



An
Coimisiún
Pleanála

Inspector's Report

PL-501515-CE-26

Development

Retention of variations and modifications to granted permission P17-18 and all associated ancillary site works, including (a) variations to the building elevations and site boundaries, (b) the existing use of the building as a workshop for servicing/repair of vehicles and plant hire machinery and for storage of plant and machinery, and the existing use of the site for the storage of plant and machinery and associated site cabins, (c) Hardstanding / concrete and gravel surfaced yard areas for the storage and associated use of plant and machinery, (d) 2 no. storage containers, (e) temporary portaloo, (f) retention of the existing entrance and access from the public road, (g) Provision of secure boundary treatment, screening and all associated works, (h) provision/retention of a petrol interceptor, surface water drainage/attenuation works, connection to water supply.

Location	Lismulbredda, Darragh, Ennis, Co. Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	2660185
Applicant(s)	Atlantic Plant Hire & Contract Crushing Limited
Type of Application	Retention
Planning Authority Decision	Grant Retention with Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Miceal & Brigid Neylon
Observer(s)	None
Date of Site Inspection	4 th August 2026
Inspector	Carol Hurley

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1.0 Site Location and Description

- 1.1. The subject site is located at Lismulbredda, Darragh, Ennis, Co. Clare and has a stated area of 1.514 hectares. The site is located c. 12.4km to the southwest of Ennis.
- 1.2. The site can be accessed off the N68 via a recently completed link road serving the existing Vehicle Test Centre, quarry and Clare County Council Depot which are located to the east and west of the subject site respectively.
- 1.3. The road serving the site rises upwards in a north-westerly direction. The entrance to the site off the public road is at an elevated position relative to the remainder of the site. The lands serving the entrance to the quarry and council depot are positioned at a much higher level than the subject site.
- 1.4. Save for the existing commercial activities of the subject site and adjacent two sites, the surrounding area can be characterised as being rural in nature with dispersed residential properties.
- 1.5. Within the site itself, there is an existing shed structure which is finished in a corrugated steel and the main elevation addresses the northeastern boundary of the site.
- 1.6. There is heavy machinery stored to the northwestern, eastern and southeastern parts of the site.
- 1.7. The newly completed link road has resulted in the original circuitous road layout being terminated to the northeast of the vehicle test centre, although this has not occurred formally.
- 1.8. At the time of my site visit, in the early afternoon, most of the traffic I witnessed using the road was in connection with the quarry and consisted of tipper type trucks. During my visit to the subject site, there was one truck in the shed on the site undergoing maintenance and save for one jeep accessing the site no other vehicles entered the site. I observed noise associated with trucks reversing emanating from the vehicle test centre site to the northeast.
- 1.9. There is a dwelling under construction/renovation to the southeast (front) of the subject site which is within the blue line of ownership. On the northeastern boundary of this site there was a ditch with a modest amount of water present.

2.0 Development Seeking Permission /Retention

2.1. As set out in the statutory notices, the development is indicated to consist of;

(a) Variations and modifications to the building elevations and site boundaries as granted permission under P17-18

I note the amendments to the elevations are;

- Reduction in number of roller shutter doors on the east elevation.
- Provision of 1 additional pedestrian access door on the eastern elevation.
- The relocation of a roller shutter door on the southern elevation to the western side of the elevation.
- Provision of 1 pedestrian access door on the north elevation.
- Reduction in height of the principal height.
- Modest increase in the overall length of the structure (east west)

I note that the amendments to the site boundaries are;

- The red line has been extended to the southeast providing for the access roadway off the public road.
- The extension of the red line to the northwest (side) and southwest (rear) of the site.
- The previously permitted (PA Ref. 17/18) red line extending to the northwest which included the existing 300mm storm land drain is not included within the current red line of the subject development.

(b) The existing use of the building as a workshop for servicing /repair of vehicles and plant hire machinery and for the storage of plant and machinery, and the existing use of the site for the storage of plant and machinery and associated site cabins.

(c) Hardstanding / concrete and gravel surfaced yard areas for the storage and associated use of plant and machinery.

(d) 2 no. storage containers.

- (e) Temporary Portaloo.
- (f) Retention of the existing entrance and access road from the public road.
- (g) Provision of secure boundary treatment, screening and all associated works.
- (h) Provision /retention of a petrol interceptor, surface water drainage/attenuation works, connection to a water supply and all associated ancillary site works.

The following documentation was received with the application by Clare County Council on the 25th of March 2026 along with standard drawings;

- Planning Statement
- Letter of consent from Oliver Haugh, owner of part of the lands.

Unsolicited additional information was received by the Planning Authority on the 27th of April 2026 and included;

- Planning Statement
- Automatic Traffic Count (ATC) survey prepared by IDASO Innovative Data Solutions.
- Environmental Noise and Air Quality (Dust) monitoring Survey prepared by NVM Ltd.

3.0 Planning Authority Decision

3.1. Decision

Clare County Council issued a notification of a decision to grant permission on the 19th of May 2026. Subject to seven conditions.

3.1.1. Condition included;

- Condition No. 1 – development to be in accordance with the plans and particulars received by the Planning Authority on 25th of March 2026.
- Condition No. 2 – Grant of retention permission is for a period of three years from the date of this permission.
- Condition No. 3 – External finishes.

- Condition No. 4 – Public service cables to be located underground throughout the site.
- Condition No. 5 – Surface water generated on site to be collected and disposed of within the curtilage of the site.
- Condition No. 6 – Landscaping requirements, to be implemented not later than the first planting season after this grant of retention permission.
- Condition No. 7 – Financial contribution under Section 48 of the Planning and Development Act 2000, as amended.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the site description, the description of the development, the proposed services, the relevant zoning and policy, planning history and enforcement, technical reports, summary of third-party submissions, environment assessments.

The assessment concluded that the principle of the development would be acceptable on a temporary basis with no undue impact to traffic, visual or residential amenities of the area. The provision of on-site Portaloo's was considered appropriate for a temporary use.

3.2.2. Other Technical Reports

Report from West Clare Municipal District in respect of Traffic and Safety

- All businesses located near the Cliff Quarry generate traffic movements involving large HGV's.
- The development if granted will not generate any additional traffic movements given the retention nature of the application.
- The original permission granted an agricultural shed, therefore the application if granted would generate significant additional traffic movements over and above the authorised permission.

- The newly constructed road (L-42242) will allow for the safe movement of HGV's from the N68 to the site. This road has been taken in charge by Clare County Council and is a public road.
- The public road network in the area has the capacity to cater for the HGV traffic likely to be generated by this application.
- No objection raised subject to a condition in relation to surface water.

3.3. **Prescribed Bodies**

Clare County Council referred the planning application to the Department of Housing Local Government and Heritage; no response was received.

3.4. **Third Party Observations**

The Planning Authority received one submission in relation to the development. This can be summarised as follows;

- Intensification of uses in the area.
- Traffic generation and safety
- Impact to amenity, such as nocturnal movement, light intrusion, noise and environment
- Not in favour of further intensification of development that do not fit with the rural setting.
- Developments of this kind belong in an industrial zone.
- Devaluation of property.
- Concerns regarding unauthorised development and associated enforcement.

4.0 **Planning History**

Enforcement

PA Ref. UD21-06 – relates to the non-compliance with Condition No.'s 1,2,3 and 4 of permission PA Ref. 17-18.

Subject site

PA Ref. 1718 – Permission granted to Oliver Haugh on the 15th of April 2017 for the retention of existing concrete strip foundations, hard-core area and associated drainage and permission to complete an agricultural development consisting of a machinery / hay storage shed with associated site works.

Condition No. 4

Clean surface water and runoff from roofs shall be collected and directed to the nearest watercourse but shall not be allowed to flow onto any roadway or discharge to soiled water / slurry/ effluent storage areas.

Reason: In the interest of public health.

Lands to the east occupied by the Ennis Vehicle Test Centre

PA Ref. 081895 – Permission granted to Haugh Haulage on the 26th of April 2009 for the construction of a truck workshop, office, car parking, ancillary site works, connection to Lisseycasey Group Water Scheme and provision of a proprietary wastewater treatment system.

Condition No. 2 of the grant of permission specified that the development shall be for the purposes of a truck workshop only and that the site shall not be used as a truck depot.

Opening hours were restricted to 0800-1800 Monday – Saturday.

PA Ref. 09787 – Permission granted to Oliver Haugh on the 18th of October 2009 for the construction of an extension to the previously approved truck workshop for the purposes of vehicle test centre.

Opening hours were restricted to 0800 – 1800 Monday – Saturday.

ABP-317786-23 (PA Ref. 2360016) Permission refused to Ennis Vehicle Centre Limited on the 7th of August 2024 to modify and construct an extension to existing vehicle testing centre and install new sewerage treatment system / percolation area on enlarged site.

