



An
Coimisiún
Pleanála

Inspector's Report

PL-500892-CE-26

Development

Construction of 74 residential units and all associated site development works. The application was accompanied by a Natura Impact Statement (NIS).

Location

Tobartescáin, Clonroad More, Ennis, Co. Clare.

Planning Authority

Clare County Council.

Planning Authority Reg. Ref.

2460652.

Applicant(s)

Datcha Construction Limited.

Type of Application

Permission.

Planning Authority Decision

Grant Permission + Conditions.

Type of Appeal

Third Party Normal Planning Appeal.

Appellant(s)

Abbeyville Residents Association; and Residents of Abbey Court and Abbey Ville.

Observer(s)

None.

Date of Site Inspection

14th May 2026.

Inspector

C. Daly.

Table of Contents

1.0	Site Location and Description	3
2.0	Proposed Development.....	3
3.0	Planning Authority Decision	4
4.0	Planning History.....	13
5.0	Policy Context.....	114
6.0	The Appeal	19
7.0	Assessment	22
8.0	EIA Screening.....	41
9.0	AA Screening.....	41
10.0	Water Framework Directive.....	43
11.0	Recommendation.....	44
12.0	Reasons and Considerations	44
13.0	Conditions.....	44
	Appendix 1: Form 1 EIA Pre-Screening	55
	Appendix 2: Form 2 - EIA Preliminary Examination	58
	Appendix 3: AA Screening Determination	61
	Appendix 4: AA Determination	71
	Appendix 5: Water Framework Directive Screening.....	85

1.0 Site Location and Description

- 1.1. The subject site, of area 2.34ha., consists of an overgrown grass field with a shape that is close to rectangular except that the site narrows somewhat towards the rear and the rear boundary is not parallel with the front boundary and there is a narrow strip of land that links the front area of the site to the public road to the north. This narrow link to the public road is somewhat elevated above the two adjacent two storey detached houses with gardens on either side of it.
- 1.2. The site slopes uphill towards its western side and somewhat uphill towards the eastern boundary. It slopes somewhat uphill towards the rear boundary. There are some trees and shrubs scattered around the site and the side site borders consist of hedgerow while the front and rear boundaries consist of walls.
- 1.3. The urban site within the built up area of the town is north of the adjacent Abbey Court housing estate, is west of the adjacent Abbey Ville housing estate, is south of three adjacent detached dwellings and is adjacent land to the west which consists of grass fields. The site is located c.1.1km south of Ennis town centre off the Tobarteascáin Road.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
 - 74 new residential units (3 detached, 36 semi-detached, 23 terraced and 12 duplex units). The housing units are two storey predominantly with pitched roofs and the duplex units are three storeys in height with pitched roofs with the exception of the duplex block 2 types.
 - Ancillary surface car parking.
 - Vehicular and pedestrian access from the Tobarteascáin Road.
 - Pedestrian access to both the Abbey Ville estate and to the Abbey Court estate to the south.
 - Connection to public water supply, foul water drainage services and service water attenuation.

- Raising of land and landscape works.
- The application includes a Natura Impact Statement (NIS).

2.2. At Significant F.I. stage the applicant submitted a revised proposal to pump wastewater to the Ennis North WWTP rather than the Clareabbey Plant. This would be via a 750m long main connection at the applicant's expense and a revised NIS was submitted. Revised pedestrian access points to Abbeyville were proposed. Alterations to some units along the eastern boundary were proposed to provide a repositioning of the eastern pedestrian access to the adjacent housing estate. EV parking details and revised traffic calming measures were also included.

2.3. Notable reports in the F.I. response included:

- Bat and Bird Survey prepared by Gerard Tobin Ecological Consultant.
- Ecological Impact Assessment prepared by Openfield.
- Traffic and Transport Assessment prepared by Roadplan Consulting.
- Hydrological and Hydrogeological Assessment prepared by EOB Management Services.
- Site Specific Flood Risk Assessment prepared by Tobin.
- Uisce Éireann confirmation of feasibility.
- Construction and Environmental Management Plan (CEMP) prepared by EOB Management Services.
- Natura Impact Statement (NIS) prepared by Openfield.
- Screening report for appropriate assessment (AA) prepared by Openfield.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Clare County Council initially decided to request further information in relation to:
- (1) concerns for treatment of wastewater and lack of assessment of water quality issues or connections to the Clareabbey Treatment Plan with the CoF subject to upgrades to the WWTP and requirement for a revised NIS and a WFD assessment;

- (2) request for a Bat Survey, an Ecological Impact Assessment (EclA), a light spill modelling study and public lighting plan;
- (3) a surface water management plan and hydrological study on the interaction of flood levels between the River Fergus and the site;
- (4) request for physical buffer along the eastern site boundary and new access points to Abbey Ville, concerns re separation distances;
- (5) details for access boundary walls and levels; and
- (6) traffic details including a Traffic and Transport Assessment (TTA), details of sightlines, compliance with DMURS and other details including raised crossing provisions.

Following F.I., the P.A. decided to grant permission subject to 22 conditions. Notable conditions include:

- Condition no. 2 requires the development be carried out in line with the mitigation measures in the NIS, the Bat and Bird Survey and EclA and required the submission of additional details on the type of bat box and location, a final CEMP including all mitigation measures, and retention of existing hedgerows and a requirement that all lighting adhere to the 'Bats and Artificial Lighting at Night' guidance note 08/23.
- Condition no. 5 requires the submission of a revised parking layout for additional spaces in lieu of unit 44, revised boundary details for each dwelling to ensure accessibility to rear gardens and detailed design of the pumping station and boundary treatments.
- Condition no. 6 requires a minimum finished floor level of 4.0m OD for the proposed dwellings.
- Condition no. 8 requires, inter alia, no occupation of any unit before the connection to the Ennis North WWTP is completed, the submission of details of the management agreement for the wastewater pumping station and rising main and a requirement that the developer is responsible for the management of the pumping station until a management agreement is reached.

- Condition no. 9 requires agreement of details with the P.A. for a pedestrian link to the Abbey Court estate, details of the raised table at the entrance onto the Tobairteascáin Road, details of road levels and details of EV charging locations and facilitation of EV charging points adjacent to units 68 to 70.
- Condition no. 10 requires archaeological monitoring measures.
- Condition no. 14 is a detailed drainage condition including in relation to SUDS measures and the proposed attenuation tank.
- Condition no. 18 requires, inter alia, no front boundary walls/fences and landscaping proposals per those submitted at F.I. stage.

3.2. Planning Authority Reports

- 3.2.1. The initial Planner's Report (dated 20th February 2025) assessment noted the site is zoned for 'mixed use' and 'existing residential' per the CDP. It noted that 'multiple residential units' are open for consideration under the 'mixed use' zoning.
- 3.2.2. In relation to the mixed use zoning and site specific objective MU6B, it estimated the site area to be 36.5% of the full mixed use zoned site. It noted the inclusion of a masterplan for the wider site which shows a mix of non-residential uses for the remaining lands with residential to the east. It considered the principle of residential development on part of the overall site to be acceptable.
- 3.2.3. Noting the site to be within the suburban area of Ennis where an average density of 30 to 50uph is acceptable, it considered the density of 32uph to be acceptable. It considered the housing typology mix to be acceptable noting the detailed breakdown of the house types proposed.
- 3.2.4. It considered the scheme layout generally acceptable but noted a requirement for further detail on the access road to the scheme. It also noted that interventions in the continuous line of dwellings to the east should be explored. It noted some issues with separation distances to the east and south where 16m separation distances were not met. It noted the absence of a physical buffer between the subject site and adjoining residential areas and considered this should be addressed.
- 3.2.5. It considered the 13.8% open space area which would be overlooked to be acceptable. It noted issues with the private open space for the duplex units with it

being accessible only via the bedrooms and noted a requirement for revisions. It noted rear garden access for all other units except the mid-terrace units.

- 3.2.6. Noting the site location more than 15 minutes from high frequency public transport, it noted a requirement for 167 car parking spaces but a proposal for 138 and it considered the shortfall unacceptable as it would lead to ad hoc and unsafe parking across the site. It generally welcomed the connections to the Abbey Ville and Abbey Court estates but considered that a high quality connection in the place of dwelling no.s 25-27 to be more appropriate and would assist in breaking up the continuous line of dwellings along the eastern boundary.
- 3.2.7. It noted a site specific objective for the upgrade of the Tobarteascáin Road and roundabout to facilitate any proposed development and recommended this be explored with the Ennis MD and Road Design Office. It noted a requirement for proposed secure and lockable bin and cycle storage for units without rear garden access.
- 3.2.8. It noted a requirement for more detail in relation to finished floor levels (FFLs) of dwellings along the eastern and southern boundaries to adequately assess external impacts on residential amenities. It noted the absence of a public lighting plan and advised F.I. be requested for this. It noted issues in relation to roads and traffic including a requirement to demonstrate sightlines, additional raised crossings and deflection measures, vehicle tracking for a refuse vehicle, required TTA and EV charging points.
- 3.2.9. In relation to wastewater treatment it noted that the proposed connection to the Clareabbey WWTP is only feasible subject to upgrades and that no timeframe for such upgrades is available and that development will not be possible until these upgrade works are completed. It required that F.I. be requested in relation to this issue and associated impacts.
- 3.2.10. In relation to surface water management, concerns were noted including in relation to the absence of hydrocarbon interceptors, a requirement for a hydrological study regarding the interaction between the flood levels of the River Fergus and the site and how driveway owners would be made aware of the need to maintain permeable paving.

- 3.2.11. In relation to ecology it noted the absence of an EclA and full bat survey and that these be required by F.I.. In relation to archaeology it noted the recommendation from the Department of Housing, Local Government and Heritage that standard conditions be required for any grant of permission.
- 3.2.12. In relation to flood risk and the site location within flood zones A and B, it noted the submitted SSFRA including a justification test, and that the FFLs would be above 3.41m OD with a freeboard of 0.3m above the 0.1% EP event water levels. It considered that flood risk had been appropriately mitigated. However, it noted site specific objective MU6B which requires a hydrological report in relation to the site and flood levels of the River Fergus and this should be addressed. The report concluded that F.I. was required.
- 3.2.13. In relation to the second Planner's Report dated 6th February 2026 and F.I. item 1, it noted the revised proposal to pump wastewater to the Ennis North WWTP with a pumping station to the south of the site and revised COF from Uisce Éireann with a pumped rising main of 750m required to be funded by the applicant. It noted the submission of a revised NIS, Hydrological and Hydrogeological Assessment and sewer network and drainage drawings. It noted that Uisce Éireann confirmed in their capacity register (September 2025) that there is wastewater treatment capacity to accept the current proposal.
- 3.2.14. The NIS noted that the upgrade of this WWTP to a 30,500 PE fed into the zoning of the subject site and that the discharge from the WWTP does not have an observable negative impact on the WFD status of applicable waterbodies. The NIS considered the proposed development would be extremely unlikely to affect water quality within the receiving waters of the River Fergus to an extent that would lead to adverse effects on the qualifying interests of the Lower River Shannon SAC or on the River Shannon and Fergus Estuaries SPA.
- 3.2.15. No significant issues were identified that could be not dealt with by condition including that an agreement be required for the upkeep of the pumping station and a condition requiring wastewater treatment connections be completed prior to the occupation of any dwellings.
- 3.2.16. In relation to F.I. item 2, it noted the submission of a Bat and Bird Survey, ecological surveys, a light spill modelling study and public lighting plan. The bat survey noted

the requirement for mitigation measures in relation to impacts on bats to prevent disturbance/displacement impacts. Based on site surveys, the EclA found no high value habitats on the site and no roosts. It recommended the retention of the boundary hedgerows on the site to avoid disruption of ecological corridors. The assessment noted that the Environmental Assessment Officer agreed with the EclA findings. It recommended conditioning the mitigation measures for the protection of wildlife.

