25 for a vehicle test centre in a rural area.
- 7.3.16. I note the appellant has made extensive reference to a history of planning enforcement. I note the applicant response notes these relate to adjacent sites and not directly to the subject site. I note the application outlines the landholding in blue which includes the sites to the rear and the new road site. I note the enforcement cases referred to in the Planner's Report and note that enforcement is a matter for the P.A. and not the Commission. In relation to the planning issues on the subject site, I am satisfied that these are not matters for the consideration of the Commission in relation to this appeal.

7.4. Transport and Access

- 7.4.1. I note that the appellant has raised issues in relation to traffic passing along the local road in front of his dwelling on the way to and from the subject site and in relation to excessive vehicular traffic generated in the rural context as a result of the existing and proposed development. I note that a new road was permitted (ABP-314009-22) and is in place which bypasses the narrower winding local road that passes the appellant's house.
- 7.4.2. I note that this new road provides a largely straight and wider road leading to the junction with the N68 to the south-east. I note that this new road provides a shorter,

wider and more straight road to the subject site than the narrow circuitous local road that passes the appellant's house. Having visited the new road and subject site, I consider that its bypassing of the appellant's house and other houses in the vicinity is of major benefit for vehicles going to the subject site such that they would be highly unlikely to use the alternative narrow and circuitous route. In my opinion, this would address the impacts on residential amenities cited by the appellants in relation to vehicles directly passing his dwelling.

- 7.4.3. I note that the applicant's appeal response notes that the Inspector's assessment in relation to the permission for the new road noted that it would cater for between 100 to 150 vehicle movements per day and improve traffic safety. Based on the new road, I agree with the applicant that the local road network is now suitable for a development of this type notwithstanding that it would be preferable if it were located in a zoned urban industrial area.
- 7.4.4. I note that there is an absence of information in the application in relation to sightlines and autotrack vehicle movements. However, having reviewed the assessment of the application for the new road, I note that the associated vehicular movements of the VTC were assessed to be in accordance with the relevant standards. In granting permission, I note that P.A. condition no. 2 required the submission of a revised Site Layout Plan to show the safe movement of pedestrians between the parking area and the test centre entrance, and should permission be granted I recommend this condition be included in relation to the internal road layout.
- 7.4.5. Having reviewed the site layout plan and having visited the site, I have no significant concerns in relation to traffic safety or in relation to the capacity of the local road network to cater for the development. I note that the new road was assessed on the basis of 100 to 150 movements per day associated with the VTC, a further 100 movements per day in relation to the rear storage yards and 20 vehicle movements for the quarry/plant hire site with no capacity issues noted.
- 7.4.6. In relation to the impacts on the N68 where the appellant has raised safety concerns, I note Objective CDP 11.13 of the CDP which seeks to, inter alia, safeguard the carrying capacity of national primary and secondary roads. I note no new access is proposed on to the N68 and that the new road link permitted between the N68 and the subject site was permitted noting the traffic generated from the subject site which

would be accessed via the N68. I note that the P.A. had noted no significant road safety issues in the subject application and in the application for the new road following F.I..

- 7.4.7. I note that in the previous refusal case (ABP-317786-23) that the assessment noted no significant issues in relation to impacts on the N68. This assessment particularly noted that the submission from TII noted it had no observations to make. Noting the above, I am satisfied that there would be no material impacts on the carrying capacity of the N68 or its strategic function as a result of the proposed development. I consider this accords with Objective CDP 11.13 (Direct Access onto National Roads) of the CDP and with the Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

7.5. Residential and Visual Amenity

- 7.5.1. I note the concerns of the appellant in relation to the impact on the visual and residential amenities of the area. I note that by comparison with the permitted development, the proposed development includes provision for a limited extension with additional roller shutter type doors on both side elevations. In my opinion, given its relatively modest size and scale mainly to the north-east side, it would integrate with the building and the site. I have addressed the landscaping issue above which I consider to be capable of providing adequate screening such that the proposed extended building would not be unduly visually prominent in the receiving working landscape. Should permission be granted, I recommend a standard condition to ensure external materials are consistent with the existing facades.
- 7.5.2. I note that new road to the site has a tarmac finish and that there is a concrete apron around the existing building but outside this area the remaining areas are largely in gravel which could lift dust into the air when vehicles pass. I note that the site layout plan notes the areas around the building would be in hardstanding of concrete. I note that condition 13 of the 08/1895 required that the side and rear boundaries be mounded and planted. I observed these to have been mounded but mainly not to have been planted.
- 7.5.3. I consider that a condition requiring a tarmac or concrete surface for the hard surface areas outside of the existing concrete surfaces would be sufficient to ameliorate dust impacts outside the site. Noting the c.90m separation distance from

the appellant's dwelling to the north-east, I consider that this, together with a landscaping condition, would adequately ameliorate impacts on residential amenities from the intensification of vehicle movements and activities on the site including in relation to headlights and noise impacts as well as providing adequate site screening. I also note this in the context of the permitted new road.

