flow, allowing 60g of BOD_5 per head of population. Flow measurements should exclude unusual situations such as those due to heavy rain.

5. Treatment Process Description

Clareabbey WWTP operates as an extended aeration activated sludge process, and consists of the following elements:

- Inlet pump house
- Inlet screening, fitted with screening removal and bypass
- Aeration tank fitted with open vane surface aerators
- Final settlement tank with sludge collection hopper
- Final outflow with venturi flume and flow measurement
- Sludge belt press
- Masko-Zoll sludge dewatering unit
- Administration control house

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5.1 Inlet pump houses.

The inlet pumping station delivering wastewater loads to the Clareabbey WWTP is located at Westfields housing estate, on the east side of the Limerick Road, 600 metres north of the treatment works. This station was constructed in 1981. A 250mm rising main from this station delivers flow directly to the Clareabbey WWTP. At construction, three pumps were provided in the pumping station with design pumping capacities as follows:

- Single pump operation: 20litres/second
- Two pumps operating; 32 litres/second
- A third pump of equal capacity, providing 50% standby. When all three pumps operate the total combined output is 42litres/second.

The pumping station is currently being upgraded to provide three pumps of equal capacity. During the course of preparation for the licence application, the pump records for the pumping station were examined. The records indicate a maximum flow of 32 litres/sec to the Clareabbey WWTP. Details of the upgrading works already commenced for this pump house are described in Section 9 of this report, under the heading "Short and long term measures to address pumping facilities"

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The Kildysert Cross pumping station was constructed in 2003 to cater for serviced lands in this area, in accordance with the Serviced Land Initiative. This pumping station has a design population equivalent of 6,500, at 4DWF (67 litres/sec), and delivers its flow to the Westfields pumping station. The station is currently well below capacity. This pumping station is also due to be examined during the process of construction of the new works at Clareabbey.

The Quin Road Pumping station, serves housing developments and the Quin Road Industrial Estates. This pumping station is owned by Shannon Development and will be licensed under Section 16 of the Local Government (Water Pollution) Act 1977 in the near future. This pumping station also delivers foul flows to the Westfields Pumping Station.

The locations of all pumping stations is indicated on the Map Attachment B-1 to this application.

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5.2 Inlet Screening



The Automatic Screening Conditioning Equipment (ACE), manufactured by Haigh Engineering, was fitted on the inlet line at Clareabbey WWTP in 2001. This unit (Model LS303V) comprises a brush screen, a 152 ACE pump, a liquid separator station and a control panel. The function of the system is to screen raw sewage, depositing inorganic material into a collecting bin, while allowing the filtered sewage to flow into the treatment plant. A screen bypass is provided to divert overflow directly to the aeration basin (blue pipe).

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5.3 Aeration Basin.

The single aeration tank is a flat-bottomed tank, with a reactor volume of 1500 m^3. Based on the Stage 1 design, (pre-2001) this should provide a retention time at design dry weather flow of 1.67 days (40 hours). With the increased flow through the system, approximating to 1450m^3, the retention time is approximately 24 hours. The aeration system is fitted with two open vane surface aerators. Four inlet pipes enter the baffled inlet area of the tank.

- Inlet 1 (250 mm diameter) is the feed line from the inlet screen.
- Inlet 2 (100 mm diameter) is the feed line from the sludge pumping station carrying return sludge from the final settlement tank to the aeration basin
- Inlet 3 (75mm diameter) is the return feed line from the sludge-handling unit, carrying supernatant from this system to the aeration basin.
- Inlet 4 (250mm diameter) is the overflow line from the inlet screen operating when inflows exceed the capacity of the ACE system.

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5.4 Final settlement tank/Clarifier



The outlet from the aeration tank is opposite the inlet point, with a control weir operating at this outlet. A dissolved oxygen probe is located here, but the probe is not operational. The effluent passes (via a 300mm diameter pipe) from the aeration tank to the final settlement tank. The inlet pipe to the settlement chamber is laid under the tank in the centre and rises up toward the top water level.

The settlement tank is a flat bottom tank, with an internal diameter of 19.3m, a sidewall depth of 2m, and a 7.5° slope to the sludge collection hopper. This provides a surface area of 292m^2. The final settled effluent flows over a weir, located all around the periphery of the tank. A rotating bridge operates around the tank. Based on Stage 1 design, the surface loading rates on the tank are

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@ 3 DWF (31 litres/sec): $0.38m^3$/ hour

@ 6 DWF (63 litres/sec): $0.77m^3$/ hour

Retention times at 3 and 6 DWF are approx 4.5 and 2.25 hours respectively.