- 3.2.17. In relation to F.I. item 3 and surface water management, it considered that the outline CEMP should be updated to include all the mitigation measures across the submitted reports to be included in a final CEMP. The input of the Ennis MD recommended conditions including that FFLs of 4.0m OD or higher based on the Lower Fergus Certified Drainage Scheme where 3.2m OD + 0.8m is recommended. The report was satisfied that the dwellings would have FFLs of 4.0m OD or higher and recommended a condition for the land drain recommended to the rear of units 16 to 40. It noted that the issue in relation to permeable driveways could be managed by condition.
- 3.2.18. In relation to F.I. items 4 and 5, it considered the layout to be generally acceptable noting the physical buffer along the eastern boundary and revised locations of the pedestrian linkages. It was satisfied in relation to the separation distances and the boundary treatments and that a condition could manage access to rear garden spaces.
- 3.2.19. In relation to F.I. item 6, it noted the submission of a TTA and was satisfied that the proposed development would not result in the Tobarteascáin Road or the R458 reaching or exceeding the ultimate capacity of the junctions. It noted that suitable sightlines were demonstrated and that other technical issues, such as a requirement for the road levels to be lower than the FFLs, could be managed by condition.
- 3.2.20. It noted that the revised parking arrangements resulted in a shortfall of 16 parking spaces and 6 visitor spaces and noting that the parking standards are maximums and the active travel proposals in the surrounding area and the bus stops north of St Flannan's roundabout, it considered the parking acceptable provided that dwelling no. 44 was omitted to increase parking provision.

3.2.21. I note that a separate Natura Impact Statement Determination accompanied the second planner's report and it found no significant or adverse effects on Natura 2000 sites subject to the conditioning of the mitigation measures in the NIS. It also recommended the inclusion of all mitigation measures within a final CEMP. It concluded by recommending that permission be granted subject to 22 no. conditions.

3.2.22. Other Technical Reports

- Environmental Assessment Officer: Issues noted with the NIS not addressing cumulative impacts, absence of consideration of European sites downstream, need for a Water Framework Directive Assessment and information required in relation to WWTP capacity and impacts. Following F.I.: No objection subject to conditions.
- Ennis Municipal District: Further information required in relation SUDS and drainage measures, flood risk and road levels, road safety measures. Following F.I.: No objection subject to conditions.
- Road Design Office: Further information required in relation to a TTA, a special contribution for a footpath, sightlines, vehicle tracking, turning bays, public lighting and DMURS compliance among other issues. Following F.I. clarity required on a number of matters.
- Housing Department: No objection.
- Estates/Taking in Charge Team: No objection subject to conditions.

3.3. Prescribed Bodies

- Uisce Éireann: No objection but the COF notes existing capacity issues with the Clareabbey WWTP with no date for planned upgrade works.
- Department of Housing, Local Government and Heritage: Recommended a condition requiring licensed archaeological monitoring given the potential for previously unrecorded archaeological remains to be found and stated that AA Screening required and appropriate assessment required if significant effects cannot be excluded. No response following F.I..
- Shannon Group: No response received.
- An Taisce: No response received.

- The Heritage Council: No response received.
- Environmental Health Officer: No response received.
- An Chomhairle Ealaíon: No response received.

3.4. Third Party Observations

15 no. third party observations were initially received, and these can be summarised as follows:

- Negative impacts on residential amenity including in relation to quiet enjoyment of property, flooding and security, loss of privacy, overshadowing, speed bumps adjacent to existing house, finishes of boundary walls and need to high boundary walls, finished floor levels, overbearing and instructive environment, and property devaluation.
- Existing residents should be prioritised.
- Houses to the north should be single storey or dormer bungalows.
- A model of the development is required for residents to envisage the impacts on their homes.
- Existing residents were not consulted contrary to pre-planning notes.
- No sunlight study has been provided in relation to impacts on houses in the vicinity.
- The additional pedestrian access into the southern half of the estate is not required, will create safety issues for children, result in anti-social behaviour and will reduce the peace that residents enjoy.
- More pedestrian links are required to reduce walking distances in the town.
- The housing layout should include shared spaces for social connection rather than individual gardens.
- Rainwater harvesting should be provided to reduce water demand.
- The density is excessive which is not in keeping with the character of the area.

- The site is a habitat for wild animals and birds and mature trees and natural cover were cut down and removed. What survey or mapping occurred before this?
- An area to the rear of the Abbey Ville houses should be rewilded.
- There is a lack of green spaces proposed for the new residents.
- A condition is required to preserve and enhance the remaining trees and shrubs to the rear and for new boundary trees.
- There is a well in the area which was not taken into account in the NIS.
- The long section of straight road within the development is likely to result in excessive vehicle speed and bends and reduced road widths are required and a limit of 30kph should be applied.
- Failure to demonstrate sightlines on to the public road.
- No consent provided for works outside the subject site.
- A traffic study is required to assess impacts on the area and the development will result in congestion.
- Who is going to provide the creche outlined in the masterplan?
- There are significant issues in relation to flood risk in the area associated with the River Fergus.
- A proper drainage system and water management plan is required.
- The existing wastewater treatment plant is under-sized and inadequate.
- The mains system in the adjacent Abbey Ville estate cannot currently deal with the existing volume and the development would connect to this.
- There is a well in the garden of no. 75 Abbey Ville and natural water flow could be disrupted.
- Uisce Éireann noted that upgrades required to the Clareabbey WWTP had no planned completion date.

Following the receipt of the F.I., deemed significant, 7 no. third party observations were received which can be summarised as follows:

- Anti-social behaviour, noise, disturbance, increased foot traffic, littering and loitering will result from the new pedestrian accesses to Abbey Ville and Abbey Court estates.
- Concerns remain in relation to impacts on residential amenities including on privacy, inadequate separation distance due to greater height of site, overlooking from three storey units, devaluation of property,
- The scheme remains excessively dense and with inadequate open space.
- Traffic safety risks would arise to pedestrians in existing estates.
- Negative impacts on habitat of the existing site.
- Negative drainage impacts on adjacent residences.
- Inadequate screening between the site and adjacent rear gardens.
- The sewage system is inadequate.

4.0 Planning History

Subject Site

None located.

Sites in the Vicinity

22/33: Permission granted by the P.A. and granted on appeal (ABP-316029-23) ON 27/02/2025 at site at junction of Clare Road and Tobarteascáin Road, Ennis, by the P.A. and granted on appeal for (1) Food store; (2) Building B: 2 retail units and 14 residential units; (3) Building C: café, plant room, communal area and 6 residential units; (4) signage and (5) all associated ancillary works

22/954: Permission granted by the P.A. at Abbeyville/Abbeycourt, Clare Road, for 7 no. dwellings with pedestrian access from Abbeyville to Tobarteascáin Road.

18/1007: Permission granted by the P.A. at Hogan's Field (site to south-west of Abbey Court) for 25 houses, vehicular access from Clare Road and pedestrian access to Abbey Court.

5.0 Policy Context

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

Ennis is designated per Table 3.1 as a 'key town' at the top of the settlement hierarchy for County Clare. The RSES identifies Ennis for significant population growth of a greater than 30% increase by 2040.

The site is zoned for 'mixed use' development and is adjacent to lands to the north, east and west which are zoned for 'existing residential' development.

Residential use 'will normally be acceptable in principle' under the 'mixed use' zoning and 'open for consideration' under the 'existing residential' zoning.

Volume 1

Section 11.2.2 Integrated Land Use and Transport Planning

- *...Ensure that all new development areas will be fully permeable for pedestrians and cyclists through the application of the principle of filtered permeability whereby through traffic by private car is discouraged;*
- *Deliver schemes to improve permeability for walking and cycling in existing developed areas...*

Section 18.3.1 deals with The Importance of Place and the Public Realm

Permeability and Connectivity

Permeability and Connectivity refers to the degree to which an area has a variety of pleasant, convenient and safe routes through it. Urban areas are enriched when people use walking to move around. Walking is efficient, healthy and facilitates good social contact. Smaller 'block' sizes facilitate better permeability which is good for 'walkability'. Research has shown that a lack of connectivity is one of the key factors that discourages people from walking. In less central areas where block sizes are larger, which adds significantly to walking times, pleasant and safe short cuts need to be provided in accordance with national guidance such as the Design Manual for Urban Roads and Streets to create good walkability.

Section 19.4 Nature of Zonings

Mixed Use

The use of land for 'mixed use' developments shall include the use of land for a range of uses, making provision, where appropriate, for primary and secondary uses e.g. commercial/retail development as the primary use with residential development as a secondary use. Secondary uses will be considered by the local authority having regard to the particular character of the given area.

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

'Existing Residential'

The objective for land zoned 'existing residential' is to conserve and enhance the quality and character of the areas, to protect residential amenities and to allow for small scale infill development which is appropriate to the character and pattern of development in the immediate area and for uses that enhance existing residential communities. Existing residential zoned land may also provide for small-scale home-based employment uses where the primary residential use will be maintained.

Section A1.4.2 Urban Residential Development

Multiple Residential Unit Developments

In the assessment of urban residential development proposals, the Planning Authority will promote increased residential density compliant with the Sustainable Residential Development in Urban Areas Guidelines (2009) and the accompanying document Urban Design Manual, A Best Practice Guide (2009) issued under Section 28 of the Planning and Development Act, 2000 (as amended)...

Brownfield and Infill Site Development

The regeneration of brownfield or infill sites for residential or mixed use development is encouraged in appropriate town and village centre locations. These development proposals must respect the character and appearance of their environs and contribute to the delivery of public realm enhancements and placemaking. Ground floor activity such as commercial, office or retail uses is generally appropriate for centrally located and accessible sites and can contribute to increased footfall in these

areas. Where a mix of uses is not proposed at ground floor level it must be justified by the applicant/developer why this approach was adopted.

Due to the potential additional issues associated with brownfield redevelopment relative to the development of greenfield locations a flexible approach may be taken by the Planning Authority in circumstances where the proposed development contributes to sustainable compact development.

Where brownfield redevelopment is proposed, dependent on the site history ground investigations and mitigation measures may be required where contamination issues arise.

Rear Garden Length

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

Table A3 Bicycle and Vehicle Parking Standards for other areas outside town centres for residential developments the maximum requirement for residential development is one space for one and two bed units, two spaces for three (and above) bed units and one visitor space for every three residential units.

Relevant objectives include:

- CDP5.8 Housing Mix
- CDP5.16 Green infrastructure in Residential Developments
- CDP10.10 Physical Recreation and Active Living
- CDP11.5 Walking and Cycling
- CDP11.18 Design Manual for Urban Roads and Streets (DMURS) and Transition Zones to Towns and Villages on National Roads
- CDP11.31 Ennis and Environs Water Supply
- CDP11.32 Wastewater Treatment and Disposal

- CDP15.3 European Sites
- CDP15.4 Requirement for Appropriate Assessment
- CDP15.12 Biodiversity and Habitat Protection
- CDP18.2 Achieving Quality in the Public Realm

Appendix 1 includes Development Management Guidelines

Volume 3a

Section 2.9.2 Mixed Use Lands in Clonroad More

Site MU6B Tobarteascáin

The site is zoned Mixed Use and is appropriate for a mix of commercial uses including bulky goods retailing which are appropriate in scale and nature to the area and which do not impact on the vitality and viability of Ennis town centre. It is an objective of Clare County Council:

- *To retain the vitality and viability of the adjacent MU6a site identified for a neighbourhood centre and local shops in the area. In terms of retailing, only bulky goods retailing will be considered within site MU6B.*
- *To encourage the appropriate mix of bulky retail uses suitable to the scale of the locality.*
- *To require that future proposals shall be accompanied by a site specific flood risk assessment.*
- *To require that development proposals for the site shall include for the upgrade of the Tobarteascáin Road and roundabout to facilitate any proposed development.*
- *To ensure that a physical buffer is provided between the subject site and adjoining residential areas to minimise disturbance.*
- *Future proposals shall provide pedestrian connectivity to adjoining lands.*

Future development on sites MU6A and MU6B must have regard to the findings of the Strategic Flood Risk Assessment in Volume 10c of this plan. The Ennis South Flood Relief Scheme (ESFRS) is now complete and while the ESFRS was not designed specifically to provide protection to these lands they do benefit from an

overall reduction in flood risk to the area and removal of overland flow paths due to the scheme's flood defences. There is a history of flooding on the site and the ESFRS incorporates groundwater management consisting of engineered culverts. However residual risks associated with exceedance events remain. In the event that the culvert system reaches capacity, appropriate flood management systems will need to be developed for the site and these should be presented as part of the planning applications. Any flood risk assessment submitted with any application should take into account any sources of potential flooding including groundwater and pluvial sources.