The reason for refusal related to the intensification of use to accommodate the LCV testing evidenced in the traffic movements submitted, the extension to the vehicle test centre, taken together with the size and nature of the existing facility would not be of

a scale appropriate to the rural area. The development would be contrary to CDP 14.3 which seeks to permit development in the Western Corridor Working Landscape that will sustain economic activity and enhance social wellbeing and quality of life.

PL-500812-CE-26 (PA Ref. 2560715) Permission granted to Ennis Vehicle Centre Limited on the 22nd of June 2026 for the reconfiguration and change of use of existing workshop building to accommodate updated HCV and LCV testing arrangements and machinery storage, (b) minor alteration/extension to entrance of HCV testing area, (c) provision of additional entrance/exit doors, (d) change of use of existing canteen to customer waiting area, (e) retention of and continuation of established vehicle testing operations (HCV and LCV) within existing facility, and (D landscaping, delineated parking spaces and ancillary site works.

Lands to the northeast (rear of the Ennis Vehicle Test Centre)

PA. Ref. 2560729 – Permission refused on the 29th of January 2026 for the retention of plant, machinery and materials storage yard which includes hardcore base, storage containers and fencing and permission to replace part of the existing fencing and gate and for the provision of all ancillary site works. The applicant was ML & S Boland Civil Engineering Limited.

The first reason for refusal sets out that the applicant had not demonstrated tangible locational links to this specific rural area or sufficient justification as to why this proposal for a plant and machinery storage yard could not be accommodated on more appropriately zoned lands closer to the edge of the settlement of Ennis. The development was not considered to be of a scale appropriate to this rural area and would injure the visual amenities of the area and the character.

The second reason for refusal relates to the lack of information to demonstrate that the proposed additional vehicular movements in conjunction with the movements associated with other developments in the vicinity would not result in a cumulative adverse impact on the existing residential amenities within this rural area by reason of increased vehicular movements, noise and dust generation.

PL03.323503 (PA Ref. 2460591) Permission for retention refused for plant and machinery storage yard and all associated site works on the 17th of December 2025. The applicant was Neville Civil Works Limited.

The first reason for refusal set out that the applicant had not demonstrated tangible locational links to this specific rural area or sufficient justification as to why this proposal, for a storage yard for the storage of gravel, sand manhole covers and safety bollards associated with construction sites, could not be accommodated on more appropriately zoned land closer to/edge of the settlement of Ennis. The scale of the development was not considered to be appropriate to a rural area

The second reason for refusal set out that the applicant had not demonstrated that additional vehicular movements in conjunction with those movements associated with the Ennis Vehicle Test Centre, as permitted and other vehicular movements in the wider area would not result in a cumulative adverse impact on existing residential amenities by reason of increased vehicular movements, noise, dust generation or result in a significant intensification of movements at the existing access onto the N68, contrary to CDP 11.3 of the Clare County Development Plan.

PL03.323502 (PA Ref. 2460592) Permission for retention refused for plant and machinery storage yard and all associated site works on the 17th of December 2025. The applicant was McGolgan Concrete Limited.

The first reason for refusal set out that the applicant had not demonstrated a tangible locational link to the specific rural area or sufficient justification as to why this proposal for machinery and plant storage associated with a floor screeding business could not be accommodated on more appropriately zoned land closer to the edge of the settlement of Ennis. The scale of the development was not considered to be appropriate to a rural area.

The second reason for refusal set out that the applicant had not demonstrated that additional vehicular movements in conjunction with those movements associated with the Ennis Vehicle Test Centre, as permitted and other vehicular movements in the wider area would not result in a cumulative adverse impact on existing residential amenities by reason of increased vehicular movements, noise, dust generation or result in a significant intensification of movements at the existing access onto the N68, contrary to CDP 11.3 of the Clare County Development Plan.

Lands to the northeast (beyond the adjacent Vehicle Test Centre)

PA Ref. 16122 – Permission and Retention granted to Dermot Custy on the 2nd of July 2016 for the altered site entrance, gravel road and yard and the construction of a new storage shed, boundary wall and the reinstatement of the existing site entrance.

The grant of permission restricted the use of the shed for storage purposes and that the outdoor area shall only be used for the storage of vehicles, plant and machinery and shall not be for use for the purposes of storing construction materials.

New Road

PL03.314009 (PA Ref. 21598) Permission granted to Ennis Vehicle Centre limited on the 3rd of October 2023 for the retention and completion of the road.

Lands to the southwest

PA Ref. 25252 – Permission granted to OMH Farming Ltd on the 7th of January 2026 for the construction of a six-bay slurry storage tank on the lands.

5.0 Policy Context

5.1 Development Plan

Clare County Development Plan 2023-2029

The Clare County Development Plan 2023-2029 as varied is the operative plan for the area. The plan came into effect on the 20th of April 2023.

CDP 2.11 Storm Water Management

It is an objective of Clare County Council:

a) To ensure that adequate storm water infrastructure is in place to accommodate the planned level of growth in the plan area;

b) To require all new developments to provide a separate foul and surface water drainage system;

c) To ensure the implementation of Sustainable urban Drainage Systems (SuDS) and in particular, to ensure that all storm water generated in a new development is disposed of on-site or is attenuated and treated prior to discharge to an approved storm water system; and.

d) To request the submission of details regarding Surface Water Attenuation Systems that take account of the potential future impact of climate change for multi-unit development applications in the plan area. Development will only be permitted in areas where sufficient surface water capacity exists.

Section 6.15 Availability of Land and Infrastructure

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

Section 6.21 Rural Enterprise

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

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

CDP 11.13 – Direct Access onto National Roads

It is an objective of Clare County Council:

- a) To safeguard the safety, efficiency and carrying capacity of national primary and secondary roads, including associated national road junctions, within the county in line with national policy;
- b) To restrict individual accesses, and the intensification of existing access, onto national roads in order to protect the substantial investment in the national road

network, to improve carrying capacity, efficiency and safety, and to prevent the premature obsolescence of the network;

c) To assess development proposals requiring direct access onto the national road network having regard to the criteria set out in Section 11.2.9.3; and,

d) To subject any proposals for greenways, new routes and trails to screening for appropriate assessment and an ecological impact assessment where appropriate to ensure that the design and operation of the proposal is in full compliance with the EU Habitats Directive.

Section 11.4.4 Storm Water Management

... Storm water increases significantly as a result of developments where permeable surfaces (vegetation and soil) are replaced by impermeable surfaces (car parks, roads, driveways and roofs)... All new development throughout the county will be required to minimise surface water discharge through on-site systems such as Sustainable Drainage Systems (SuDS). Development proposals are required to demonstrate the use of SuDS mechanisms and must be accompanied by a comprehensive SuDS assessment to demonstrate run off quantity, quality, and an assessment on the potential impacts on habitats and water quality.

CDP 14.3 Western Corridor Working Landscape

It is an objective of Clare County Council:

a) To permit development in these areas that will sustain economic activity, and enhance social well-being and quality of life - subject to conformity with all other relevant provisions of the plan and the availability and protection of resources;

b) To ensure that selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design, are directed towards minimising visual impact;

c) To ensure that particular regard should be had to avoiding intrusions on scenic routes and on ridges or shorelines. Developments in these areas will be required to demonstrate:

I. That the site has been selected to avoid visual prominence

II. That site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, public amenities and roads;

III. That design of buildings and structures reduces visual impact through careful choice of form, finishes and colours and that any site works seek to reduce the visual impact of the development.

Appendix 1

A1.5 Sustainable Urban Drainage Schemes (SuDS)

...SuDS can remove pollutants from urban run-off at source, can control surface water run-off from developments and can ensure flood risk does not increase elsewhere as a result of a proposed development... The Planning Authority will require development proposals to minimise 'soil sealing' (the covering of ground by impermeable material) and all new developments (including amendments/extensions to existing developments) will be required to incorporate SuDS.

Map C – Landscape Designations, the site is located within a 'Working landscape'

Map D – Areas of Special Control, the site is located within an area of 'Strong Urban Influence'

Archaeology - CL041-093- Ringfort-rath – located to the southeast of the subject site.

5.3 National Guidance

Section 28 Guidelines

Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012), Environment, Community and Local Government

Section 2.5 Required Development Plan Policy on Access to National Roads

With regard to access to national roads, all development plans and any relevant local area plan must implement the policy approaches outlined below;

Lands adjoining National Roads to which speed limits greater than 60kmh apply: The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

Section 7.5 Temporary Permissions

In deciding whether a temporary permission, which can apply to a particular structure or use, is appropriate, three main factors should be taken into account.

First, the grant of a temporary permission will rarely be justified where an applicant wishes to carry out development of a permanent nature that conforms with the provisions of the development plan.