- 7.5.4. Given that I have found that no significant negative impacts on residential amenities would arise, I do not consider the undue depreciation of property in the vicinity would result.

7.6. Wastewater Treatment and Drainage

- 7.6.1. In relation to wastewater treatment, I note that the existing treatment system is shown on the Site Layout Plan to be in the western corner of the site to the rear/side of the existing building. I note that this area of the site is currently covered in gravel. I note that the Planning Statement confirms that no new waste water treatment system is included in the application. I note that this is contrary to the previous application where a waste water treatment system was proposed and the Inspector noted a failure to demonstrate appropriate compliance with the EPA Code.
- 7.6.2. I note that it also states that there will be no change in staff, hours of operation of vehicle throughput. Assuming this to be the case, I note the application includes retention and continuation of established vehicle testing operations (HCV and LCV) within the existing facility. As noted above in relation to intensification, by reference to the parent permissions, I consider that this would result in a significant intensification of development. I note that the applicant has not credibly demonstrated that the development for retention and the proposed development would not result in a significant increase in staff numbers and visitors to the site that would use the bathroom facilities.
- 7.6.3. Given that it highly likely that the development and proposed development would give rise to a need for a wastewater treatment system of greater capacity and that it has not been demonstrated that the wastewater treatment system accords with the EPA Code of Practice Domestic Wastewater Treatment Systems (p.e.≤10), there would likely be negative impacts on groundwater quality and this would be prejudicial to public health and this would merit a refusal of permission. I note that this matter was not assessed in

the Planner's Report. Noting this, I consider it to be a new issue and the Commission may wish to seek the views of the parties.

7.6.4. I note an absence of detail in relation to on-site surface water drainage provision. Based on the new issues identified in this report, if the Commission is minded to request further information in relation to these, I also recommend requesting information in relation to detailed on-site drainage arrangements.

8.0 EIA Screening

8.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

9.0 AA Screening

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 (Appendix 3), I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on Knockanira House SAC (site code 002318) European Site(s) in view of the site conservation objectives. Appropriate Assessment is required.

9.2. This determination is based on:

- That the construction and operational stages would require lighting on the site.
- The potential for disturbance to bats associated with lighting operations.

9.3. I note that the Planning Support Statement states that existing lighting would be turned off and that no new lighting is proposed. However, I consider that lighting would be required given the operational hours of the facility.

9.4. Accordingly, based on the above I consider that this would merit a refusal of permission in relation to this issue as I cannot be satisfied that the proposed development, individually, would not be likely to have a significant effect on Knockanira House SAC. I note the Commission may wish to consider its options as this would be a new issue.

10.0 Water Framework Directive

10.1. An assessment (see Appendix 4) of the proposed development has been carried out in accordance with Article 4 of the Water Framework Directive and relevant EPA guidance, including best practice in sustainable drainage design.

10.2. The application fails to include details in relation to existing and proposed drainage arrangements and wastewater treatment system. In Section 7.6 I have noted a risk to groundwater given the failure to demonstrate the existing wastewater treatment system would in comply with the EPA Code of Practice for Domestic Wastewater Treatment Systems Single Houses (PE. ≤10) (2021).

10.3. The absence of wastewater treatment and drainage measures mean that it has not been demonstrated that there will be no increase in pollutant loading, no alteration of the receiving waterbody's hydrological regime, and no risk of deterioration in water quality or ecological status.

10.4. The proposed development may impact on the achievement of environmental objectives for any water body and is therefore considered not compliant with the requirements of Article 4. I therefore consider that this would merit a refusal of permission. As this is a new issue, the Commission may wish to consider if a request of further information is required in relation to the wastewater treatment system.