Any proposals for new development within the site boundary, or redevelopment along the Western Road frontage, would need to include a site specific flood risk assessment which would specifically review residual risk to the site, including the development of overflow routes should the scheme capacity be exceeded. Given the Karst limestone nature of the subject site and environs a detailed hydrological study from a competent consultant which will examine the interaction between flood levels of the River Fergus and the site will be required to be carried out as part of any planning application. The site layout and finished floor levels will be informed by the residual risk assessment. A site specific flood risk assessment shall demonstrate the primary means of mitigating flood risk through increasing ground/floor levels and maintaining flow paths. An overflow pipe from the site to the Fergus floodplain and back drains may also be required.

5.2. Relevant National Policy / Ministerial Guidelines

- 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' (2024). (The Compact Settlement Guidelines)
- 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', (2023) (The Apartment Guidelines)
- 'Guidelines for Planning Authorities: Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual', DOEHLG (2009)`.
- 'Design Manual for Urban Roads and Streets' (2019) (DMURS).
- 'The Planning System and Flood Risk Management' (2009).

- 'Quality Housing for Sustainable Communities' Guidelines (2007).

5.3. Natural Heritage Designations

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

- c.0.5km west of the Lower River Shannon SAC (site code 002165).
- c.1.9km north-west of the River Shannon and River Fergus Estuaries SPA (site code 004077).
- c.1.9km north-west of the Fergus Estuary and Inner Shannon, North Shore PNHA (site code 002048).
- c.2.1km north-east of the Cahircalla Wood PNHA (site code 001001).
- c.2.3km north-east of the Newhall and Edenvale Complex SAC and PNHA (site code 002091).
- c.3.2km south of the Ballyallia Lake SAC and PNHA (site code 000014).
- c.3.8km east of the Pouladatig Cave SAC and PNHA (site code 000037).
- c.4.1km south of the Ballyallia Lough SPA (site code 004041).
- c.4.6km south-east of the Lough Cleggan PNHA (site code 001331).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the two third party appeals on behalf of the Abbey Ville Residents Association and the Residents of Abbey Court can be summarised as follows:

Pedestrian Accesses

- There is currently no through pedestrian or vehicular traffic and the pedestrian access directly in front of houses 7 and 8 and houses 9 and 10 on the other side would introduce continuous footfall altering the established character, function and spatial integrity of the estate.
- The pedestrian access would increase noise, disturbance and general activity levels reducing privacy for existing dwellings and would create congestion adjacent to private homes.
- The proposal would give rise to littering and dumping, dog fouling, unsafe scooter use of footpaths and anti-social behaviour and when considered with

other accesses would result in a cumulative erosion of security, privacy and residential amenity.

- The 1.8m eastern boundary wall needs to be increased in height for in line with Crime Prevention Through Environmental Design (CPTED) principles and as the site levels are higher than the adjoining dwellings.
- Permeability must not compromise safety or established residential amenity.
- The new accesses will materially increase vehicle and pedestrian interaction and introduce further conflict on a heavily trafficked route and no DMURS assessment has been submitted.
- The proposed pedestrian accesses are not necessary with no planning gain.
- The pedestrian accesses to Abbey Ville and Abbey Court should be omitted/refused and the boundaries should be reviewed.
- There are new pedestrian links with Hogan's Place from Abbey Court to the south-west and to Tobarteascáin from Abbey Ville and there have been traffic safety issues with the Hogan's Place link.
- The new southern pedestrian link will enter on to the same road as the Hogan's Place link creating additional traffic safety issues including from the guardrail and DMURS requires safe streets.
- The additional pedestrian movements from the southern connection have not been assessed and guardrails are not favoured by DMURS.
- The new link to Abbey Court does not meaningfully increase connectivity or provide more efficient routes to key destinations such as schools, shops, services and amenities and this is contrary to Section 3.3.3 of the Compact Settlement Guidelines.
- The lack of active edge and passive surveillance at the Abbey Court end of the link is not compliant with DMURS and creates a back alley condition without passive surveillance.
- The connection to the Abbey Ville cul de sac where there are just four houses would alter its character, residential amenity and safety and it would not provide improved connections to amenities.

- The wellbeing of residents of existing estates should be prioritised.
- Google Earth images submitted to show the level of site clearance that took place prior to the carrying out of the ecological assessments and this creates issues with the assessment process.
- The CDP provides that an over-concentration of any one use will not normally be permitted on 'mixed use' sites.
- There is a requirement for a creche given the applicant's other development at Sixmilebridge (reg. ref. 2560121) and this is supported by CDP policy.
- The cumulative introduction of pedestrian links is excessive, not supported by safety assessment and does not comply with DMURS.
- Documents submitted including RPS extract report for the Hogan's Place development, images of Hogan's Place connection, local connectivity examples comparing walking distances and Google Earth imagery.

6.2. Applicant Response in the case of a 3rd Party Appeal

A response on behalf of the applicant was received which can be summarised as follows:

- The applicant, following a meeting with local residents, is happy to comply with the residents request to remove the proposed linkages if acceptable to the P.A..
- The applicant is willing to undertake to submit a new application that proposes the removal of the proposed links if the current appeals are withdrawn.

6.3. Planning Authority Response

The P.A. responded individually to each appeal to state that it is satisfied with the assessment of the proposed development that was carried out.

The P.A. further responded to the applicant's appeal response and noted that the inclusion of pedestrian access was assessed in the Planner's reports and that it considers the inclusion of pedestrian accesses to adjacent residential estates to be in the interests of pedestrian connectivity and permeability through the residential

developments and to provide access to future development on the wider mixed use zoned lands.

6.4. Observations

None.

6.5. Further Responses

A further response was received from the Abbey Ville Residents association which noted the applicant's appeal response and stated it wished to continue with its appeal.

A further response was received from the Residents of Abbey Court which confirms it has been in talks with the builder/developer regarding pedestrian links and that its aim was never to stop the building of much needed housing but to omit the walkway links.

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:

- Principle of Development
- Permeability
- Density
- Layout and Residential Standards
- Visual and Residential Amenity
- Biodiversity
- Access
- Flood Risk
- Infrastructure

- Other Matters

7.2. Principle of Development

- 7.2.1. I note the site zoning for 'mixed use' development where residential use 'will normally be acceptable in principle' under the CDP. I note that the zoning provides for secondary uses having regard to the character of the area. I note that the site is subject to site specific objective MU6B and that this applies also to the adjacent larger site to the west. The subject site area is 2.34ha in area and I note that the Planning Statement notes the size of the area to which the MU6B objective applies to be 7.1ha. I note that the proposed residential development would be adjacent to existing residential estates.
- 7.2.2. The submitted masterplan indicatively includes non-residential uses on the remaining lands. I note that the permission granted under reg. ref. 22/33 is for a retail store, retail units and some ancillary commercial uses on part (c. half) of the masterplan lands to the west. In my opinion either approach would allow for a mixed use development on the entire MU6B site provided that a significant portion of the remaining site is provided for non-residential use consistent with the zoning and the subject application for secondary residential use would not prejudice that. I note the new residences would be adjacent to existing residences with which they would integrate in land use terms. I consider this would be consistent with the character of the area for such secondary use per Section 19.4 of the CDP mixed use zoning section. I therefore consider the principle of residential land use on the subject site to be acceptable.

7.3. Permeability

- 7.3.1. I note that the two third party appeals have raised issues in relation to the two pedestrian links that would be provided into the adjacent residential estates, Abbey Ville to the east and Abbey Court to the south. I note this based on the amended Site Layout Plan submitted at F.I. stage. I note the eastern link would be adjacent to the end of an existing cul de sac with no.s 7 and 8 Abbey Ville on one side of the road and no.s 9 and 10 on the other side. The southern link would be adjacent to a small area of open space which mainly includes grass and some scattered trees.
- 7.3.2. In terms of the requirement for these links, I note the relatively large depth of the site in an urban context. I note that CDP policy supports permeability to encourage

alternative modes of transport the car and to reduce walking distances in particular. I note that there is a relatively new pedestrian link at the northern end of the Abbey Ville estate which provides a link to the Tobarteascáin Road to the north and there is also a relatively new pedestrian link to the south-west from the Abbey Court estate to the Hogan's Place residential development which links out to the Clare Road.

- 7.3.3. I note the submitted masterplan indicates two western links from the subject site to the area zoned for mixed use development. In my opinion, the proposed eastern and southern links would enhance pedestrian permeability for the existing residents in the adjacent estates and for the future residents of the scheme. It would provide some residents with shorter walking routes particularly those seeking to walk in a south-west direction and back again from Abbey Ville and from the proposed scheme and also for those wishing to walk in a north-east direction from Abbey Court and lands to the south-west and from the proposed scheme. This would also integrate the new residents with the existing community through improved connectivity and it would also enable improved connectivity to the lands effectively zoned for commercial purposes to the west.
- 7.3.4. I note that links would in future be possible to the western mixed use area where a neighbourhood centre is sought by Objective MU6B. I note that this would discourage excessive car use and would accord with CDP policy to encourage permeability and sustainable development such as CDP Section 11.2.2 Integrated Land Use and Transport Planning and Section 18.3.1 (The Importance of Place and the Public Realm). I note that Site Specific Objective MU6B states that *"future proposals shall provide pedestrian connectivity to adjoining lands"* and that a neighbourhood centre is provided for under this objective.
- 7.3.5. I note the issues raised by the appellants in relation to safety and lack of DMURS assessment for such permeability. I note the footpath links proposed and in the adjacent housing estates which I consider to be of a high standard. I do not consider the provision of enhanced pedestrian links to adjacent sites requires a specific DMURS audit. I note the footpaths and the recommended barriers adjacent to the links where they meet the roads would be more than adequate to prevent any significant issues from arising.

- 7.3.6. I note that the eastern link would include passive surveillance within the scheme and from no.s 7, 8, 9 and 10 Abbey Ville and that the southern link would include passive surveillance which would also function somewhat to the south. I consider this and the increased pedestrian activity would provide sufficient passive surveillance and street surveillance to deter potential crime and anti-social behaviour.
- 7.3.7. In relation to other potential negative impacts on residential amenity raised by the appellants including loss of privacy, change in character from increased movement, noise and potential anti-social behaviour, I do not consider that passing pedestrians give rise to significant impacts that would not normally be expected in a residential area in this regard. I note the public lighting scheme would ensure these routes are reasonably well lit at night.
- 7.3.8. I note this in the context of the modest density proposed and in the surrounding areas which would not give rise to large pedestrian or cycle movements in the area and noting the cumulative impact of the existing pedestrian links to the south-west and north-east. Based on the above assessment, should permission be granted, I do not recommend omitting the pedestrian links by condition. I consider they would provide a planning gain in accordance with CDP policy. I recommend a condition to avoid ransom strips from the development to surrounding lands where future connections have been shown on the site layout plan.

7.4. Density

- 7.4.1. I note that 74 residential units are proposed on a site area of 2.34ha which would result in a density of 31.6uph. I note that the Compact Settlement Guidelines have not been incorporated into the CDP. Having regard to these guidelines in relation to density, I note that for key towns in the suburban/urban extension areas it is a policy objective that densities in the range of 30 to 50uph shall generally be applied. I also noted that Step 2 requires consideration of the surrounding environment. Noting the low density surrounding development, I consider that a density at the lower end of the range would be appropriate for the site.
- 7.4.2. I note that per the CDP the 2009 guidelines are applicable. In relation to outer suburban sites (Section 5.11), this seeks a density range of 35 to 50uph and states that development at net densities below 30uph should be discouraged. I consider the location towards the southern urban edge of Ennis to be an outer suburban

location. In this context, noting the absence of high quality public transport in the area and the established low density pattern of development in the vicinity, I consider that the proposed density reasonably accords with the 2009 guidelines and with the CDP and is acceptable.