Secondly, it is undesirable to impose a condition involving the removal or demolition of a structure that is clearly intended to be permanent.

Lastly, it must be remembered that the material considerations to which regard must be had in dealing with applications are not limited or made different by a decision to make the permission a temporary one.

Thus, the reason for a temporary permission can never be that a time limit is necessary because of the adverse effect of the development on the amenities of the area. If the amenities will certainly be affected by the development they can only be safeguarded by ensuring that it does not take place.

5.4 Natural Heritage Designations

The subject site is not located within or immediately adjacent to any European Site or other Natural Heritage Site.

The site is located c. 5km to the northwest of Fergus Estuary and Inner Shannon Northshore, pNHA (002048), c. 4.6km to the northeast of Lough Acrow Bogs, NHA (002421) and c. 5.2km to the southwest of Newhall and Edenvale Complex, pNHA (002091).

The site is located c. 2.3km to the northwest of the Special Area of Conservation for Knockanira House (002318), c.5km to the northwest of the Special Area of Conservation for Lower River Shannon (002165) and c. 5.2km to the southwest of the Special Protection Area for Newhall and Edenvale Complex (002091) and c. 5.1km to the northwest of the Special Protection Area for River Shannon and River Fergus Estuaries (004077).

6.0 EIA Screening

The 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 of characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The Commission received a third-party appeal against the decision of Clare County Council on the 10th of June 2026.

The appeal, as it relates to the issues of proper planning and sustainable development can be summarised as follows;

Traffic

- The traffic survey was submitted later. The 3rd party was not aware that a survey was being undertaken.
- Submits that surveys can be manipulated, and this should be taken into consideration.
- The road (L4224) had no traffic issues prior to any developments.
- There are hundreds of vehicle movements daily on the L4224.
- Traffic travels in fast manner and the 60 km/hr speed limit are not adhered to.
- The new road is not wide enough for two trucks to pass with ease.

Amenity

- The area was rural and quiet when the 3rd party built their house.

- Cumulative effect of vehicular movements and nuisance, noise, dust, stress, anxiety and damage to property arising from unauthorised development has impacted upon residential amenity.
- No historical noise or nuisance.
- Early morning traffic movements, example provided of trucks being loaded at 0605am with stone and noise of reversing warning arising from an unauthorised development.
- Nighttime traffic associated with the subject site, as witnessed by the 3rd party.
- Hours of operation are not reflected in a condition associated with the subject permission.
- Overbearing light spill from external lighting.

Use

- The original development as approved was for the storage of hay and farm machinery.
- The farming activities are now originating from the vehicle test centre and therefore generates additional traffic.
- Temporary permission is not appropriate.

Character of the Area

- Concerns regarding the change in the nature of the area from a rural lane to one with unauthorised development and becoming industrialised.
- Does not consider that the landscaping requirements of Condition No. 6 are sufficient to address the protection of the character of the area.

Enforcement

- Notes the references in the Planners report to the numerous ongoing enforcement notices and queries why is no enforcement taking place?

Other Issues

- 3rd party refers to information and statements contained in previous applications contended to have been made by the 3rd party which is not case. The 3rd party acknowledges that this is not relevant to the subject appeal.

7.2. Applicant Response

The Commission received a response from P.Coleman and Associates on behalf of the applicant on the 8th of July 2026.

The response can be summarised as follows;

- Requests that should An Coimisiún Pleanála consider that the use is acceptable, that consideration be given to granting the permanent retention permission as originally applied for.
- Contends that a significant proportion of the appeal does not relate to the planning merits of the proposed development.
- Much of the appeal relates to enforcement matters, alleged unauthorised development on other lands, historical planning applications, speculation regarding future development, all of which fall outside the scope of the current application.
- The appeal also questions the reliability of certain technical reports. No evidence has been provided to support any suggestions that the reports were manipulated.

Proposed Development and Character of the Area

- The references to the area becoming industrialised does not accurately reflect the nature of the proposed development or the character of the area.
- The subject site operates as an operational support facility for an established plant hire and contract crushing business where plant and machinery are stored and routine servicing and repair are undertaken.
- The site is not a manufacturing facility.
- Most of the works take place on construction sites throughout the country.

- The immediate area has for many years comprised of a working rural area containing a mix of commercial, employment, extractive, agricultural and residential uses.
- The area cannot be reasonably described as being a quiet rural area.
- The surrounding uses include;
 - Former Cliff Quarry
 - Clare County Council Depot
 - Ennis Vehicle Test Centre
 - Atlantic Plant Hire
 - Custy's Contractors Compound
- The road network reflects the established pattern of development in the area, primarily serving the former Cliff Quarry, the Clare County Council Depot and the established commercial uses with a limited number of residential properties. The road is not a through road.
- Permission was granted on appeal by the then An Bord Pleanála (now An Coimisiún Pleanála) for the new access road connecting the businesses with the N68. This road is operational and has been taken in charge by Clare County Council.

Principle of the Development

- The planning statement accompanying the application addressed the operational requirement of the business having regard to Sections 6.15 and 6.21 of the Clare County Development Plan.
- This business requires extensive external storage areas for plant and machinery together with sufficient space to manoeuvre large items of equipment, accommodate low loaders and HGVs. The business requires a building capable of facilitating routine servicing.
- The operational requirements of this business are materially different from many businesses typically located within industrial estates.

- The Planning Statement outlined efforts made by the applicant to identify an alternative site. No suitable alternative site was identified.
- Locating the business within a conventional industrial estate would increase the interactions between heavy plant, HGV's, pedestrians, school traffic and general traffic.
- In granting permission for the new road, An Bord Pleanála, now An Coimisiún Pleanála accepted the provision of improved infrastructure serving the established commercial uses.
- The assessment of the development associated with the adjacent site (PL-500812-CE-26) also considered the established commercial character of the area and the operational requirements of the business and the availability of alternative sites.
- Clare County Council accepted the principle of the development at this location having regard to the established nature of the business, operational requirements of the enterprise, planning history and the relevant provisions of the Clare County Development Plan.

Traffic and Access

- In terms of traffic concerns, the report from West Clare Municipal District confirmed that the local road network has the capacity to accommodate the traffic associated with the subject development.
- An Coimisiún Pleanála previously considered that the cumulative traffic associated with the established commercial uses in the area as part of the assessment for the proposed road. It was concluded that the proposed road would safely accommodate the predicated traffic volumes and would provide a safer route for commercial traffic.
- The subject use is not a haulage depot, freight distribution centre or transport yard. Traffic generated by the subject use is relatively modest.
- A typical working day would see approximately 4 vans collecting parts together with an occasional low loader or truck delivering or collecting machinery for servicing or repair.

- Repair and maintenance are generally carried out within the building.
- Normal operational hours are generally 7am – 6pm, Monday to Friday. Emergency callouts occasionally arise outside of these hours but do not form part of the normal day to day operation of the business.
- The traffic survey undertaken by an independent specialist provides an objective record of traffic and vehicle speeds.
- The survey confirms that traffic volumes remain relatively low and that traffic is distributed throughout the normal working day.
- The findings are generally consistent with the Traffic and Transport Assessment prepared and submitted in support of ABP-314009-22.
- The appellant has not provided technical or objective evidence to the contrary.

Residential Amenity

- The appellant's dwelling is located c. 500m to the southeast of the subject site, which is an important consideration in assessing the potential impact upon residential amenity.
- The nature of the activity being carried out is also important in this regard.
- There is no retail element or public access to the site.
- Noise and dust monitoring was undertaken which concluded that the existing operation does not give rise to unacceptable environmental impacts.

Visual Amenity

- The appellants raise concerns regarding visual amenity and in particular external lighting.
- The existing building is not a new building, and the subject application is primarily concerned with the retention of the change of use together with associated site works and minor alterations. The principle, scale and appearance of the building have therefore already been accepted.
- Under the subject application, Clare County Council considered the topography of the lands which aids in integrating the development.

- Landscaping could be secured through condition, and the proposed development would not materially affect the rural landscape character.
- In respect of external lighting, it is submitted that most works are carried out within the existing shed and external lighting is only used during the darker months during normal working hours.
- By virtue of the separation distance to the appellants dwelling, it is contended that limited use of external lighting would not give rise to the level of impact described in the appeal.

Public Health

- The appellants did not raise any planning related public health issues arising from the subject development.
- The appellants attribute a range of personal health issues to the operation of the site.
- No objective evidence has submitted to demonstrate any causal link between the proposed development and the health impacts alleged.
- The independent environmental noise and air quality monitoring undertaken in support of the development confirmed existing operation was within acceptable environmental limits.

7.3. Planning Authority Response

By letter dated 17th of June 2026, Clare County Council set out the following;

- Notes the contents of the third-party appeal.
- The planning report sets out the issues considered in the assessment in addition to the planning history of the site and the adjoining lands.
- A temporary grant of permission for a period of three years was considered to be appropriate to effectively allow the applicants more time to source suitable lands for their enterprise.