11.0 Recommendation

11.1. I recommend that permission be refused for the below stated reasons.

12.0 Reasons and Considerations

1. On the basis of the information provided with the application and appeal and in the absence of an Appropriate Assessment Screening and/or Natura Impact Statement the Commission cannot be satisfied that the proposed development individually would not be likely to have a significant effect on Knockanira House Special Area of Conservation (SAC). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the nature, scale, and location of the proposed development, insufficient evidence has been provided to demonstrate how the existing on-site wastewater treatment system would comply with the EPA's Code of Practice for Domestic Wastewater Treatment Systems Single Houses (PE. ≤10) (2021). The proposed development therefore has the potential to be prejudicial to public health. Noting the location within the Lissycasey Ground Waterbody (IE_SH_G_148), which is designated as a "good" status water body under the Water Framework Directive, the Commission is not satisfied that the proposed development would not give rise to a risk of deterioration in the ecological and/or chemical status of the said water body, the proposed development would be therefore be contrary to the requirements of Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended, and would be inconsistent with the objectives of the Water Action Plan 2024 and 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Ciarán Daly

Planning Inspector

26th May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500812-CE-26
Proposed Development Summary	Reconfiguration and change of use of workshop building to accommodate HCV and LCV testing arrangements and. Retention and continuation of established vehicle testing operations (HCV and LCV) within existing facility, and ancillary site works.
Development Address	Lismulbreeda, Darragh, Ennis, Co. Clare.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	

<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input 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. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR	State the Class and state the relevant threshold Class 10(b)(iv) Threshold: Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Site area 1.1ha.
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: Form 2 - EIA Preliminary Examination

Case Reference	PL-500812-CE-26
Proposed Development Summary	Reconfiguration and change of use of workshop building to accommodate HCV and LCV testing arrangements and. Retention and continuation of established vehicle testing operations (HCV and LCV) within existing facility, and ancillary site works.
Development Address	Lismulbreeda, Darragh, Ennis, Co. Clare.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p><i>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</i></p> <p>The proposed development includes a modest extension of an existing vehicle testing centre in an area not zoned for development and in a rural area c.8km from Ennis.</p> <p>The commercial urban type development is close to a quarry and a Council yard. The building was originally permitted in relation to a support function to the quarry and subsequently as a vehicle test centre.</p> <p>The proposed development does not require the use of substantial natural resources, or give rise to significant risk of pollution. The development, by virtue of its type,</p>

	<p>does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p> <p>Failure to demonstrate wastewater treatment system complies with the EPA Code of Practice Domestic Wastewater Treatment Systems (p.e.≤10).</p> <p>Failure to demonstrate that appropriate lighting would be used, particularly in relation to bats.</p>
<p>Location of development (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>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The site is 1.1ha. in area within a rural area. There is abundant agricultural land in the area. The development is removed from centres of population landscapes of identified significance in the County Development Plan. The site is c.2.15km north-west of Knockanira House SAC.</p> <p>There are no sites of historic, cultural or archaeological significance in the area.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent,</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>Having regard to the modest nature of the proposed development, its location in a rural area, c.2.15km from Knockanira House SAC, likely limited magnitude and</p>

nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	spatial extent of effects, and absence of in-combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
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:** _____

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

(only where Schedule 7A information or EIAR required)

Appendix 3: Standard AA Screening Determination

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-500812-CE-26	
Step 1: Description of the project and local site characteristics <p>The proposed development includes a modest extension of an existing vehicle testing centre in an area not zoned for development and in a rural area c.8km from Ennis.</p> <p>The commercial urban type development in a rural area is close to a quarry and a Council yard. The building was originally permitted in relation to a support function to the quarry and subsequently as a vehicle test centre.</p>	
Brief description of project	<p>Reconfiguration and change of use of existing workshop building to accommodate updated HCV and LCV testing arrangements and machinery storage.</p> <p>Alteration/extension to east side entrance of HCV testing area to include modest size projecting element and three new garage type entrance doors in addition to the existing two garage type entrance doors.</p> <p>Provision of additional entrance/exit doors including three on the west elevation.</p> <p>Change of use of existing canteen to customer waiting area.</p> <p>Retention and continuation of established vehicle testing operations (HCV and LCV) within the existing facility.</p>

	Landscaping along majority of four site boundaries and delineated parking spaces.			
Brief description of development site characteristics and potential impact mechanisms	The 1.1ha site with majority areas of hardstanding has the potential for works to temporarily result in surface water run-off to the Clareen stream to the south-east and this flows to the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA c.4.9km to the east. Potential noise and lighting during operations which could lead to the disturbance of species in the vicinity of the site.			
Screening report	Y – within Planning Support Statement			
Natura Impact Statement	N			
Relevant submissions	N			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Knockanira House	Rhinolophus hipposideros	2.15km to south-east	Potential via lighting at night	Y