7.5. Layout and Residential Standards

- 7.5.1. I note that the proposed scheme layout, following F.I., provides for a main north-south spine road which links two short east-west roads and that there are two main areas of open space to the north and south linked by a linear area along the western border and that a buffer area is provided along the majority of the eastern boundary. I note that the vehicular entrance to the scheme would be via a road between two detached dwellings to Tobarteascáin Road to the north.
- 7.5.2. I consider that the internal layout provides for an appropriate level of vehicular accessibility and that the additional pedestrian routes, internal and external, would provide an appropriately permeable scheme with options for future pedestrian permeability to the lands to the west in the future per the submitted masterplan.
- 7.5.3. I note the entrance cross section drawing shows the vehicular entrance road would be somewhat above the ground level of the adjacent dwelling to the west and somewhat below that of the ground level to the east. It shows two metre high walls on either side with trees and footpaths separating the side walls from the road. In this context, I have no significant concerns in relation to the entrance level and design of the entrance which I consider to be reasonable noting the restricted site access options and the need to protect the residential amenity of the dwellings adjacent to the new road access.
- 7.5.4. I note that the landscape plan shows site levels along the eastern boundary ranging from 4.5m OD in the north to 4.0m OD centrally and to 4.5m OD to the south. I note the site section drawings that show a level difference between the lands to the east of up to c.1.5m.
- 7.5.5. This would involve some lowering of the levels on the eastern area of the site to accommodate the proposal as shown on the drawings (see Landscape Plan for proposed levels) which I consider reasonable to allow for the integration of the development with its surroundings. In effect, this would result in the proposed two storey buildings appearing more similar to two and a half storey height from the

adjacent properties to the east. Noting the separations distances, I do not consider that this would be an excessive height adjacent to the existing two storey dwellings. I am therefore satisfied that there would be no significant differences in finished floor levels of concern likely to result in negative impacts on residential amenities in the vicinity.

- 7.5.6. I note that the internal streetscapes, as demonstrated by the contiguous elevations submitted at F.I. stage would be largely uniform with some variation in external materials and fenestration. I note that passive surveillance and appropriate street animation /activation would result from the design of the street facing facades. I also note this would be the case for the eastern and southern pedestrian links with adjacent units directly facing these routes.
- 7.5.7. I note the Landscape Design Rationale report prepared by Cunnane Stratton Reynolds. I note that the landscape site layout plan submitted at F.I. stage shows open space areas with dwellings facing them to provide passive surveillance and that the two main open space areas would be well distributed for access by future residents. I note there would be play areas with natural bark surfaces in the north and south open space areas and planting of trees and shrubs in the green areas and at intervals along the roadways.
- 7.5.8. The landscaping site layout plan shows pathways that reasonably match desire lines and planting along pedestrian routes and the linear open space to the west. I note the inclusion of street trees including *Acers*, *Betula pendula* and parkland trees including *Fagus sylvatica* and *Pinus sylvestris* as well as a mix of tall shrubs, low shrubs, perennials and native hedging. Also included are community seating, raised rain gardens including SUDS and the open grass areas can also function as informal play spaces.
- 7.5.9. I note the submitted Design/Sustainability Statement prepared by Arnold Leahy Architects. This demonstrates the scheme broadly complies with the urban design manual criteria including in relation to connections, variety, efficiency, layout, public realm and privacy and amenity. Overall, I consider that the scheme design and layout would align with high quality urban design principles such that I have no significant concerns in this regard.

Residential Standards

- 7.5.10. I note that the area of open space would be 13.8% of the site area and noting its distribution through the scheme with good passive surveillance and useability, I am satisfied that sufficient high quality open space would be provided in accordance with the CDP. I note this would be between the 10 to 15% provided for in the Compact Settlement Guidelines. I consider that the inclusion of native species planting, the hedgerow retention around parts of the site boundaries and the use of green infrastructure for SUDS would accord with CDP policies in relation to same and would provide a reasonable level of biodiversity for an urban infill scheme.
- 7.5.11. In relation to the minimum floor areas required in the 2007 'Quality Housing for Sustainable Communities' Guidelines, I am satisfied that the minimum floor areas would be exceeded for the different house types proposed. In relation to the duplex units, I note that the minimum floor areas and private open space areas would exceed those required in the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', (2023), the applicable apartment guidelines in this case. I also note that the areas of private open space for the houses would accord with minimum levels required in the Compact Settlement Guidelines SPPR 2.
- 7.5.12. I note that Section A1.4.2 (Urban Residential Development) has a requirement for a minimum garden depth of 11m. I note that the vast majority of the rear garden depths, with a number along the eastern boundary between 6m and 8m in depth, for example units 33 to 37, 41 to 44, would be below 11m and I consider that this would materially contravene the CDP. Per Section 37(2)(a) I note the Commission has the power to nevertheless grant permission in this circumstance and I consider there to be planning rationale to do so as the private open space *areas* would comply with SPPR2 of the Compact Settlements Guidelines. I note also the mostly rectangular shapes of the spaces such they would constitute useable private open space for the future residents.
- 7.5.13. I note that the site layout submitted at F.I. stage shows provision for access by all units to rear private open space, to bin and bike storage facilities. Should permission be granted, I recommend a condition for these boundaries to be agreed in detail.

7.6. Visual and Residential Amenity

- 7.6.1. In relation to the submitted contiguous elevations, I note no significant negative impacts on visual amenities would arise outside the site given what I consider to be the appropriate two storey heights in the vicinity of the boundaries and the setbacks/separation distances from the boundary which would generally exceed 8m.
- 7.6.2. In relation to separation distances, I note that SPPR 1 of the Compact Settlement Guidelines provides for a minimum required separation distance of 16m between directly facing first floor windows. I note that this would not be an issue within the scheme. In relation to external separation distances, I note that the minimum separation distances would be exceeded. In relation to proposed units 20, 24 and 30, I note the rear facades of these units would face the side facades of adjacent dwellings in Abbey Ville at separation distances somewhat below 16m.
- 7.6.3. I note these units would not have first floor habitable room windows directly facing first floor habitable rooms. I note the separation distance of these new dwellings from the eastern site boundary would exceed 8m. I therefore consider that there would be no undue risk of overlooking of property in the vicinity and I consider this would accord with SPPR1 of the Compact Settlement Guidelines.
- 7.6.4. I also note that the Abbey Ville dwellings to the east would be separated from the proposed rear garden boundaries by a buffer that would provide for the retention of the existing hedgerow in accordance with site specific objective MU6B. Should permission be granted, I recommend a condition requiring the retention of the southern and eastern boundary hedgerows.
- 7.6.5. In relation to potential overshadowing, noting the proposed two storey heights in the vicinity of the site boundaries and the separation distances, and orientation relative to adjoining development, I do not consider that significant overshadowing would result on adjacent properties. I also note that the central three storey blocks, in addition to the two storey houses would be appropriately aligned and spaced such that I do not consider that there would be significant overshadowing of the proposed residential units within the scheme or of open space.
- 7.6.6. For similar reasons and noting the design and breakup of the facades with appropriate vertical emphasis, I do not consider that undue overbearing impacts would result within and outside the site. I have separately assessed, above, impacts

on residential amenity from the new pedestrian accesses to the adjacent housing estates where I have noted no significant issues. I have also noted above that the open space provision within the scheme would accord with policy standards such that I have no significant concerns in relation to residential amenities of future residents in this regard.

- 7.6.7. I note an absence of design detail for the pump house. Noting its separation distances from surrounding houses, should permission be granted I recommend a condition requiring the submission of detailed design for agreement with the P.A..
- 7.6.8. In relation to boundary treatments, I note provision for 1.8m rear/side boundaries and noting the privacy concerns of the third parties to the east and that such heights are often insufficient to ensure adequate privacy, should permission be granted I recommend a condition requiring the rear garden eastern boundaries be walls of two metres in height.

7.7. Biodiversity

Bat and Bird Survey

- 7.7.1. I note the Bat and Bird Survey prepared by Gerard Tobin, Ecological Consultant, dated September 2025 submitted at F.I. stage. The site was visited on the 1st and 2nd September 2025. The report notes no survey constraints as it was undertaken within the active bat/bird season. In relation to bats the survey found Pipistrelles and P. pygmaeus foraging along the boundaries and in terms of roosts found no suitable potential roost features on the site.
- 7.7.2. In terms of birds, it found Swallows and House Martins foraging over the site and noted ground nesting birds during nesting season. It recommended timing site clearance works between 1st September and March 31st. In relation to bats it noted no requirement for a bat derogation licence with no works proposed to bat roosts. It recommended no site clearances works until after bird nesting season and enhancements measures including bat boxes and boundary planting including trees for commuting and foraging routes for bats.
- 7.7.3. In relation to lighting, it recommended that planting and screening be used to reduce impacts of lighting, lighting be timed with the solar clock and be appropriately dim and blocked in certain directions. In terms of impacts on birds and bats it noted no

anticipated impacts with mitigation measures. I concur with the findings of the Bat and Bird Survey report which I consider to be reasonable. Should permission be granted, I recommend that it be required by condition that its measures be implemented and also that a bat friendly lighting condition in accordance with best practice be included.

Ecological Impact Assessment Report

- 7.7.4. I note the EclA report prepared by Openfield Ecological Services (November 2025) submitted by way of F.I.. This noted that site surveys were conducted on 13th December 2023 and 16th July 2025 in accordance with best practice. It notes that the first survey was conducted after the site clearance referred to by the third party appellants.
- 7.7.5. Without mitigation, the report considered that there would be a major negative potential impact on biodiversity due to removal of scrub and dry meadow, mortality of species during site clearance and exposure of sand and sediment. It noted that part of the northern boundary hedgerow would be retained, that the eastern boundary hedgerow would be largely retained but that the southern boundary hedgerow would be removed.
- 7.7.6. The EclA noted a potential for a moderate negative impact on bats through displacement via artificial lighting in the absence of mitigation. Noting the SUDS measures including a hydrobrake for greenfield run-off rates, permeable paving and attenuation tanks, it noted a neutral impact from surface water run-off. Noting the connection to the WWTP it noted a neutral impact in terms of water pollution from foul wastewater. In relation to impacts on European sites, it noted the separate AA Screening report and NIS submitted deals with this separately and I will assess these matters separately further below.
- 7.7.7. The EclA includes mitigation measures for the construction phase as follows:
1. Mortality to birds – it states that vegetation should be cleared between 1st March and 1st August and where this is not possible that the vegetation must first be inspected by an ecologist for nesting. Where a nest is found it notes that it cannot be disturbed except under licence from the NPWS and that where no nest is found, that vegetation can be cleared within 48 hours.

2. Water courses – it notes a number of measures including silt traps, a bunded zone for the storage of dangerous substances such as fuels, training of personnel and measures in the CEMP.
3. Top-soils – silt fencing, drainage ditches where required, temporary storage of soil etc will be stored 50m from any surface water drains.

7.7.8. The EclA includes mitigation measures for the operational phase as follows:

1. Bats – landscaping, appropriate use of lighting and enhancement with bat boxes post-construction.
2. Enhancement measures with the landscaping plan designed to include pollinator friendly plants.

7.7.9. Based on the full implementation of the outlined mitigation measures, the EclA predicts no negative impacts on biodiversity would arise. It considers that with these measures, including the wildlife corridors, that the net impact for biodiversity will be positive.

7.7.10. I note the third parties have raised issues with the site clearance and it appears the site previously included significant tree cover. In terms of my planning assessment, I note I am confined to considering the proposed development by comparison with the existing baseline, mainly scrub, at the time of the application which was after the site clearance. I note the absence of an Arborist's report and that trees within the site were cleared prior to the making of the application and that the trees on the site mainly consist of those along the boundaries.