7.4. Observations

None

7.5. Further Responses

None

8.0 Assessment

8.1. Introduction

Having examined the application details and all other documentation on file, including the third-party appeal, the first party response to the appeal, the Planning Authority response to the third party appeal, the reports of the Local Authority, having visited the site and having regard to the relevant policies and objectives, I consider that the substantive issues in this appeal to be considered are as follows;

- Principle of the Development and Temporary Permission
- Scope of Development
- Residential and Visual Amenity
- Traffic and Access
- Foul Water Treatment
- Surface Water Management (New Issue)
- Other Issues

8.2. Principle of the Development and Temporary Permission

8.2.1. The subject site is located within an area of unzoned lands situated c. 12.5km to the southwest of the town of Ennis. The site is located within a designated rural area under strong urban influence and also within a designated 'Working Landscape'. Section 6.15 and Section 6.21 of the Clare County Development Plan specifically refer to rural enterprise.

8.2.2. I also note the established uses to the southwest and northeast of the site, namely the quarry and Clare County Council Depot and Ennis Vehicle Testing Centre.

- 8.2.3. Section 6.15 and 6.21 of the Development Plan set out that consideration can be given to commercial / industrial development on a case-by-case basis.

I refer to Section 6.15 of the Clare County Development Plan which sets out that where proposals arise for new employment and enterprise development in the open countryside, consideration of the use can be given having regard to certain criteria such as strong locational factors that would make the location of the use in towns and villages undesirable. Section 6.21 also requires evidence that the enterprise would not be viable on other industrial or commercially zoned lands within the towns and villages nearby.

- 8.2.4. As part of the applicants Planning Support Statement which accompanied the application, the applicant sets out that there are clear locational factors which support the continued use of the site for this type of activity. It is stated that plant hire operations require substantial yard space for the storage and manoeuvring of large machinery, together with access to a suitably sized building for essential repair works. The applicant contends that these requirements are not easily accommodated within the built-up urban area or traditional industrial estates. The applicant also submits that the routing of heavy machinery through built up areas would be undesirable for both traffic safety and amenity perspectives. The locational factor is justified in terms of practicalities, and the subject site provides the operational characteristics necessary for the functioning of the business.
- 8.2.5. It is stated that the applicant has actively explored alternative options for the relocation of the business, which included contact with auctioneers and direct approaches to landowners which yielded no results.
- 8.2.6. The applicant also submits that the new access road permitted under ABP-314009-22 acknowledged the road would provide safety for vehicular movements.
- 8.2.7. Having reviewed the accompanying information and following site visit, I am satisfied that the subject use is one that is space intensive rather than user intensive. Furthermore, having regard to the limited number of employees at the site daily and the scale and operations of the adjacent established land uses, I am satisfied that in this instance the subject use is of a scale appropriate to the rural area.
- 8.2.8. Section 14.3.2 'Living Landscape Types' describes the 'Working Landscape' as being intensively settled and developed areas within settled landscapes or areas with a

unique natural resource'. Section 14.3.2.2 'Working Landscapes' describes these landscapes as being the areas within 'Settled Landscapes' that contains pockets of concentrated development or a unique natural resource. The subject site is located within the Western Corridor Working Landscape. The development does not introduce an isolated or sporadic commercial use into an otherwise undeveloped rural area. I note the appellants concerns regarding the changing character of the rural lane. I acknowledge the concerns raised however having regard to the surrounding planning history, I submit that the area has comprised a working rural area for some time. In this regard I consider the development is consistent with the established character and does give rise to an undue intensification of the site.

- 8.2.9. I consider that the use is appropriate for the location and being cognisant of the recently completed road would be a sustainable form of development. Objective CDP14.3 also refers to social well-being and quality of life which I will consider within Section 8.3
- 8.2.10. Having visited the site, I am satisfied that the nature of the development is consistent with the established pattern of development within this cluster and would be consistent with Section 6.15, 6.21 and Objective CDP14.3 of the Development Plan. The principle of the development is acceptable subject to further consideration of the development in relation to amenity, transport, water services infrastructure and environmental assessments.
- 8.2.11. The assessment of the Planning Authority considered that the development would be acceptable in principle based on the information received, the rural location of the development and the restrictions for the development to be accommodated within an existing industrial area or on appropriately zoned lands for a temporary period of three years only. This is reflected in Condition No.2 of the Planning Authority's decision. The Planning Authority contended that this would afford the applicant an opportunity to relocate the activities on the site to an alternative location accordingly.
- 8.2.12. I note that the applicants did not lodge a first party appeal against Condition No. 2. Within the First Party Response to the Third-Party Appeal, the applicant accepts the decision of Clare County Council which enables the continued operation of the business, but the preference would be for the permanent retention.

- 8.2.13. From review of the Planning Authority's assessment, the assessment considered the integration of the development in terms of visual and residential amenity in addition to traffic and transport. The temporary permission was considered necessary as the development is not on specific zoned lands and the provision of temporary wastewater treatment.
- 8.2.14. I refer to the Development Management Guidelines and Section 7.5 'Temporary Permissions'. It is set out that '...the grant of a temporary permission will be rarely justified where an applicant wishes to carry out development of a permanent nature that conforms with the provisions of the development plan'.
- 8.2.15. The applicant did not seek a temporary permission in the first instance. While I acknowledge that the site is not zoned, I submit that the provisions of the Development Plan specifically provide for new employment and enterprise development (*commercial/industrial related facilities and associated support services*) in the open countryside.
- 8.2.16. As noted above, I have considered the nature of the development in accordance with Section 6.15, Section 6.21 and the sites location within the designated 'Working Landscape'. The wording of the policy contained within Section 6.15 and Section 6.21 does not specifically refer to the need to apply temporary permissions to developments approved. I am satisfied that the nature of the use is acceptable in accordance with the provisions of the Development Plan and in this regard, I do not consider that the imposition of a temporary permission is appropriate.
- 8.2.17. In this regard, in the event of a grant of permission I suggest that permanent permission be granted and the requirements of Condition No. 2 of the Planning Authority be set aside.

8.3. Scope of Development

- 8.3.1. I refer to the development description as set out in the statutory notices. I note that the applicant is seeking permission and retention. I submit that the development description is not explicitly clear in terms of the items seeking permission and those seeking retention.
- 8.3.2. From review of the plans and undertaking a site visit I note that the elements seeking retention relate to the variations and modifications to the building elevations, site

boundaries, the use of the building as a workshop and storage of plant/machinery and the use of the site for the storage of plant /machinery and site cabins, hardstanding/ concrete and gravel surfaced yard area for storage and associated use of plant and machinery, 2 no. storage containers, temporary portaloo, the existing entrance and access road from the public road and the provision of a petrol interceptor, surface water drainage/attenuation works.

8.3.3. I note that the boundary treatment in terms of indicated fencing and screening has not been undertaken.

8.3.4. The site layout plan accompanying the application specifically indicates the area of concrete hardstanding being to the front (northeast) and side (southeast) of the building. At time of site visit, I observed an additional area of concrete hardstanding located to the northwestern side of the building, where the drainage works are indicated. The site layout plan indicates this area as being in gravel. I set this out for the purposes of clarity.

8.4. Residential and Visual Amenity

8.4.1. I acknowledge the concerns raised in relation to the impacts upon amenity of the 3rd party.

8.4.2. The 3rd party sets out the concerns raised in relation to the traffic generation and the impact on their ability to enjoy their home.

8.4.3. I refer to the recently completed road which connects the subject site to the junction with the N68 and removes the need to negotiate the circuitous element of the original layout. This road provides a shorter and straighter access to the site rather than the original narrow and circuitous road.

8.4.4. The side elevation of the 3rd party's dwelling is c. 45m set-back from the northern side of the recently completed road. I would submit that prior to the construction of the new road all traffic associated with the commercial uses to the northwest would have been routed by the residential dwellings. At the time of my site visit, I observed trucks using the new road. I also note that the original road layout has been informally closed off and it would not appear that trucks utilise the original layout in preference to the direct straight line of the new road layout. During the time of my visit, the traffic I observed using the road was not associated with the subject site. I did hear noise consistent

with reversing warning sound however there was no such vehicular movement with the subject site.