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5.5 Final outflow with venturi flume and flow measurement

The effluent from the final settlement tanks is directed by gravity outfall to the River Fergus, which is located due East of the treatment works. A site layout map is provided as Attachment B-2 and the map indicating both the location of the treatment plant and the main discharge point to surface water is provided as Attachment B-1. The treated wastewater discharge is the primary discharge, and is designated SW1 on the maps accompanying the application. This outflow discharges from the plant via a venturi flume, fitted with a flow meter, recorded on an Akron System 10 pressure transducer and recorder. The accuracy of this system has not been crosschecked during the application process, but the most recent calibration of the unit took place in early August 2008. The discharge point to the Fergus River is located between the railway bridge (on the Ennis by-pass) and the Clarecastle tidal barrage, (See photographs of the location of the plant, including the location of outfalls to surface waters, Attachment A-6)

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5.6 Sludge Management



Settled sludge is drawn via a 150mm pipe, from the central sludge hopper, into the sludge processing system. This area is fitted with two pumps to pump sludge via the sludge return feed line to the aeration basin, and to discharge waste sludge to the sludge handling system. Sludge thickening takes place in a picket fence thickener, with supernatant return to the aeration basin.

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@ 3 DWF (31 litres/sec): 0.38m³/ hour

@ 6 DWF (63 litres/sec): 0.77m³/ hour

Retention times at 3 and 6 DWF are approx 4.5 and 2.25 hours respectively.

5.5 **Final outflow with venturi flume and flow measurement**

The effluent from the final settlement tanks is directed by gravity outfall to the River Forgus, which is located due East of the treatment works. A site layout map is provided as Attachment B-2 and the map indicating both the location of the treatment plant and the main discharge point to surface water is provided as Attachment B-1. The treated wastewater discharge is the primary discharge, and is designated SW1 on the maps accompanying the application. This outflow discharges from the plant via a venturi flume, fitted with a flow meter, recorded on an Alkon System 10 pressure transducer and recorder. The accuracy of this system has not been crosschecked during the application process, but the most recent calibration of the unit took place in early August 2009. The discharge point to the Forgus River is located between the railway bridge (on the Ennis by-pass) and the Clarecastle tidal barrage. (See photographs of the location of the plant, including the location of outfalls to surface waters, Attachment A-6)

5.6 **Sludge Management**

Settled sludge is drawn via a 150mm pipe, from the central sludge hopper, into the sludge processing system. This area is fitted with two pumps to pump sludge via the sludge return feed line to the aeration basin, and to discharge waste sludge to the sludge handling system. Sludge thickening takes place in a picket fence thickener, with supernatant return to the aeration basin.

The waste sludge is processed in either the belt press (housed in the administration building) or in the Masko-Zoll unit (installed on site in early 2008). This unit is a mechanical de-watering system housed in a container on site. The sludge is fed into the system, from the holding tank and flocculant is dosed automatically into the feed. The de-watering unit removes waters from the flocculated sludge and solids are separated, pressed and further de-watered in the final screw press. The sludge is collected in an external skip, which is removed off site to a composting facility, McGill Environmental Systems (Irl) Ltd, Ballinvoher, Co. Cork (Waste Permit Mcgill CK (S) 302-06). The contractor removing this material is permitted under WCP/LK/047/02b and WCP/LK/047/07c. Details of sludge volumes and solids content are provide in Attachment C-3

5.7 Administration Control House

The control room and sludge de-watering room are housed in one building on site. The control room houses the main control panel for the treatment plant, with the Arkon System 10 pressure transducer and recorder, a dissolved oxygen recorder, disused flow equipment and basic office facilities provided therein. Daily record sheets with flow data and sludge handling details are maintained on site. In-process monitoring and final effluent monitoring is undertaken on a once per month basis at the plant, to provide appropriate control of the facility performance. The WWTP is manned by one part time operative and an environmental technician on a part time basis (Monday to Friday) and a part-time basis at the weekends.

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6. Wastewater Flow volumes

The impact of direct inflows (from storm water) and infiltration inflows (from the ground through service connections) is evident in the historical flow data for the Clareabbey WWTP. The original approach to calculation of population equivalent (in the design documents, using flow data) was based on the estimate of wastewater flow of 175 litres/head/day and 50 litres /head/day infiltration flow. As the collection sewers serving the Clareabbey catchment is laid in very low lying areas (Doora Industrial Estates and Doora Housing Estates, Abbey Court, Westfields and Kildysert

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Road) this steady infiltration volume is likely to be an ongoing feature of the hydraulic loading to the system.

Flow records for January-March 2008 and the period from 13th –31st August 2008 have been examined. The most reliable readings (due to calibration of the flow meter) are the August 2008 readings, but this coincided with several days of heavy rainfall, which means that there is a significant infiltration volume included even in the flow measurements taken on several consecutive dry days towards the end of August 2008. The flows recorded 13th –31st August 2008 are provided in Attachment E-1

Based on influent BOD measurement on, this provides a population equivalent of 6095. The total hydraulic load arriving at the Clareabbey WWTP was calculated by measurement of total flow over a seven day period in August 2008, and this measurement was used to estimate the final population equivalent, based on the average influent BOD values in 2007 and 2008. The estimated flow value arriving at the treatment works is 1750m^3 per day, with an average BOD of 209 mg O_2/litre. The population equivalent for this loading is 6,095. This approach to estimation of population equivalent is in accordance with the definition provided in the Waste Water Discharge (Authorisation) Regulations, 2007 ("population equivalent" is a measurement of organic biodegradable load and a population equivalent of 1 (1 p.e.) means the organic biodegradable load having a five-day biochemical oxygen demand (BOD5) of 60g of oxygen per day; the load being calculated on the basis of the maximum average weekly load entering the waste water works during the year, excluding unusual situations such as those due to heavy rain).