7.7.11. I note the proposal to largely retain the existing eastern and part of the southern boundary planting. Noting this, and the proposed landscaping scheme including tree planting, I consider that a reasonable balance has been struck in relation to trees to allow for the residential development of these zoned lands. Based on this I concur with the findings of the EclA. Should permission be granted, I recommend that the mitigation measures recommended in the EclA be carried out. I consider that this would accord with CDP15.12 (Biodiversity and Habitat Protection) of the CDP.

7.8. Access

- 7.8.1. I note the proposed visibility splays drawing submitted at F.I. stage demonstrates sightlines would accord with DMURS standards with a design speed along Tobarteascáin Road of 50kph noted and of 30kph within the scheme.
- 7.8.2. I note the submitted Traffic and Transport Assessment prepared by Roadplan. In terms of the capacity of the local road network, this notes that the existing R458, Tobarteascáin Road / College View Road roundabout would operate within capacity with small queues and delays during the AM and PM peak periods. In terms of the new access onto the Tobarteascáin Road, it notes the junction will operate within capacity with no queues and minimal delays during the AM and PM peak periods.
- 7.8.3. While I note the site specific objective MU6B referred to a requirement to upgrade the Tobarteascáin roundabout, I note that the P.A. was satisfied with the impact of the proposed development on the local road network. Based on the TTA findings I concur with this approach and I do not consider that there is a requirement to provide a condition in relation to the upgrade of the roundabout as a result of the proposed development.
- 7.8.4. Noting the internal road layout and road and footpath widths, and the proposals at F.I. stage for raised road tables at the site entrance and within the scheme for road crossings at the northern east-west road and at the central road junction of the scheme which would ensure the design speed of 30kph is achieved, subject to the conditions attached by the P.A., including in relation to ensuring road levels below surrounding lands, I am satisfied the no significant road safety issues would arise. I have addressed permeability matters separately in Section 7.3 above.
- 7.8.5. In relation to car parking, the TTA report notes that the CDP provides for a maximum number of 156 parking spaces. It notes the proposal for 111 parking spaces and 19 visitor spaces, for a total of 130 spaces. It confirms that the three and four bed units will have two spaces each (114 total) and that the remaining 19 spaces will be for the one and two bed units and it considers this adequate to meet the parking demand.
- 7.8.6. Table A3 Bicycle and Vehicle Parking Standards for other areas outside town centres for residential developments states the maximum requirement for residential development is one space for one and two bed units, two spaces for three (and above) bed units and one visitor space for every three residential units. I note that

based on this, there is a requirement for 17 no. spaces for the one (3 no.) and two bed (14 no.) units, 114 spaces for the three (53 no.) and four bed (4 no.) units and 25 visitor spaces which is a total maximum requirement of 156. I note 130 spaces are proposed at F.I. stage resulting in a shortfall of 26 spaces or 16.67%.

7.8.7. As these are maximum standards and noting the relatively modest shortfall and that there are bus stops within walking distance for the planned Ennis town bus service stops north of the St Flannan's roundabout, I am satisfied that the proposed level of car parking would accord with the CDP parking standard. Contrary to the P.A., I do not consider that unit 44 needs to be omitted to provide additional parking. I note the car parking standards require at least one EV charging point for every 5 car parking spaces. This would give a minimum requirement for 26 such spaces and I note that 15 EV spaces have been proposed. Should permission be granted, I therefore recommend a condition to require 26 such spaces be provided in the development.

7.8.8. I note the bicycle parking standard is one space per unit. I note that for the units without their own exclusive side access to the rear gardens, the applicant has shown cycle parking storage for each these units such as the duplexes and the mid terrace houses. I consider that this would accord with the CDP standard with cycle parking available in the rear gardens for the other units with their own private outside access directly to their gardens.

7.9. Flood Risk

7.9.1. I note Site Specific Objective MU6B seeks that future development has regard to the findings of the Strategic Flood Risk Assessment of Volume 10c of the CDP. This objective requires a SSFRA which specifically reviews residual risk to the site and requires a detailed hydrological study that examines the interaction between the River Fergus and the site. I note the site is located within Flood Zones A and B per the OPW Flood Maps.

7.9.2. I note that following F.I. the Ennis M.D. was satisfied that all dwellings have a FFL of 4.0m OD or higher and that there would be no flood risk associated with the development. It also was satisfied, subject to condition, with the proposed land drain to the rear of units 16 to 40.

7.9.3. I note that the P.A. was satisfied with the surface water drainage proposals and that the duties of homeowners in relation to the maintenance of permeable driveways can

be a dealt with by condition. I note the submitted Hydrological and Hydrogeological Assessment report provided at F.I. stage. In relation to the baseline and the groundwater body status it notes that the implementation of good construction practices would ensure no significant hydrological impacts on receiving surface or groundwater bodies.

- 7.9.4. In relation to the hydrological impact on the River Shannon SAC, it notes that surface water drainage from the site would be naturally attenuated within the back drain channels before reaching the SAC such that there would be no perceptible impact on it. It also notes that the reduction in groundwater recharge from the site would be imperceptible relative to the overall aquifer yield supporting the SAC. It notes that best practice construction measures will protect water quality in the SAC and that the Clareabbey back-drain channels and the flood storage lands provide a natural buffer that protects the SAC from contaminants. It notes no issues in relation to what it calls the low pollutant load associated with the operation of the development.
- 7.9.5. Specifically in relation to flood risk issues, the report notes the recently constructed St. Flannan's flood relief culvert and the findings of the SSFRA where flood risk is estimated to be minimal and that the proposed development would not increase flood risk elsewhere.
- 7.9.6. In relation to the submitted SSFRA prepared by Tobin, it notes that the CDP flood map does not take into account the benefits of the Ennis South Flood Relief Scheme. The potential sources of flooding are outlined below.
- 7.9.7. Fluvial Flood Risk – the SSFRA notes that the per the Catchment Flood Risk Assessment and Management Study (CFRAM) in 2015, 80% of the site is liable to flooding during a 1% AEP event based on the fluvial flood extent mapping such that the site is within Flood Zone A. The report notes that water levels in the stream are estimated to be 2.75m OD in the current scenario and that a further modelled node to the east has a water level of 3.11m OD in the 1 in 100 year flood event. It noted that the Ennis South Flood Relief Scheme proposed minimum FFLs to remove the fluvial flood risk.
- 7.9.8. It notes that based on the completion of the Ennis South Flood Relief Scheme that the risk of fluvial flooding to the site during the 100 year event is removed. It states that water levels at a node 550m to the east were reduced by over 0.3m from 2.94 to

2.65m OD as a result of the scheme and that the proposed FFLs have been set to a minimum of 4.0mOD.

- 7.9.9. Coastal Flood Risk – the SSFRA notes that the CFRAM mapping of the existing 200 year and 1,000 year coastal flood events shows the site is not subject to coastal flooding with such flood events located 100m east.
- 7.9.10. Groundwater Flood Risk – the SSFRA noted no risk of groundwater flooding to the subject site. This was based on a review of the OPW's 2012 Preliminary Flood Risk Assessment (PFRA) overview report. It noted a spring c.200m north of the site which according to the SFRA for the Tobarteascáin Road resulted in flooding of the subject site in the 2009 event. It notes that the proposed FFLs would remove this risk of flooding.
- 7.9.11. Surface Water Flood Risk – the SSFRA notes no area of such flood extent in the vicinity of the subject site with two areas c.250m to the east and south-east associated with flooding from the River Fergus.
- 7.9.12. Pluvial Flood Risk – the SSFRA notes no risk of pluvial flooding to the site based on the PFRA maps. In relation to surface water, the use of SUDS measures for the stormwater system would limit discharge from the subject site to greenfield run-off rates. The scheme is also noted to provide safe exceedance flow paths and that it would prevent surface water ponding.
- 7.9.13. The residential type development is noted to be classed as highly vulnerable and given the location within Flood Zone A, a Justification Test is required in accordance with the Flood Risk Guidelines and Table 2.1 of the SSFRA. The relevant criteria are addressed below in relation to this matter. The SSFRA notes in Table 2.1 the criteria set out in Box 5.1 of the guidelines which it considers to be met.
- 1. The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.*
- 7.9.14. I note the site is zoned for 'mixed use' development under the CDP. This zoning provides for residential development and as outlined above, I have considered the principle of the proposed residential development to be acceptable. The SSFRA notes that the proposed residential development would tie in with the existing

residential development in the vicinity and that the subject lands have been designated to accommodate urban development as part of the CDP settlement process and which took into account the Flood Risk Guidelines and I agree with this. I am therefore satisfied that the proposed development includes appropriate and reasonable measures to minimise risk of flooding in accordance with criterial 1 above.

2. The proposal has been subject to an appropriate flood risk assessment that demonstrates:

(i) The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;

7.9.15. The SSFRA notes that SUDS measures would be used to ensure greenfield run-off rates and that half of the site consists of water compatible development such as car parking and open space. I agree with the SSFRA that the proposed development would not increase flood risk elsewhere. I am therefore satisfied that the proposed development includes appropriate and reasonable measures to minimise risk of flooding in accordance with criterial 2(i).

(ii) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;

7.9.16. The SSFRA notes that the FFLs would be raised to above 3.41m OD with a freeboard of 0.3m above the 1 in 100 year event water levels. This is based on the implementation of the Ennis South Flood Relief Scheme. However, the mapping associated with this is not finalised and elsewhere in the report it recommends FFLs at or above 4.0m OD with a freeboard of 0.8m. This is also recommended by the Ennis M.D. based on the fluvial design level of the Lower Fergus Certified Drainage Scheme.

7.9.17. I agree with the SSFRA that the mitigation measures would reasonably minimise flood risk to people, property, the economy and the environment. Should permission be granted, I recommend a condition to require minimum FFLs of 4.0m OD. I am therefore satisfied that the proposed development includes appropriate and reasonable measures to minimise risk of flooding in accordance with criterial 2(ii).

(iii) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access; and

7.9.18. The SSFRA notes the location of the Tobartascáin Road and access in Flood Zone C which it states would ensure access for emergency vehicles can be maintained during an extreme flood event and this would ensure residual risks can be managed to an acceptable level. I concur with this view. I am therefore satisfied that the proposed development includes appropriate and reasonable measures to minimise risk of flooding in accordance with criterial 2(iii).

(iv) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.

7.9.19. I note that the proposed development would consolidate urban development in the area in accordance with the sequential development settlement policy outlined for Ennis in the CDP. The design would integrate the development with the site and its surroundings including via new pedestrian links which would increase the permeability of the site. It would be consistent with the principles of high quality urban design including via the appropriate enclosure of roads and open space and it would be consistent with the policy objectives for the wider site to the west. I am therefore satisfied that the proposed development includes appropriate and reasonable measures to minimise risk of flooding in accordance with criterial 2(iv).

7.9.20. Based on the above, I consider that the proposed development satisfies the justification test criteria and that it would not give rise to significant flood risk on the site or wider area. I note that in this context, the SSFRA also had regard to the Ennis South Flood Relief Scheme and that this is consistent with Objective MU6B of the CDP and Objective CDP11.31 (Ennis and Environs Water Supply) and Objective CDP11.32 (Wastewater Treatment and Disposal).

7.10. Infrastructure

7.10.1. I note that at F.I. stage the proposed connection to the Clareabbey Treatment Plant for wastewater was changed to a connection to the Ennis North WWTP (at

Clonroadmore). This was based on the submission of a Confirmation of Feasibility letter at F.I. stage from Uisce Éireann noting that a pumped rising main connection 750m in length along Tobarteascáin Road would be required at the applicant's expense. This sewer network and drainage drawings were revised and a revised NIS was submitted (see Section 9.0 and Appendices 3 and 4 for assessments in relation to this). A pumping station was included towards the south of the subject site.