- 8.4.5. The applicant lodged a Traffic Assessment as part of an unsolicited further information submission to the Planning Authority. This was undertaken by suitably qualified persons. The result of the traffic survey indicates that the actual level of HGV activity on the road network is modest.
- 8.4.6. I consider that the provision of the new road layout when considered with the results of the traffic survey ameliorates for undue impacts experienced by the adjacent residential properties associated with vehicular activity accessing the subject site and adjacent commercial uses.
- 8.4.7. The appellant also refers to nuisance noise and dust as an impact which has been experienced. As part of the unsolicited further information submission to the Planning Authority, the applicant also lodged an Environmental Noise and Dust Assessment Report which was prepared by NVM Environmental and Structural Monitoring. In respect of noise, the report sought to establish whether the newly completed road was contributing to excessive noise levels since its development. The report concluded that the noise from the direction of the N68 road was the dominant audible noise source. I am satisfied that the report has been undertaken in an appropriate manner. The 3rd party has not provided technical evidence to the contrary.
- 8.4.8. In respect of air quality, the report did not conclude any detrimental impacts. I acknowledge the 3rd party concerns in relation to dust as a nuisance, however I would submit that the use on the subject site is not one that would generate significant levels of dust. Furthermore, I note that the applicant has stated that most of the works undertaken are carried out internally within the building. The appellant has not provided technical evidence to demonstrate such impacts associated with dust.
- 8.4.9. The appellant explicitly refers to an instance of nuisance at an early hour on a morning in June. Having regard to the activity described, it does not appear that this instance arose from the subject site and therefore, I consider this outside the scope of the appeal.
- 8.4.10. The applicants Planning Support Statement submits that normal operational hours are generally 7am – 6pm Monday to Friday with occasional emergency call outs which are stated not to be routine. I note that Condition No. 8 associated with PL-500812-CE-26

(Ennis Vehicle Test Centre) sets out operational hours to be 8am-6pm Monday to Friday and 8am -1pm on Saturdays only. In the event of a grant of permission I would be satisfied with the applicants submitted hours of operation, notably the hour earlier than the adjacent site regard being had to the subject use not having any public access.

- 8.4.11. I am satisfied that by virtue of a condition setting out the operational hours, the separation distance to adjacent properties and the new road layout, the use on the subject site does not give rise to undue impact to the residential amenities of the appellant or present as a bad neighbour and as such would not be contrary to CDP14.3 of the Clare County Development Plan in relation to social well-being.
- 8.4.12. In terms of visual amenity, concern has been raised in relation to the impact of overbearing light from external lighting associated with the subject site.
- 8.4.13. I note within the applicants planning statement that it is set out there are no outside lights. The third party has provided photographic evidence, taken from the N68 of external lighting in use. At the time of site visit I did observe approximately nine (9) façade mounted lights on all elevations. One of these lights was also powered on at the time of my site visit. I refer to the development description which seeks variations and modifications to the building elevations.
- 8.4.14. I refer to the 1st party response to the 3rd party appeal which further sets out that most works are undertaken within the existing shed and that external lighting is only used during the darker months, during normal working hours, where required.
- 8.4.15. I note the concerns raised by the appellant in this regard. I acknowledge that while external lighting is visible at nighttime I have also considered the orientation of the subject building and the subsequent relationship with the residential properties to the northeast, northwest and southeast. The site does not immediately adjoin any residential properties and in this regard, I am satisfied that the separation distance is sufficient to ameliorate for undue impact. I also contend that there is substantial tree and hedge cover to the west of the appellants dwelling which would ameliorate for undue impact arising from the lights visible from the subject site.
- 8.4.16. The applicant has stated that the external lighting is only used during the darker months during normal working hours, where required. As I have previously set out in

section 8.4.10 a condition setting out the working hours would ameliorate for extended perceived impact arising from lights after 6pm in the evenings.

8.4.17. I am satisfied that the amendments being sought to the structure are not materially different to the previously permitted structure. I also consider that the topography of the site aids in the subordination of the structure and surrounds within the established character of the area.

8.4.18. I acknowledge that the 3rd party has raised concerns with the intent of the reason for Condition No. 6 of the Planning Authority's grant of permission in respect of the protection of the character of the rural area and adjacent amenities. I note, as did the Planning Authority that landscaping has not been undertaken in addition to the provision of secure boundary treatment as set out in the development description. I note that the site layout plan indicates the provision of a 1.8m palisade fence to surround the site, I would suggest that boundary fencing should be a paladin fence, finished in the colour green, as observed at the entrance point to the quarry. In this regard, in the event of a grant of permission, I suggest that a condition be included to require landscaping to be undertaken within the first planting season following the grant of permission. The boundary fencing shall be implemented within six months of the date of the grant of permission and photographic evidence to be submitted to the Planning Authority for written agreement. I consider that the context of the site warrants a good quality landscaping scheme and boundary treatment. I consider the implementation of this would be of a benefit to the visual and residential amenities of the area in addition to biodiversity. This would ensure that the site integrates appropriately within the receiving working landscape and has a tidy non-intrusive presentation to the road.

8.5. Traffic

8.5.1. The appellant notes that the traffic survey which was undertaken on the L4224 was submitted on the 27th of April 2026 by way of unsolicited additional information.

8.5.2. The appellant was not aware of this survey being undertaken and intimates that surveys can be manipulated. The appellant contends that the monitoring station was placed in a field to the rear of their home, obscured from view by hedging and trees. Having reviewed the Environmental Noise and Dust Assessment Report and the accompanying map demonstrating the monitoring locations in respect of noise, I note

that monitoring location N2 and AQ1 stations are located to the west of the dwelling and I would submit were not the traffic survey monitoring equipment.

- 8.5.3. The survey provides data on traffic volumes, vehicle type and speeds on the access road from the N68. I note that the survey is not specific to the subject site but does present data on the use of the new section of the roadway. This was undertaken over a continuous 7-day period in March 2026. I acknowledge that a weekend forms part of the survey analysis however the remaining weekdays did not fall on any designated public holidays, that might yield unreflective results relative to a normal working week.
- 8.5.4. I note the concerns raised by the appellant in relation to farming activities being carried out on the adjacent site and contributing to additional traffic, however I submit that the survey monitored the overall use of the new access road. The use of the adjacent lands is a matter for enforcement by the Planning Authority and not within the scope of the appeal.
- 8.5.5. The 85th percentile speed was approximately 50-52 km/h. The assessment concludes that this is a low intensity traffic environment with no evidence of excessive speeds, congestion or peak period pressure. Traffic flows are distributed throughout the day and do not display characteristics associated with heavily trafficked routes or intensive commercial activity.
- 8.5.6. The survey states that the results have also been considered against the Traffic and Transport Assessment which was accompanied ABP-314009-22. I note that the Traffic and Transport Assessment was not available for review however from review of planning assessment associated with ABP-314009-22, the road was considered on the basis of 100-150 movements per day associated with the vehicle test centre, a further 100 movements associated with the rear storage yards and 20 vehicle movements associated with the quarry and plant hire site with no capacity issues noted. I note that the results of the current survey indicates that the level of HGV activity on the road network is modest.
- 8.5.7. The concerns regarding the speed of the traffic flow are noted however I note that the data indicates that the 85th percentile speed is 50-52km/hr and falls within the 60km/hr speed limit stated by the appellant which is exceeded.
- 8.5.8. I am satisfied that the survey has been undertaken by a suitably qualified professional company. I consider that the survey appears reasonable. The report received from

West Clare Municipal District confirms that the public road network in the area has the capacity to cater for the HGV traffic associated with the subject use. The appellant's contention is not supported by specialist input which would contradict the detailed submissions of the applicant or the assessment and conclusions of the Planning Authority.

- 8.5.9. I consider that the conclusions of the traffic survey are reflective of my findings during my site visit. I also submit that at the time of my site visit, save for one jeep, no trucks or other such vehicles entered the subject site. Vehicular activity was predominantly related to the adjacent uses.
- 8.5.10. Based on the information provided, I am satisfied that the use on the subject site does not give rise to significant heavy traffic impacts and that the road has capacity to accommodate such movements in a safe manner and non-injurious manner to the amenities of the area.
- 8.5.11. The appellant raises concerns that HGV's are unable to pass with ease/comfort on the newly aligned road. The road has been designed and approved under ABP-314009-22 and subsequently taken in charge by Clare County Council. I submit that this is outside the scope of this appeal.
- 8.5.12. No concerns were raised in relation to the entrance serving the site. Following my site visit and having regard to the information accompanying the application, I have no significant concerns in relation to traffic safety.
- 8.5.13. The concerns raised in relation to aggressive traffic is not a matter for the commission.

8.6. Foul Water Treatment

- 8.6.1. The development proposes the retention of the use of a Port-a-loo / welfare facility for the provision of foul water treatment. The site layout plan indicates this feature is located to the front of the east elevation. At time of site visit I noted the presence of a typical Port-a-loo at the southeast (roadside) elevation of the structure. I also note the presence of an additional structure with two access doors forward of the east (front) elevation which I am unsure if were more temporary welfare facilities. I do note that given the visible material surrounding the aforementioned structure, it does not appear to be in use. This structure has not been reflected in the plans and particulars and the development only seeks retention permission of one portaloo only. In the event of a

grant of permission, I suggest that a condition be included that refers to the details solely as indicated on the plans and particulars.