SAC (site code 002318).	(Lesser Horseshoe Bat) [1303] Conservation Objectives, NPWS, 24 th July 2018			
River Shannon and River Fergus Estuaries SPA (site code 004077).	Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Scaup (Aythya marila) [A062] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140]	c.4.9km to the south-east	No hydrological or other connection	N

	<p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Greenshank (Tringa nebularia) [A164]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Wigeon (Mareca penelope) [A855]</p> <p>Shoveler (Spatula clypeata) [A857]</p>			
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	Wetland and Waterbirds [A999] Conservation Objectives, NPWS, 17 th September 2012			
Lower River Shannon SAC (site code 002165).	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising	c.4.9km to the south-east	No hydrological connection	N

	<p>mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco- Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho- Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera</p>			
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	<p>(Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p>Conservation Objectives, NPWS, 7th August 2012.</p>			
<p>Newhall and Edenvale Complex SAC (site code 002091).</p>	<p>Caves not open to the public [8310]</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p>	<p>c.4.95km to the north-east</p>	<p>No hydrological connection</p>	<p>N</p>

	Conservation Objectives, NPWS, 30 th July 2018			
<p>¹ Summary description / cross reference to NPWS website is acceptable at this stage in the report</p> <p>² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species</p> <p>³ if no connections: N</p>				
<p>Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites</p> <p>AA Screening matrix</p>				
Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*			
Qualifying interests				
	Impacts	Effects		
<p>Site 1: Knockanira House SAC (site code 002318). <u>QI list</u> Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p>	<p>Direct: None.</p> <p>Indirect Potential negative impacts from construction lighting and permanent impacts from operational lighting. I note the Planning Support Statement notes that existing lighting will be turned off and that no new lighting is proposed.</p>	<p>Potential disturbance to bats from lighting which would be required at least in winter given hours of operation.</p> <p>Possibility of significant effects cannot be ruled out without further analysis and assessment and ecological input.</p>		

	<p>I consider that lighting is required for a development of this type at least during early morning and late afternoon/early evening in and around winter season.</p>	
	<p>Likelihood of significant effects from proposed development (alone): Y</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p>	
<p>Step 4: Conclude if the proposed development could result in likely significant effects on a European site</p>		
<p>It is not possible to exclude the possibility that proposed development alone would result significant effects on Knockanira House SAC from effects associated with lighting on the site and potential disturbance of bats.</p> <p>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> <p>Proceed to AA.</p>		
<p>Screening Determination</p> <p>Finding of no likely significant effects</p>		

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 will give rise to significant effects on Knockanira House SAC (site code 002318) European Site in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- That the construction and operational stages would require lighting on the site.
- The potential for disturbance to bats associated with lighting operations.

Appendix 4 – WFD Impact Assessment Scoping

WFD IMPACT ASSESSMENT SCOPING TABLE			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-500812-CE-26	Townland, address	Lismulbreeda, Darragh, Ennis, Co. Clare.
Description of project		Reconfiguration and change of use of workshop building to accommodate HCV and LCV testing arrangements and. Retention and continuation of established vehicle testing operations (HCV and LCV) within existing facility, and ancillary site works.	
Brief site description, relevant to WFD Screening,		The site slopes modestly uphill away from the public road and is otherwise flat in the area in front of and around the building. The land to the rear leading to the river slopes uphill.	
Proposed surface water details		No changes proposed. No details of existing arrangements supplied.	
Proposed water supply source & available capacity		No changes proposed – connected to Lissycasey Group Water Supply.	
Proposed wastewater treatment system & available capacity, other issues		No changes proposed – existing on-site system. No details supplied.	
Others?			

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) (Consider all phases)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
Yes, 80m uphill to the south-east via intervening lands	Bally Macooda Lough Stream_010 river waterbody (IE_SH_27B010500))	Moderate	At risk	Agriculture, wastewater treatment systems, hydro morphology, forestry.	Not hydrologically connected to surface watercourse.	None.	Not required.
Yes, below site	Lissycasey Ground Waterbody (IE_SH_G_148)	Good	Not at risk	Agriculture and nutrient leaking, shallow water table, domestic wastewater treatment systems, forestry.	Potential for untreated wastewater to ground, stormwater run-off, drainage.	None. Failure to demonstrate wastewater treatment system to EPA Code and no details in relation to surface water run-off or drainage system.	No.