- 7.10.2. I note that the Planner's Report noted that the upgrade of the Ennis North WWTP had seen a marked improvement in the water quality of the River Fergus and that its increased capacity ensures wastewater is treated to EPA standards. Having carried out a WFD assessment, it noted the headroom of the WWTP and considered it extremely unlikely that it would affect water quality in the receiving waters of the River Fergus. It also noted that it would not lead to adverse effects on the Lower River Shannon SAC and on the River Shannon and Fergus Estuaries SPA.
- 7.10.3. I note that based on the Uisce Éireann wastewater treatment capacity register (April 2026), that the Ennis North WWTP has an estimated spare capacity of 3,588 P.E. and has a green status indicating capacity available to meet 2025 population targets. In relation to the Uisce Éireann water supply capacity register (April 2026), it notes that capacity is available to support population growth to 2035 but that an improvement is required to the level of service. This includes leakage reduction and/or capital investment.
- 7.10.4. In relation to the discharge license for the Ennis North WWTP I noted that the most recent Annual Environmental Report (AER) published by Uisce Éireann shows that the treated effluent showed non-compliance for 3 out of 14 monitored samples in relation to ammonia ELV. The report notes that while a deterioration in water quality associated with the WWTP has been observed, that its causes are unknown and it noted no observable negative impact from the WWTP in relation to WFD status.
- 7.10.5. I note a 2023 EPA site visit report available on their LEAP system (no. SV27319) which noted storm water overflows to be a significant pressure impacting receiving waters. An instruction was issued to require Uisce Éireann to:
- 7.10.6. *"Provide a detailed update on the Drainage Action Plan for the Ennis North agglomeration,*

7.10.7. *Provide monitoring data on SWO's and Put in place monitoring on all SWO's where feasible.*

7.10.8. *Provide a detailed update to complete all overdue network Specified Improvement programs as required under the wastewater Discharge Licence”.*

7.10.9. I note that after this the EPA requested Uisce Éireann to seek a review of the discharge licence. I am satisfied that it is reasonable to presume that it will comply with its licence obligations unless shown to the contrary.

7.10.10. Noting the findings of my assessments further below in relation to impacts on water catchments in the area and in terms of impacts on relevant European sites which I have noted to be acceptable, I consider the proposed connections to the public networks for wastewater treatment and water supply, subject to the standard condition requiring a connection agreement, to be acceptable subject to conditions. I consider this noting that Uisce Éireann are required to adhere to the terms of their discharge licence. I also note their intention to carry out improvements to the collection network and address the identified issues.

7.10.11. Should permission be granted, I recommend standard Uisce Éireann conditions be supplemented by conditions requiring a management agreement for the wastewater pumping station and rising main, that the contractor/developer be responsible for its management until a management agreement is signed with the P.A. and that no unit be occupied until the required connections to the Uisce Éireann network are completed.

7.11. Other Matters

7.11.1. In relation to surface water drainage, I note the SUDS measures including a hydro brake for greenfield run-off rates, permeable paving and attenuation tanks. The Ennis M.D. had no objections subject to detailed conditions in relation to the implementation of the SUDS measures and the inclusion of a land drain to the rear of units 16 to 40. I note the SUDS measures also include gully traps and a petrol interceptor.

7.11.2. The Hydrological and Hydrogeological report noted in relation to surface water run-off, the attenuation storage and controlled discharge proposed and that “storm sewer capacity in the area has been upgraded, and the proposed discharge rate of 21 L/s

per hectare complies with Clare County Council requirements for the Ennis area. Additionally, stormwater from the site discharges into the Clare Abbey back-drain lands, which serve as flood storage areas and provide further attenuation of urban runoff before it reaches the River Fergus and the designated Special Area of Conservation (SAC). The Clare Abbey back-drain system has recently been enhanced with the installation of new sluices and an upgraded back-drain collector channel” (Section 8.2.3).

- 7.11.3. Should permission be granted, I recommend a standard SUDS condition for the agreement of the P.A. and a specific condition requiring the land drain be implemented.
- 7.11.4. In relation to the construction stage, in addition to the conditions recommended in the NIS and EclA, should permission be granted, similar to the P.A. I recommend that standard conditions be included for the submission of a Construction Traffic Management Plan and a Construction Environmental Management Plan for agreement.
- 7.11.5. In relation to the potential for archaeological finds on the site, similar to the Department, should permission be granted I recommend a condition requiring appropriate measures to ensure best practice measures are applied.

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 (see

Appendix 3), I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on the Lower River Shannon SAC (site code 002165) and the River Shannon and River Fergus Estuaries SPA (site code 004077) European Sites in view of the conservation objectives for these sites. Appropriate Assessment is required.

9.2. This determination is based on:

- The nature, scale and type of development proposed and the available treatment capacity at the Ennis North Wastewater Treatment Plan which is subject to license.
- The distance from the subject site to the SAC.
- The potential for the release of pollutants, silt and untreated water from the site during construction.

9.3. See Appendix 4 for Appropriate Assessment. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lower River Shannon SAC (site code 002165) and the River Fergus Estuaries SPA (site code 004077) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

9.4. Following an examination, analysis and evaluation of the NIS and all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of the Lower River Shannon SAC (site code 002165) and the River Fergus Estuaries SPA (site code 004077) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

9.5. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the Lower River Shannon SAC (site code 002165) and the River

Fergus Estuaries SPA (site code 004077) or prevent or delay the restoration of favourable conservation condition for qualifying interests thereof.

- The effectiveness of the mitigation measures proposed and adoption of the CEMP schedule of commitments.
- Application of planning conditions to require the implementation of the NIS mitigation measures in addition to the standard measures incorporated into the scheme such as in relation to SUDS and connection to the Ennis North Wastewater Treatment Plan subject to agreement.

9.6. Should permission be granted, I recommend a condition to require an updated CEMP to expressly include all of the mitigation measures specified in the revised NIS.

10.0 Water Framework Directive

10.1. An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the Eastern/South Eastern River Basin Management Plan 2022–2027.

10.2. The receiving water environment has been identified and assessed, see Appendix 5 attached. Having regard to the nature, scale, and location of the proposed development, and the mitigation measures incorporated into the design, which can be conditioned, it is concluded that the proposed development would not:

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

10.3. Any residual risks are capable of being addressed through the proposed mitigation measures outlined in the revised NIS, mitigation conditions and the implementation of a Construction Environmental Management Plan (CEMP).

10.4. The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

11.0 Recommendation

11.1. I recommend that permission be granted subject to conditions.

12.0 Reasons and Considerations

Having regard to the location of the site within the town boundary and adjacent to the built-up environment of Ennis town, the provisions of the Clare County Development Plan 2023 – 2029, the design, function and location of the proposed pedestrian linkages and the improved permeability arising from their provision, the infill nature of the site and associated policy encouraging appropriate compact development, to the height, scale, layout and form of the revised development, the rear garden areas and depths, the proposed landscaping scheme, the proposed drainage scheme, the pre-connection agreement for connection to the Ennis North Wastewater Treatment Plant and to the nature and scale of the proposed development with no significant traffic congestion or traffic safety issues likely to result, it is considered that subject to compliance with the conditions set out below, the development would be acceptable.

The proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity noting the appropriate building height and scale, absence of overshadowing and overlooking impacts. It would not result in significant adverse effects on European sites, the ecology or biodiversity of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 20th day of November 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning

authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the Natura Impact Statement (NIS) submitted on the 20th day of November 2025, shall be implemented.

Reason: To protect the integrity of European Sites.

3. (a) The mitigation measures contained in the Ecological Impact Assessment and the Bat and Bird Survey submitted on the 20th day of November 2025 shall be implemented.

(b) Artificial lighting shall be designed in accordance with the 2023 BCT Lighting Guidance (GN08/23 Bats and Artificial Lighting At Night). A lighting plan shall be submitted to and agreed with the planning authority for approval, prior to commencement of development.

(c) A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities and shall contain all of the mitigation measures outlined in the Natura Impact Statement submitted on the 20th day of November 2025..

(d) The developer shall retain, protect and enhance the existing hedgerows on the eastern and southern boundaries not shown to for removal on the Hedgerow Retained (sheet no. 25) per the green shading submitted to the Planning Authority on the 20th day of November, 2025.

Reason: To protect local biodiversity and the environment.

4. The proposed development shall be amended as follows:

(a) A detailed design for the pumping station building and boundary treatments shall be submitted to the Planning Authority.

(b) All rear garden boundary walls along the eastern site boundary shall be two metres in height and all rear gardens in the scheme shall be accessible to each residential unit with which they are associated.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

5. The finished floor level of the proposed dwellings shall be no less than 4.0m OD, as specified in the Flood Risk Assessment submitted to the Planning Authority on the 19th day of December 2024 and the mitigation measures outlined therein shall be implemented.

Reason: to ensure no flood risks result from the development.

6. All roads and footpaths shown to adjoining lands shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended. These areas shall be shown in a drawing which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of permeability and proper planning and sustainable development.

7. The internal road and vehicular circulation network serving the development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detail construction standards of the Planning Authority for such works and the design standards outlined in the Design Manual for Urban Roads and Streets.

Reason: In the interest of pedestrian and traffic safety.

8. Details of the external materials of the houses and duplexes shall be submitted to the Planning Authority prior to commencement of the development.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

10. The landscaping scheme shown on drawing number 24254-02-100 (Landscape Masterplan), as submitted to the Planning Authority on the 20th day of November 2025 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

- 11.(a) The screen walls at the site vehicular entrance leading to the houses shall be constructed in brick to match the brick used in the dwellings or concrete block or similar durable materials and, if in concrete block, shall be suitably capped and rendered on both sides in a finish that matches the external finish of the dwellings.
- (b) All rear gardens shall be bounded with two metre high concrete block walls, suitably capped and rendered on both sides, or by a two metre high timber panel fences with concrete posts, except for the rear boundaries of the eastern line of dwellings which shall be bounded by walls and not timber fences.

(c) No walls, fences or other boundary treatment shall be constructed around the front gardens of the proposed dwellings, and front gardens shall be kept as “open plan”.

Reason: To ensure that the proposed scheme remains open plan in nature/appearance, in the interest of visual amenity and in the interest of residential amenity.

12. (a) The precise details of the raised table at the entrance onto Tobarteascáin Road shall be agreed with the Planning Authority prior to the commencement of development.

(b) Precise details of the final road levels shall be agreed in writing with the Planning Authority prior to the commencement of the development.

(c) In addition to the EV spaces proposed, 11 additional spaces shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

13. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

14. (a) Prior to the commencement of development the developer shall enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and/or wastewater collection network.

(b) No unit with the development shall be occupied until such time as the required connection to the Ennis North Wastewater Treatment Plant is completed by Uisce Éireann or an approved contractor.

(c) Details of the final management agreement for the wastewater pumping station and rising main shall be submitted to the Planning Authority prior to the occupation of any unit within the development. In the instance where the pumping station is not to be managed by Uisce Éireann, then a management company appointed by the applicant, shall be established for the management of this infrastructure, whereby each property owner is a shareholder.

(d) The contractor/developer shall be responsible for the management of the pumping station and associated infrastructure until such time as the management agreement outlined in point (c) above has been entered into.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

15.(a) Drainage arrangements including for the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services. Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement, final detailed designs for the Sustainable Urban Drainage System to be installed, and this shall include the measures outlined in the drainage documentation submitted to the Planning Authority on the 20th day of November 2025.

(b) In addition, detailed design of a land drain which shall be provided along the length of the eastern boundary with the rear gardens of unit numbers 16 to 40 shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The land drain shall be connected to the local surface water drainage network within the development.

Reason: In the interest of public health and surface water management.

16. The proposed permeable paving for the driveways shall not be removed or replaced without the benefit of planning permission and a condition to this effect shall be included in the sales agreements of the dwellings allocated in-curtilage parking within the development.

Reason: In the interests of sustainable drainage.