- 8.6.2. I acknowledge that the Planning Authority accepted the temporary welfare facilities regard being had to the temporary permission being recommended.
- 8.6.3. I accept the nature of the wastewater treatment is not ideal. The applicant submits that the on-site welfare facility is serviced on a regular basis by Atlantic Cabins. No details regarding the service agreement with the company has been provided.
- 8.6.4. The applicants planning support statement sets out that day to day activity at the site is limited with typically one to two employees attending as required depending on the operational needs.
- 8.6.5. Having regard to the low volumes of waste generated likely generated I would submit that in this instance the wastewater treatment could be accepted subject to a condition requiring a waste management plan to be agreed in writing with Clare County Council. Subject to such agreement, I do not consider that the development would be prejudicial to public health.

8.7. Surface Water Management (New Issue)

- 8.7.1. Condition No. 5 of the Planning Authority's grant of permission for the subject development required that all surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site and that no surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- 8.7.2. I note that the first party has not lodged an appeal against this condition nor has concern been raised in this regard however I note that the requirements of this condition are distinctly different to that indicated by the applicant as part of this development and that of Condition No. 4 associated with PA Ref. 17/18.
- 8.7.3. The application form associated with PA. Ref 17/18 stated that rainwater from gutters would connect to a rainwater harvesting system and the overflow would discharge to the existing hardcore which would then filter to land/filter drains within the hardcore. Condition No. 4 of PA Ref. 17/18 required that clean surface water and run-off from roofs shall be collected and directed to the nearest watercourse but shall not be allowed to flow onto any roadway or discharge to soiled water/slurry/effluent areas.

- 8.7.4. From review of the site layout plan associated with PA Ref. 17/18, the majority of the area surrounding the structure was stated to be gravel with a substantial landscaping bank and grassed area proposed along the northwestern side of the site.
- 8.7.5. The subject development indicates that surface water would be discharged to a water course. The development description includes for '*provision/retention of a petrol interceptor, surface water drainage/attenuation...*' No further details of such drainage mechanisms have been provided at all. The documentation does not include any details in terms of the design of the attenuation tank such as capacity and flow control or discharge rate or details of the petrol interceptor such as design capacity and overall ability to treat surface water adequately.
- 8.7.6. I acknowledge that the drainage arrangements set out are generally in line with the requirements of Condition No. 4 of PA Ref. P1718. However, the subject development seeks the retention of a significant extent of impermeable hardstanding area which is identified on the accompanying site layout plan as being to the north and northeast of the structure. During my site visit I also noted an additional area of impermeable hardstanding located to the northwest of the structure which has not been detailed on the accompanying site layout plan. I note the application details do not quantify the overall area of hardstanding or the value and rate of runoff from the hardstanding.
- 8.7.7. I note that Development Plan Objective CDP2.11 (c) of the Development Plan sets out that it is an objective of Clare County Council to ensure the implementation of Sustainable Urban Drainage Systems and in particular to ensure that all storm water generated in a new development is disposed of on-site or is attenuated and treated prior to discharge to an approved storm water system. I also refer to Section A1.5 of the Clare County Development Plan which states that the Planning Authority will require development proposals to minimise 'soil sealing' and that all new developments including amendments /extensions to existing developments will be required to incorporate SuDS. (my emphasis).
- 8.7.8. Notwithstanding the previous grant of permission and requirements of Condition No.4, I submit that the development in terms of the extent of impermeable hardstanding which has been constructed is materially different in terms of scale for the purposes of surface water treatment to that which was approved under PA Ref. P17/18.

- 8.7.9. In this regard I would agree with the requirement of the Planning Authority that all surface water generated on the site should be disposed of on the site. I note that the wording of Condition No. 5 of the decision to grant permission did not require any details of the onsite surface water drainage to be submitted for written agreement with the Planning Authority or a time frame for the implementation. Given the extent of hardstanding evident on site, I submit that there is a significant lack of clarity how surface water management on the site could be achieved.
- 8.7.10. In this regard I refer to Section 11.4.4 of the Clare County Development Plan 2023-2029 which sets out that all new development throughout the county will be required to minimise surface water discharge through on-site systems such as SuDS. The policy also sets out that development proposals are required to demonstrate the use of SuDS mechanisms and must be accompanied by a comprehensive SuDS assessment that demonstrates run off quantity, quality and an assessment on the potential impacts on habitats and water quality. I contend that consideration of the appropriate surface water management on the site could not be determined in the absence of a comprehensive SuDS or engineering assessment. There are no details available in relation to run off quantity, soil type etc.
- 8.7.11. On balance, noting the extent of hardstanding constructed and acknowledging that Clare County Council seeks to require development proposals to minimise soil sealing I am not satisfied that it has been adequately demonstrated how surface water runoff would be managed or how the surface water management required by Condition No. 5 could be achieved.
- 8.7.12. Accordingly based on the above, I consider that this would merit a refusal of permission in relation to this issue as I cannot be satisfied that surface water treatment can be managed appropriately. In the absence of a comprehensive SuDS proposal and drainage details the development as set out would contravene Development Plan Objective CDP2.11(c), Section 11.4.4 and Section A1.5 of the Clare County Development Plan 2023-2029. As I have noted this is a new issue and the Commission may wish to seek the views of the parties in this regard.

8.8. Other Issues

- 8.8.1. I refer to the report of the West Clare Municipal District which submits that an additional civil engineering company may use part of the subject premises as a compound /

storage area / service building for heaving civil engineering plant. I am cognisant of the recent planning history associated with the adjacent lands to the northeast, being to the rear of the Vehicle Test Centre.

- 8.8.2. I note that the nature of the subject application is for the use of the structure as a workshop for the servicing / repair of vehicles and plant hire machinery and the storage of plant and machinery in addition to the use of the site for the storage of plant and machinery associated with Atlantic Hire Contract Crushing Ltd. The applicant has not identified another user or business utilising the site. However, I contend that the merits of this application have been based on the applicant's justification for the use of the lands in accordance with Section 6.15 and Section 6.21 of the Clare County Development Plan. In the event of a grant of permission, I would suggest the inclusion of a condition which would restrict the sale, letting, transferring, conveying or subdivision or otherwise of the structure for the purposes of use by another business.
- 8.8.3. I acknowledge the concerns raised in relation to enforcement however I would submit that matters of enforcement are for the Planning Authority and therefore outside the scope of this appeal.

9.0 AA Screening (New issue)

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on Knockanira House SAC (002318) in view of the site's conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The operational stage would have lighting on the site.
- The potential for disturbance to bats associated with lighting operations.

- 9.2. At time of site visit, I observed approximately 9 façade mounted lights. The development is seeking retention permission for modifications to the elevations previously permitted under PA Ref. P17/18.

- 9.3. The plans submitted under PA Ref. P17/18 and those submitted within the subject application do not indicate external lighting.
- 9.4. The Planning Support Statement accompanying the subject application, specifically Section 6.3 'Appropriate Assessment' states that there is no outside lighting. This formed part of the conclusion by the applicant that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on a European site. On this basis, the applicant considered that Appropriate Assessment would not be required.
- 9.5. Within the First Party Response to the Third-Party Appeal, the applicant by their own admission confirms that the majority of works are carried out within the existing shed and that external lighting is only used during the darker months during normal working hours where required. I note that the stated normal working hours are between 7am – 6pm.
- 9.6. The subject site is located within proximity to the Special Area of Conservation for Knockanira House, the Qualifying Interest being the *Rhinolophus hipposideros* (Lesser Horseshoe Bat). The site has a 'restore' Conservation Objective and specifically refers to no significant increase in artificial light intensity along commuting routes within 2.5km of the roost.
- 9.7. The Screening for Appropriate Assessment undertaken by the applicant did not include Knockanira House SAC (002318) and together with the ambiguity raised as part of the appeal response is not factually correct and cannot be relied upon.
- 9.8. I consider that the inclusion of a condition to remove the lighting would fall into the category of mitigation.
- 9.9. Accordingly, based on the above I consider that this would merit a refusal of permission in relation to this issue as I cannot be satisfied that the development individually would not be likely to have a significant effect on Knockanira House SAC.

This is a new issue, and the Commission may wish to seek the views of the parties.

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/Southeastern River Basin Management Plan 2022–2027.
- 10.2. The receiving water environment has been identified and assessed, see Table 1 attached. Having regard to the nature, scale, and location of the development, and the mitigation measures incorporated into the design and to be conditioned, it is concluded that the development will not:
- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
 - Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
 - Prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

Any residual risks are capable of being addressed through mitigation measures and condition.