17. (a) The internal roads, footpaths, lighting and open space shall be fully in situ to the satisfaction of the Planning Authority prior to the occupation of the dwellings.
- (b) Road surfacing materials shall comply with TT Standard CC-SPW-00900.
- (c) No surface water from the access road serving the development shall be permitted to run off onto the public road.
- (d) No surface water from private driveways within the development shall be permitted to run off onto the internal access roads.
- (e) All footpaths shall be concrete bayed, slabbed or tiled. They shall be dished at all road junctions and at all entrances and shall be level with the carriageway at such points.
- (f) All tactile paving is to be constructed as per the current TII detail, CC-SCD-05136 (Uncontrolled Pedestrian Crossings) & CC-SCD-05537 (Controlled Pedestrian Crossings) and to be located at each pedestrian crossing point. The areas of permeable paving shall not be replaced without the benefit of planning permission, notwithstanding any exempted development provisions.
- (g) Signs and road markings used shall be to Department of Transport Local Government Traffic Signs Manual standard.
- (h) Landscaping and planting, including future growth shall not interfere with any sighting distances required at junctions.
- (i) The spacing of road gullies shall be in accordance with TII publication DN-DNG-03067 Spacing of Road Gullies.

Reason: To facilitate access and in the interests of traffic safety and the orderly development of the area.

18. (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

20. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.

21. (a) The developer shall engage a suitably qualified Archaeologist to monitor (licensed under the National Monuments Acts) all access works, site clearance works, topsoil stripping and other groundworks associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. No ground disturbance shall take place in the absence of the Archaeologist without his/her express consent.
- (b) Should archaeological remains be identified during the course of archaeological monitoring, all works shall be suspended in the area of archaeological interest pending a decision of the Planning Authority, in consultation with the National Monuments Service of the Department of Housing, Local Government and Heritage, regarding appropriate mitigation (preservation in situ/excavation).
- (c) The developer shall facilitate the Archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the Planning Authority, following consultation with the National Monuments Service of the Department of Housing, Local Government and Heritage, shall be complied with by the developer.

(d) Following the completion of all archaeological work on site and any necessary postexcavation specialist analysis, the Planning Authority and the National Monuments Service of the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

22. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

23. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a

corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

24. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure that the public road is satisfactorily reinstated, if necessary.

25. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the

planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

5th June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500892-CE-26
Proposed Development Summary	Construction of 74 residential units and all associated site development works. The application was accompanied by a Natura Impact Statement (NIS).
Development Address	Tobarteascáin, Clonroad More, 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to	State the Class here

be requested. Discuss with ADP.	
☒ 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?	
☐ 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.	
☐ 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
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold Class 10(b)(i) Construction of more than 500 dwelling units, and (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. Construction of 74 dwellings on a site area of 2.34ha (site is within "other parts of a built-up area").

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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500892-CE-26
Proposed Development Summary	Construction of 74 residential units and all associated site development works. The application was accompanied by a Natura Impact Statement (NIS).
Development Address	Tobartescáin, Clonroad More, Ennis, Co. Clare.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The development is consistent with the character of the surrounding area. The development on an enclosed site, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
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	Briefly comment on the location of the development, having regard to the criteria listed The development is situated in an urban area on zoned serviced land. The site is of local ecological interest. The site would integrate with the surrounding residential development given its appropriate scale and

capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	form. There are no sites of historic, cultural or archaeological significance in the vicinity.
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).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and 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 – Form 3: AA Screening

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-500892-CE-26	
Step 1: Description of the project and local site characteristics Construction of 74 residential units and all associated site development works. The application was accompanied by a Natura Impact Statement (NIS).	
Brief description of project	• 74 new residential units (3 detached, 36 semi-detached, 23 terraced and 12 duplex units). • Ancillary surface car parking. • Vehicular and pedestrian access from the Tobartascáin Road. • Pedestrian access to both the Abbey Ville estate and to the Abbey Court estate to the south. • Connection to public water supply, foul water drainage services and service water attenuation. • Raising of land and landscape works. • The application includes a Natura Impact Statement (NIS).
Brief description of development site characteristics and potential impact mechanisms	The proposed housing estate would be on a site area of 2.34ha. Potential impacts during construction relate to water/pollutants/silt run-off and potential disturbance to mobile species such as bats and birds.

Screening report	Y – Screening Report for Appropriate Assessment (November 2025) and Screening Report for Appropriate Assessment (December 2024) prepared by Openfield Ecological Services.
Natura Impact Statement	Y – NIS (November 2025) prepared by Openfield Ecological Services. Also NIS December 2024 not relied on for this screening.
Relevant submissions	Department of Environment, Local Government and Heritage: stated that AA Screening required and appropriate assessment required if significant effects cannot be excluded.

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

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
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]	c.0.5km to the east	Potential indirect connection via surface water networks and wastewater networks.	Y

	Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106]			
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	<i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349] <i>Lutra lutra</i> (Otter) [1355] Conservation Objectives, NPWS, 7th August 2012.			
River Shannon and River Fergus Estuaries SPA (site code 004077)	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Scaup (<i>Aythya marila</i>) [A062] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]	c.1.9km to the south-east	Potential indirect connection via surface water networks and wastewater networks.	Y

	Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wigeon (<i>Mareca penelope</i>) [A855] Shoveler (<i>Spatula clypeata</i>) [A857] Wetland and Waterbirds [A999] Conservation Objectives, NPWS, 17th September 2012			
Newhall and Edenvale Complex SAC (site code 002091)	Caves not open to the public [8310] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] Conservation Objectives, NPWS, 30th July 2018.	c.2.3km to the south-west	Potential indirect connection as bats have been noted to forage on the subject site.	Y
¹ Summary description / cross reference to NPWS website is acceptable at this stage in the report ² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species ³ :if no connections: N				
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites				

AA Screening matrix		
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Lower River Shannon SAC (site code 002165) <u>QI list:</u> 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 mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>) [6410] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnus incanae</i> , <i>Salix alba</i>) [91E0]	Direct: N/A Indirect Potential negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sediment and construction related pollution. No water quality impacts during operations due to SUDS measures and, having regard to the scale of development available treatment capacity for wastewater	Possible negative affect on habitat quality/ function and prey availability. Possibility of significant effects cannot be ruled out without further analysis and assessment.

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] Lutra lutra (Otter) [1355]	treatment at the Ennis North WWTP and adherence to its licence obligations	
	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	Effects
Site 2: River Shannon and River Fergus Estuaries SPA (site code 004077) <u>QI list</u> 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] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Knot (Calidris canutus) [A143] Dunlin (Calidris alpina) [A149]	Direct: N/A Indirect Potential negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sediment and construction related pollution.	Possible negative affect on habitat quality/ function and prey availability. Possibility of significant effects cannot be ruled out without further analysis and assessment.

Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wigeon (<i>Mareca penelope</i>) [A855] Shoveler (<i>Spatula clypeata</i>) [A857] Wetland and Waterbirds [A999]		No water quality impacts during operations due to SUDS measures and, having regard to the scale of development due to available treatment capacity for wastewater treatment at the Ennis North WWTP and adherence to license conditions	
		Likelihood of significant effects from proposed development (alone): Y	
		If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects	
Site 3: Newhall and Edenvale Complex	Direct: N/A		

SAC (site code 002091) <u>QI list</u> Caves not open to the public [8310] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	Indirect No potential negative impacts on Lesser Horseshoe Bat during construction and operation as while such bats are not limited to the SAC, the subject site is not identified in the NPWS Conservation Objectives document as being a potential foraging ground and is separated from the SAC such that it would be one of many foraging grounds available at and within a similar distance such that its loss would not be significant. I also note that the subject site Bat Survey noted Pipistrelles and P. pygmaeus foraging along the boundaries rather than Rhinolophus hipposideros.	N/A
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		
It is not possible to exclude the possibility that proposed development alone would result significant effects on the Lower River Shannon SAC (site code 002165) and the River Shannon		

and River Fergus Estuaries SPA (site code 004077) from effects associated with the emission of pollutants, silt and/or degraded water from the subject site.

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.

Proceed to AA.

Screening Determination

Significant effects cannot be excluded

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

This determination is based on:

- The nature, scale and type of development proposed and the available treatment capacity at the Ennis North Wastewater Treatment Plan which is subject to license.
- The distance from the subject site to the SAC.
- The potential for the release of pollutants, silt and untreated water from the site during construction.

Appendix 4 – Form 4: Appropriate Assessment

Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development in view of the relevant conservation objectives of Lower River Shannon SAC (site code 002165) and the River Shannon and River Fergus Estuaries SPA (site code 004077) based on scientific information provided by the applicant and considering expert opinion set out in observations on nature conservation.

The information relied upon includes the following:

- Natura Impact Statement (November 2025) prepared by Openfield Ecological Services.
- National Parks and Wildlife Services data.
- Submission on behalf of the Department of Environment, Heritage and Local Government.

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

Submissions/observations Department of Environment, Local Government and Heritage: stated that AA Screening required and appropriate assessment required if significant effects cannot be excluded.				
NAME OF SAC/ SPA (SITE CODE): Lower River Shannon SAC (site code 002165) Summary of Key issues that could give rise to adverse effects (from screening stage): • Water quality degradation (construction) See Step 4 on pages 13 and 14				
Qualifying Interest features likely to be affected	Conservation Objectives including Targets and attributes	Potential adverse effects	Mitigation measures (summary) NIS Step 4 - pages 13 and 14	
Lower River Shannon SAC (site code 002165)	Maintain / restore favourable conservation condition Sandbanks which are slightly covered by sea water all the time [1110] – Attributes: Habitat Distribution, habitat area and community distribution – Targets: The distribution of sandbanks is stable, subject to natural processes. The permanent habitat area is stable or increasing, subject to natural processes. Conserve the following community type in a natural condition. Estuaries [1130] – Attributes: Habitat area, community distribution. Targets: The permanent habitat area is stable or increasing, subject to natural processes. Conserve the following community types in a natural condition. Mudflats and sandflats not covered by seawater at low tide [1140] - Attributes: Habitat area, community distribution. Targets: Permanent habitat area stable or increasing. Community types to be conserved in a natural condition. Coastal lagoons [1150] – Attributes and Targets: habitat area stable or increasing, no	There are no habitats on the site that are listed in Annex I of the Habitats Directive. Potential surface water run-off during construction in relation to sediment and small quantities of hydrocarbon residues which could impact on water quality. Surface sewers may act as pathways for pollution to reach the River Fergus and the	Best practice pollution control measures including construction to follow guidance from Inland Fisheries Ireland for the protection of fish habitat. Silt trap or settlement pond to be used for water leaving the site to pass through, dangerous substances such as oils and fuels to be	

decline in habitat distribution, salinity variation within natural ranges, annual water level fluctuations and minima within natural ranges, appropriate hydrological connections between lagoons and sea, chlorophyll within natural ranges, MRP within natural ranges, DIN within natural ranges, macrophyte colonization to maximum depth of lagoons, maintain number and extent of listed lagoon specialists subject to natural variation, maintain listed lagoon specialists, negative indicator species absent or under control. Large shallow inlets and bays [1160] – Targets and Attributes: Permanent habitat area is stable or increasing. Preserve the community distribution in a natural condition including intertidal sand. Reefs [1170] – Targets and Attributes: Stable distribution of reefs. Permanent habitat area is stable. Conserve the listed reef communities. Perennial vegetation of stony banks [1220] – Targets and Attributes: Habitat area stable or increasing, no decline or change in habitat distribution, maintain the natural circulation of sediment and organic matter without obstructions, maintain the range of coastal habitats, maintain the typical vegetated shingle flora, negative indicator species to represent less than 5% cover. Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] – Attributes and Targets: habitat length stable or increasing, no decline in habitat distribution, no alteration to natural functioning of geomorphological and hydrological processes, maintain range of sea cliff habitation zones, maintain structural variation within sward. Maintain range of sub-communities with typical species listed, negative indicator species to represent less than 5% cover, cover of bracken on grassland and/or heath to be less than 10%. Salicornia and other annuals colonising mud and sand [1310] – Attributes and Targets: Habitat area stable or increasing, no decline in habitat distribution, maintain natural circulation of sediments and organic matter, maintain/restore creek and pan structure, maintain natural tidal regime, maintain the range of coastal habitats, maintain structural variation within sward, maintain more than 90% of area outside creeks vegetated, maintain presence of species poor communities and no significant expansion of common cordgrass.	SAC. Potential for construction projects on other zoned lands in the vicinity to be underway at the same time as the subject proposal.	stored in a bunded zone. Emergency contacts for relevant environmental agencies to be prominently displayed within the site compound. Site personnel training in preventing pollution and mitigation measures for same. Measures to be compiled in a CEMP (see Sections 3.1 and 3.2). Where possible, limit significant earthworks to summer months, silt fencing to be installed around and through the site, drainage ditches to be installed to intercept surface water, any temporary store of soil, hardcore, crushed concrete or similar material will be stored 50m from any surface water drains.	
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Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330] – Attributes and Targets: habitat area stable or increasing, no decline or change in habitat distribution, maintain natural circulation of sediments and organic matter, maintain creek and pan structure, maintain natural tidal regime, maintain range of coastal habitats, maintain structural variation within sward, maintain more than 90% of the saltmarsh area vegetated, maintain range of sub communities and no significant expansion of common cordgrass. Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] – Attributes and Targets: habitat area increasing, no decline or change in habitat distribution, maintain natural circulation of sediments and organic matter, maintain/restore creek and pan structure, maintain natural tidal regime, maintain the range of coastal habitats, maintain structural variation within sward, maintain more than 90% of area outside creeks vegetated, maintain range of sub-communities with typical species listed and no significant expansion of common cordgrass. Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] – Attributes and Targets: habitat area stable or increasing, no decline in habitat distribution, maintain appropriate hydrological regimes, natural tidal regime, appropriate freshwater seepage regimes and substratum should be dominated by the particle size ranges, sufficiently low concentration of nutrients in the water column, typical species of the relevant habitat sub-type should be present and in good condition, area of active floodplain at and upstream of the habitat should be maintained and area of riparian woodland at and upstream of the bryophyte-rich sub type should be maintained. <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] – Attributes and Targets: habitat area stable or increasing, no decline in habitat distribution, broadleaf herb component of vegetation between 40 and 90%, 30-70% of sward between 10 and 80cm high, at least 7 positive indicator species present, no decline in vegetation composition, cover of woody species and bracken not more than 5% cover and not more than 10% bare ground. Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion				
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	incanae, Salicion albae) [91E0] – Attributes and Targets: habitat area stable or increasing, no decline in habitat distribution, woodland area size stable or increasing, woodland structure with relatively closed canopy layer, maintain diversity and extent of woodland structure, seedlings, saplings and pole age classes occur in adequate proportions to ensure survival of woodland canopy, appropriate hydrological regime necessary for maintenance of alluvial vegetation, no decline in woodland structure, vegetation composition, variety of typical native vegetation species present and negative indicator species absent or under control. Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] - Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] – Attributes and Targets: maintain species range with no artificial barriers to site use, critical areas should be maintained in a natural condition and human activities should occur at levels that do not adversely affect the population. Lutra lutra (Otter) [1355] – Attributes and Targets: No significant decline in distribution, in extent of terrestrial habitat, in marine habitat, in freshwater habitat, in couching sites and holts, in fish biomass and no significant increase in barriers to activity.			
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.				
Assessment of issues that could give rise to adverse effects view of conservation objectives				

(i) Water quality degradation

Potential surface water run-off during construction in relation to sediment and small quantities of hydrocarbon residues which could impact on water quality. Surface sewers may act as pathways for pollution to reach the River Fergus and the SAC. Potential for construction projects on other zoned lands in the vicinity to be underway at the same time as the subject proposal.

Mitigation measures and conditions

Best practice pollution control measures during construction to prevent silt, dust and pollutants leaving the site.

(ii) Disturbance of mobile species

N/A – site located some distance from SAC and its mobile species.

Mitigation measures and conditions

N/A

(iii) Spread of invasive species

N/A – none noted following site surveys.

Mitigation measures and conditions

N/A

In-combination effects

I am satisfied that no significant in-combination effect would arise such that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

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

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water, pollutants and dust. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. In combination effects have also been noted and given the mitigation measures proposed I am satisfied that there is no potential for significant effects in this regard.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Lower River Shannon SAC (site code 002165). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lower River Shannon SAC (site code 002165) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of the Lower River Shannon SAC (site code 002165) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the Lower River Shannon SAC (site code 002165) or prevent or delay the restoration of favourable conservation condition for qualifying interests thereof.
- The effectiveness of the mitigation measures proposed and adoption of the CEMP schedule of commitments.
- Application of planning conditions to require the implementation of the NIS mitigation measures in addition to the standard measures incorporated into the scheme such as in relation to SUDS and connection to the Ennis North Wastewater Treatment Plan subject to agreement.

NAME OF SAC/ SPA (SITE CODE): River Fergus Estuaries SPA (site code 004077)

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

- **Water quality degradation (construction)**

See Step 4 on pages 13 and 14

Qualifying Interest features likely to be affected	Conservation Objectives including Targets and attributes	Potential adverse effects	Mitigation measures (summary)
River Fergus Estuaries SPA (site code 004077)	Maintain / restore favourable conservation condition Cormorant (<i>Phalacrocorax carbo</i>) [A017] – Attributes and Targets: No significant decline in breeding population, productivity rate, distribution of breeding colonies, prev biomass available; no significant increase in barriers to connectivity, human activities should occur at levels that do not adversely affect the breeding cormorant population, long-term population trend stable or increasing; no significant decrease in the range, timing or intensity of use of areas by cormorant other than that occurring from natural patterns of variation. Whooper Swan (<i>Cygnus cygnus</i>) [A038] – long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas. Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] – Attributes and Targets: long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas. Shelduck (<i>Tadorna tadorna</i>) [A048] – Attributes and Targets: long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas. Teal (<i>Anas crecca</i>) [A052] – Attributes and Targets: long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas.	There are no habitats on the site that are listed in Annex I of the Habitats Directive. Potential surface water run-off during construction in relation to sediment and small quantities of hydrocarbon residues which could impact on water quality. Surface sewers may acts as pathways for pollution to reach the River Fergus and the SAC. Potential for construction projects on other zoned lands in the vicinity to be underway at the same time as	Best practice pollution control measures including construction to follow guidance from Inland Fisheries Ireland for the protection of fish habitat. Silt trap or settlement pond to be used for water leaving the site to pass through, dangerous substances such as oils and fuels to be stored in a bunded zone. Emergency contacts for relevant environmental agencies to be prominently

Pintail (<i>Anas acuta</i>) [A054] – Attributes and Targets: long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas. Scaup (<i>Aythya marila</i>) [A062] – Attributes and Targets: long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas. Ringed Plover (<i>Charadrius hiaticula</i>) [A137] – Attributes and Targets: long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas. Golden Plover (<i>Pluvialis apricaria</i>) [A140] – Attributes and Targets: long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas. Grey Plover (<i>Pluvialis squatarola</i>) [A141] – Attributes and Targets: long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas. Lapwing (<i>Vanellus vanellus</i>) [A142] – Attributes and Targets: long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas. Knot (<i>Calidris canutus</i>) [A143] – Attributes and Targets: long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas. Dunlin (<i>Calidris alpina</i>) [A149] – Attributes and Targets: long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas. Black-tailed Godwit (<i>Limosa limosa</i>) [A156] – Attributes and Targets: long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas. Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] – Attributes and Targets: long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas. Curlew (<i>Numenius arquata</i>) [A160] – Attributes and Targets: long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas. Redshank (<i>Tringa totanus</i>) [A162] – Attributes and Targets: long-term population trend stable	the subject proposal.	displayed within the site compound. Site personnel training in preventing pollution and mitigation measures for same. Measures to be compiled in a CEMP (see Sections 3.1 and 3.2). Where possible, limit significant earthworks to summer months, silt fencing to be installed around and through the site, drainage ditches to be installed to intercept surface water, any temporary store of soil, hardcore, crushed concrete or similar material will be stored 50m from any surface water drains.
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	or increasing, no significant decrease in the range, timing or intensity of areas. Greenshank (<i>Tringa nebularia</i>) [A164] – Attributes and Targets: long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas. Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] – Attributes and Targets: long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas. Wigeon (<i>Mareca penelope</i>) [A855] – Attributes and Targets: long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas. Shoveler (<i>Spatula clypeata</i>) [A857] – Attributes and Targets: long-term population trend stable or increasing, no significant decrease in the range, timing or intensity of areas. Wetland and Waterbirds [A999] – Attributes and Targets: Permanent area occupied by the wetland should be stable and not significantly less than 32.261ha.		
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The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

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

(i) Water quality degradation

Potential surface water run-off during construction in relation to sediment and small quantities of hydrocarbon residues which could impact on water quality. Surface sewers may acts as pathways for pollution to reach the River Fergus and the SPA. Potential for construction projects on other zoned lands in the vicinity to be underway at the same time as the subject proposal.

Mitigation measures and conditions

Best practice pollution control measures during construction to prevent silt, dust and pollutants leaving the site.

(ii) Disturbance of mobile species

N/A – site located some distance from SPA and its mobile species.

Mitigation measures and conditions

N/A

(iii) Spread of invasive species

N/A – none noted following site surveys.

Mitigation measures and conditions

N/A

In-combination effects

I am satisfied that no significant in-combination effect would arise such that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

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

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water, pollutants and dust. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. In combination effects have also been noted and given the mitigation measures proposed I am satisfied that there is no potential for significant effects in this regard.

Reasonable scientific doubt

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

Site Integrity

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

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the River Fergus Estuaries SPA (site code 004077) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of the River Fergus Estuaries SPA (site code 004077) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the River Fergus Estuaries SPA (site code 004077) or prevent or delay the restoration of favourable conservation condition for qualifying interests thereof.
- The effectiveness of the mitigation measures proposed and adoption of the CEMP schedule of commitments.
- Application of planning conditions to require the implementation of the NIS mitigation measures in addition to the standard measures incorporated into the scheme such as in relation to SUDS and connection to the Ennis North Wastewater Treatment Plant subject to agreement.

Appendix 5 – 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-500892-CE-26	Townland, address	Tobarteascáin, Clonroad More, Ennis, Co. Clare.
Description of project		Construction of 74 residential units and all associated site development works. The application was accompanied by a Natura Impact Statement (NIS).	
Brief site description, relevant to WFD Screening,		The urban site consists of overgrown grass lands surrounded by residential and urban development to the east, south and north and by fields to the west.	
Proposed surface water details		SUDS measures and attenuation tanks proposed as part of the scheme.	
Proposed water supply source & available capacity		Uisce Éireann pre-connection letter submitted. Capacity register notes capacity available.	
Proposed wastewater treatment system & available capacity, other issues		Uisce Éireann pre-connection letter submitted at F.I. stage for connection to the Ennis North WWTP. Capacity register notes available.	
Others?		Applicant submitted a Hydrological and Hydrogeological Assessment, an NIS and AA Screening report, a Site Specific Flood Risk Assessment which noted no significant impacts provided the measures outlined are carried out and this can be conditioned should permission be granted.	

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	Fergus_070 river waterbody (site code IE_SH_27F010780)	Moderate	At risk	Hydromorphological, channelisation and sedimentation with poor invertebrate status and combined sewer overflows	Only via sewer system	Best practice construction measures, pre-connection agreement for wastewater treatment to Ennis North WWTP. Subject to UE Connection agreement. Uisce Éireann capacity register notes available capacity. UÉ are required to adhere to the terms of their discharge licence and the EPA is the relevant regulatory authority. SUDS measures to ensure greenfield flow rates, no pollutants leave the site and attenuation tanks for stormwater.	Yes, no residual impacts.

Yes	Ennis ground waterbody (site code IE_SH_G_080)	Good	At risk	Nutrients from fertilizers and pathogens from livestock waste, combined sewer overflows, surface water run-off picking up pollutants and domestic wastewater treatment systems.	Potential for untreated wastewater to ground, stormwater run-off, drainage. Potential minor reduction in groundwater recharge from SUDS measures.	Best practice construction measures. The scheme incorporates SUDS measures and attenuation tanks which I do not consider to be mitigation measures. Uisce Éireann capacity register notes available capacity. Impact on recharge of the regionally important karst limestone bedrock aquifer would be imperceptible.	Yes, no residual impacts.
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