The 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 and retention permission be refused for the following reasons;

12.0 Reasons and Considerations

1. On the basis of the information provided with the application and appeal and in the absence of a robust Appropriate Assessment Screening and/or Natura Impact Statement the Commission cannot be satisfied that the development

seeking permission and retention individually would not be likely to have a significant effect on Knockanira House Special Area of Conservation (002318). The development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The development seeks the retention of a significant extent of hard landscaping indicated to discharge to a watercourse. Clare County Council requires the inclusion of SuDS technologies which aim to reduce flood risk, improve water quality and enhance biodiversity and amenity. Development proposals are required to demonstrate the use of SuDS mechanisms and must be accompanied by a comprehensive SuDS assessment. The requirement to provide SuDS technologies includes for amendments and extensions to existing developments. In the absence of information to demonstrate otherwise, the development would contravene Development Plan Objective CDP 2.11(c), Section 11.4.4 and Section A1.5 of the Clare County Development Plan 2023-2029, as varied. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Carol Hurley
Planning Inspector

21st of September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501515-CE-26
Proposed Development Summary	The development consists of; (i) Variations and modifications to the building elevations and site boundaries as granted permission under P17-18 (j) The existing use of the building as a workshop for servicing /repair of vehicles and plant hire machinery and for the storage of plant and machinery, and the existing use of the site for the storage of plant and machinery and associated site cabins (k) Hardstanding / concrete and gravel surfaced yard areas for the storage and associated use of plant and machinery (l) 2 no. storage containers (m) Temporary portaloo (n) Retention of the existing entrance and access road from the public road (o) Provision of secure boundary treatment, screening and all associated works (p) Provision /retention of a petrol interceptor, surface water drainage/attenuation works, connection to a water supply and all associated ancillary site works.
Development Address	Lismulbredda, Darragh, Ennis, Co. Clare

IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ 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 be requested. Discuss with ADP.	State the Class here
☒ 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	
☒ 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)	Class 10(b)(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.
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-501515-CE-26
Proposed Development Summary	The development consists of; (a) Variations and modifications to the building elevations and site boundaries as granted permission under P17-18 (b) The existing use of the building as a workshop for servicing /repair of vehicles and plant hire machinery and for the storage of plant and machinery, and the existing use of the site for the storage of plant and machinery and associated site cabins (c) Hardstanding / concrete and gravel surfaced yard areas for the storage and associated use of plant and machinery (d) 2 no. storage containers (e) Temporary portaloo (f) Retention of the existing entrance and access road from the public road (g) Provision of secure boundary treatment, screening and all associated works (h) Provision /retention of a petrol interceptor, surface water drainage/attenuation works, connection to a water supply and all associated ancillary site works
Development Address	Lismulbredda, Darragh, Ennis, Co.Clare

This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.

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).	The development seeks amendments to a previously permitted development for the construction of a shed for the purposes of agricultural storage. As part of the subject development, the retention consists of the change of use of the shed for the purposes of workshop for servicing/repair of vehicles and plant hire machinery in addition to the use of the site for the purposes of storage of plant and machinery. The provision of hardstanding / concrete areas for the storage and associated use of plant and machinery. The development includes for the retention of a portaloo, vehicular entrance, boundary treatments and surface water attenuation including the provision of a petrol interceptor. The area can be characterised as being rural, the lands are not zoned for development and are c. 12km to the southwest of Ennis. There is an existing vehicle testing centre to the east of the site and a quarry and Clare County Council Depot to the west of the site. The nature of the subject development does not require the use of substantial natural resources or give rise to significant pollution. The development does not pose a risk of a major accident and/or disaster or is vulnerable to climate change.
Location of development	The site is located within a rural area surrounded by open countryside.

(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	There are no protected structures in the vicinity of the site nor is the site located within an archaeological buffer zone. The site is located within c. 2.25km to the northwest of Knockanira Special Area of Conservation.
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 modest nature of the development, the location c. 2.25km from Knockanira House SAC, likely limited magnitude and spatial extent of effects, and the 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 Template 2: Standard AA Screening Determination Template

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics The development seeks to retain modifications to the development permitted under PA Ref. P17-18. The development also seeks to retain the change of use of the building as a workshop for the servicing/repair of vehicles and plant hire machinery and for storage of plant and machinery and the existing use of the site for the storage of plant and machinery and associated site cabins, hardstanding / concrete and gravel surfaced yard areas for the storage and associated use of plant and machinery, retention of two storage containers, temporary portaloo, retention of the existing entrance and access road from the public road, provision of secure boundary treatment, screening and all associated works, provision of a petrol interceptor, surface water drainage/attenuation works, connection to water supply and all associated ancillary site works. The subject site is located c. 693 to the northwest of the junction of L-4224 and the N68. Access is via a recently completed new section of roadway which has been subsequently taken in charge by Clare County Council. The lands to the east of the site are in use as a vehicle test centre while the lands to the west form part of the former Cliff Quarry and Clare County Council depot. The area can be characterized as being rural in nature, save for the established commercial uses noted above. The main site area is at a lower level to the road. At time of site visit, there were a variety of machines being stored within the hard landscaped area.	
Brief description of project	Retention permission is being sought for the following; (a) Variations and modifications to the building elevations and site boundaries as granted permission under P17-18

	(b) The existing use of the building as a workshop for servicing /repair of vehicles and plant hire machinery and for the storage of plant and machinery, and the existing use of the site for the storage of plant and machinery and associated site cabins (c) Hardstanding / concrete and gravel surfaced yard areas for the storage and associated use of plant and machinery (d) 2 no. storage containers (e) Temporary portaloo (f) Retention of the existing entrance and access road from the public road (g) Provision of secure boundary treatment, screening and all associated works (h) Provision /retention of a petrol interceptor, surface water drainage/attenuation works, connection to a water supply and all associated ancillary site works.
Brief description of development characteristics and potential impact mechanisms	The site has a stated area of 1.614 hectares. The site is located within 2.5km of Knockanira House SAC (002318). The Qualifying Interest is the Rhinolophus hipposideros (Lesser Horseshoe Bat). Lighting operations could lead to the disturbance of species in the vicinity of the site. The development as set out provides for the discharge of surface water to an unmapped watercourse to the northwest of the site. This unmapped water course has the potential to be hydrologically linked to the Clareen (Fergus)_010 to the southeast or the Clareen (Fergus_010) via the Bally Macooda Lough Stream to the northwest of the site.

	The Clareen (Fergus)_010 flows into the Lower River Shannon SAC (002165) and the River Shannon and River Fergus Estuaries SPA (004077) c. 5.9km to the southeast. Potential lighting during operations could lead to disturbance of species in the vicinity of the site.
Screening report	Y – with the applicants Planning Support Statement which accompanied the application.
Natura Impact Statement	N
Relevant submissions	N

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
Knockanira House SAC (002318)	Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	Site boundary is 2.25km to the southeast The building is c. 2.4km from the SAC	Potential lighting at night via	Y
Newhall and Edenvale Complex SAC (002091)	Caves not open to the public [8310] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	5.25km to the northeast	Potential lighting at night via	Y
River Shannon and River Fergus Estuaries SPA (004077)	Cormorant (Phalacrocorax carbo) [A017]	5.88km to the southeast	Indirect hydrological connection	Y

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]			

		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]			
Lower Shannon (002165)	River SAC	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered	5.88km to the southeast	Indirect hydrological connection	Y

	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 (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Molinia meadows on calcareous, peaty or			
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	clayey-silt-laden soils (Molinion caeruleae) [6410] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] 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]			

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

³if no connections: N

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

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Knockanira House SAC (002318) QI list Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	Direct: None Indirect: Potential negative impacts from operational lighting as the site appears to be within 2.5km of the protected site	Potential disturbance to bats from lighting which would be required during the winter months in line with the first party's stated hours of operation. I refer to the Conservation Objectives for the SAC which states that no significant increase in artificial light intensity adjacent to named roost or along commuting routes within 2.5km of the roost. Map 2 indicates the foraging range for Roost ID 23. The subject site is within 2.5km of Knockanira House. The applicants appropriate assessment screening statement contained within

		the planning support statement accompanying the planning application did not include Knockanira House SAC within the screening. The screening considered the site as having no outside lighting as part of the basis for concluding that Appropriate Assessment would not be required. The first party response to the third-party appeal states that external lighting is only used during the darker winter months during normal working hours where required. I noted the provision of façade mounted lighting at time of site visit. Based on the above, the applicant's screening statement is factually incorrect and at odds with the 'Restore' Conservation Objective for the SAC which is so specific.
	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 there is no likelihood of significant effects occurring in combination with other plans or projects.	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* Possibility of significant effects (alone) in view of the conservation objectives of the site cannot be ruled out without further analysis and assessment and ecological input.	
	The Conservation Objective seeks to restore the favourable conservation condition of the Lesser Horseshoe Bat in Knockanire House SAC, the provision of external lighting in the vicinity may compromise the objective of restoration or make restoration more difficult.	
	Impacts	Effects
Site 2: Name Newhall and Edenvale Complex SAC (002091) QI list Caves not open to the public [8310] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	Direct None Indirect Potential negative impacts from operational lighting.	Potential disturbance to bats from lighting which would be required during the winter months in line with the first party's stated hours of operation. I refer to the Conservation Objectives for the SAC which states no significant increase in artificial light intensity adjacent to named roosts or along commuting routes within 2.5km of those roosts. I acknowledge the inaccuracy with the applicants' screening statement in respect of the provision of external lights however the boundary of the

		subject site is located c. 5km from the western boundary of Newhall and Edenvale Complex SAC proper.
	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 there is no likelihood of significant effects occurring in combination with other plans or projects.	
	Impacts	Effects
Site 3: Name River Shannon and River Fergus Estuaries SPA (004077) Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Scaup (Aythya marila) [A062]	Direct None Indirect Indirect hydrological connection. Development as set out proposes discharge of surface water to a watercourse. Condition No. 5 of the Grant of Permission requires the collection and disposal of surface water within the curtilage of the site. Potential for negative impacts on surface water / water quality during the operational phase.	Negative impacts could affect habitat quality and function. The subject site is located 5.88km to the southeast from the River Shannon and River Fergus Estuaries. The operational phase is undertaken for the most part within the structure which has an impermeable base and where oils and lubricants are stored within bundled containers/tanks in accordance with industry best practice. The development includes the installation of a petrol interceptor on the site which is an integral part of the design associated with the subject use. Condition No. 5 of the Planning Authority aligns with CDP2.11(c) of the Development Plan. The provision of onsite SuDs measures would be designed and constructed in accordance with industry best practice. Having regard to the distance from receiving features connected to the European site make it highly unlikely that the development could generate impacts of a magnitude that could affect habitat quality within the site for the SCI listed. Conservation objectives would not be undermined.

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] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Greenshank (Tringa nebularia) [A164] Black-headed Gull (Chroicocephalus ridibundus) [A179]		
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Wigeon (Mareca penelope) [A855] Shoveler (Spatula clypeata) [A857] Wetland and Waterbirds [A999]		
	Likelihood of significant effects from the proposed development (alone): N	
	If no, is there a likelihood of significant effects occurring in combination with other plans or projects? No	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* No	
	Impacts	Effects
Site 4 Lower River Shannon SAC (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]	Direct None Indirect Indirect hydrological connection. Development proposes discharge of surface water to a watercourse. Condition No. 5 of the Grant of Permission requires the collection and disposal of surface water within the curtilage of the site. Potential for negative impacts on surface water / water quality during the operational phase.	Negative impacts could affect habitat quality and function. The subject site is located 5.88km to the southeast from the River Shannon and River Fergus Estuaries. The operational phase is undertaken for the most part within the structure which has an impermeable base and where oils and lubricants are stored within bunded containers/tanks in accordance with industry best practice. The development includes the installation of a petrol interceptor on the site which is an integral part

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 (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Alluvial forests with Alnus glutinosa and Fraxinus excelsior		of the design associated with the subject use. The provision of onsite SuDs measures would be designed and constructed in accordance with industry best practice. Condition No. 5 of the Planning Authority aligns with CDP2.11(c) of the Development Plan. The provision of onsite SuDs measures would be designed and constructed in accordance with industry best practice. Having regard to the distance from receiving features connected to the European site make it highly unlikely that the development could generate impacts of a magnitude that could affect habitat quality within the site for the SCI listed. Conservation objectives would not be undermined.
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(Alno-Padion, Alnion incanae, Salicion albae) [91E0] 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]		
	Likelihood of significant effects from the proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N	
	Possibility of significant effects (alone) in view of the conservation objectives of the site? N	
* Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.		

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 the development alone would result significant effects on Knockanira House SAC (002318) from effects associated with lighting on the site and potential disturbance of bats.

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

This determination is based on:

- The operational stage would require lighting on the site.
- The potential for disturbance to bats associated with lighting operations.
- The site is within 2.5km of Knockanira House SAC (002318)

Appendix 4: WFD IMPACT ASSESSMENT SCOPING TABLE

Step 1: Nature of the Project, the Site and Locality

An Coimisiún Pleanála ref. no.	PL-501515-CE-26	Townland, address	Lismulbredda, Darragh, Ennis, Co.Clare
Description of project		(i) Retention permission is being sought for the following; (j) Variations and modifications to the building elevations and site boundaries as granted permission under P17-18 (k) The existing use of the building as a workshop for servicing /repair of vehicles and plant hire machinery and for the storage of plant and machinery, and the existing use of the site for the storage of plant and machinery and associated site cabins (l) Hardstanding / concrete and gravel surfaced yard areas for the storage and associated use of plant and machinery (m) 2 no. storage containers (n) Temporary portaloo (o) Retention of the existing entrance and access road from the public road (p) Provision of secure boundary treatment, screening and all associated works	

	(q) Provision /retention of a petrol interceptor, surface water drainage/attenuation works, connection to a water supply and all associated ancillary site works.
Brief site description, relevant to WFD Screening,	The subject site slopes downhill away from the public road and begins to slope upwards to the northwest beyond the site boundary. At the time of site visit, I observed a ditch running along the northeastern boundary of the site (lands within the blue line of ownership). This ditch had a small amount of water present.
Proposed surface water details	- The particulars detail that surface water is indicated to drain to an attenuation tank to the northwest of the structure. A petrol interceptor has been included in the development to treat the water prior to the stated discharge to a watercourse. I note that this watercourse is not mapped on the epa water maps. - Condition No. 5 of the Planning Authority's decision to grant permission requires that all surface water generated on the site be collected and disposed off within the site.
Proposed water supply source & available capacity	The only details provided are that there is an existing connection.
Proposed wastewater treatment system & available capacity, other issues	The development is indicated to be served by a port-a-loo/welfare facility which is stated to be serviced on a regular basis by Atlantic Cabins.
Others?	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) (Consider all phases)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
Yes, c. 340m to the northwest of the site via intervening lands	Bally Macooda Lough Stream_010 IE_SH_27B010500	Moderate	At Risk	Agriculture Domestic Wastewater	Indirect hydrological connection to the Bally Macooda Lough Stream by virtue of the indicated discharge to an unmapped watercourse. The development is seeking retention. There are elements to be completed such as the boundary fencing and landscaping which could lead to silt during the construction phase. Surface water is indicated to	For the remaining elements to be provided on site subject to standard construction measures and overall distance to the Bally Macooda Lough Stream and extent of infiltration areas. All oils and lubricants associated with the plant and machinery maintenance are stored within the building in bunded containers in accordance with	Yes, mitigation will be sufficient

					discharge to watercourse during the operational stage.	industry best practice. The development includes for the provision of a petrol Interceptor. Condition No. 5 of the PA to require treatment of surface water within the site. Recommend the inclusion of such condition. Subject to SuDS design in accordance with industry best practice.	
Yes, c. 405m to the southeast, downhill of the site.	Clareen (Fergus)_010 IE_SH_27C060600	Poor	At Risk	Agriculture Pressures Hydromorphology Pressures	Indirect hydrological connection to the Clareen by virtue of discharge to an unmapped watercourse. The development is seeking retention. There are elements to be completed which could lead to silt	For the remaining elements to be provided on site subject to standard construction measures and overall distance to the Clareen (Fergus) and extent of infiltration areas.	Yes, mitigation will be sufficient

					during the construction phase. Surface water is indicated to discharge to watercourse during the operational stage.	All oils and lubricants associated with the plant and machinery maintenance are stored within the building in bundled containers in accordance with industry best practice. The development includes for the provision of a petrol Interceptor. Condition No. 5 of the Planning Authority to require the treatment of surface water within the site. Recommend the inclusion of such condition. Subject to SuDS design in accordance with industry best practice.	
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Yes, below the site	Lisseycasey Ground Waterbody IE_SH_G_148	Good	Not at risk		Stormwater runoff to penetrate to the ground. Potential for untreated wastewater to penetrate the ground.	All oils and lubricants associated with the plant and machinery maintenance are stored within the building in bundled containers in accordance with industry best practice. The development includes for the provision of a petrol Interceptor. Condition No. 5 of the Planning Authority to require the treatment of surface water within the site. Recommend the inclusion of such condition. The development includes a portaloo which would have a modest volume. The facility is stated to be	Yes, mitigation will be sufficient.
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						serviced on a regular basis. Recommend the inclusion of a waste management Condition and to require the submission of the applicants Service Agreement with the company responsible for the maintenance of the facility, for the written agreement of the Planning Authority.	
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