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7. Combined storm overflows

The only pumping station delivering wastewater flow to the Clareabbey treatment plant is the Westfields station, providing the combined flows from the Kildysert Road and Quin Road sub-catchments. Flows arriving at the station discharge to a wet well, equipped with a storm overflow, which discharges to a small stream due East of the pumping station (behind the Westfields Housing estate). This stream crosses under the railway line just above the ruins of Clareabbey, and discharges to the River Fergus, approximately 20 metres upstream of the Clareabbey ruin, accessed from the

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road to the Clareabbey ruin and the railway track. Samples of the stream were taken during the preparation of this application and results of this exercise are set out in Table F.1 (ii) a of the application form.

8. Impact of emissions from the Clareabbey WWTP on River Fergus

The impact of discharges from the Clareabbey WWTP on the receiving waters of the River Fergus is considered under a number of headings:

8.1 Description of receiving waters
8.2 Statutory Designations of the Receiving Waters
8.3 Estimation of dilution/assimilative capacity of the receiving waters
8.4 Total maximum nutrient load discharging to receiving waters
8.5 Monitoring undertaken on receiving waters
8.6 Statutory Designation of the receiving waters
8.7 Studies undertaken on the Fergus River, adjacent to Clareabbey WWTP
8.8 Impact of combined storm overflows to River Fergus

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8.1 Description of receiving waters

The Fergus is one of the main tributaries of the River Shannon, and is included in the catchment of the Shannon River Basin and in the EPA hydrometric and biological monitoring programs (Code 27F01). The river rises to the northwest of Corofin village. The river is 59 kilometres long and has a catchment area of 1043 km^2. The upper reaches of the catchment are primarily well draining agricultural lands. This area of the catchment includes several interconnected lakes and streams, which also drain parts of the Burren region. Karst features and underground drainage also affect Fergus river flows.

There are no downstream abstractions of water for potable supplies or for agricultural purposes. The river waters in this area are classified as tidal freshwater from a fish habitat perspective, with the Clarecastle barrage artificially controlling the tidal inflow and salinity levels in the area. In addition to the brackish nature of the waters, there is an extensive network of flood defence embankments present in the area of the discharge from the Clareabbey WWTP and upstream of the discharge point. This

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road to the Clareabbey Tram and the railway track. Samples of the stream were taken during the preparation of this application and results of this exercise are set out in Table P.1 (ii) a of the application form.

8. Impact of emissions from the Clareabbey WWTP on River Fergus

The impact of discharges from the Clareabbey WWTP on the receiving waters of the River Fergus is considered under a number of headings:

8.1 Description of receiving waters
8.2 Statutory Designations of the Receiving Waters
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8.4 Total maximum nutrient load discharging to receiving waters
8.5 Monitoring undertaken on receiving waters
8.6 Statutory Designation of the receiving waters
8.7 Studies undertaken on the Fergus River adjacent to Clareabbey WWTP
8.8 Impact of combined storm overflows to River Fergus

8.1 Description of receiving waters

The Fergus is one of the main tributaries of the River Shannon, and is included in the catchment of the Shannon River Basin and in the EPA hydrometric and biological monitoring programs (Code 27H01). The river rises to the northwest of Corofin village. The river is 30 kilometres long and has a catchment area of 1043 km². The upper reaches of the catchment are primarily well draining agricultural lands. This area of the catchment includes several interconnected lakes and streams, which also drain parts of the Burren region. Karst features and underground drainage also affect Fergus river flows.

There are no downstream abstractions of water for potable supplies or for agricultural purposes. The river waters in this area are classified as tidal freshwater from a fish habitat perspective. With the Clarecastle barrage artificially controlling the tidal inflow and salinity levels in the area. In addition to the mosaic nature of the waters, there is an extensive network of flood defence embankments present in the area of the discharge from the Clareabbey WWTP and upstream of the discharge point. This

work has disturbed the natural development of the estuarine form, and is probably responsible for a reduced number of natural habitats in the area

8.2 Statutory designations of River Fergus

The Shannon and Fergus estuary area is an area of high ecological interest supporting a range of species listed by the EU "Habitats " Directive (92/43/EC) transposed into national law through the European Communities (Natural Habitats) Regulations 1997. These Regulations require an appropriate assessment of the implications of all development proposals, irrespective of their location, liable to impact on any designated area. The main channel of the River Fergus is designated "salmonid" water, under the *European Communities (Quality of Salmonid Waters) Regulations, S.I. 293 of 1988.* The channel segment between Doora Bridge and Clarecastle Bride is not included in this designation due to the brackish nature of the waters. Notwithstanding this exclusion area, Clare County Council undertake monitoring of the river at all the main bridges, including the Doora and Clarecastle bridges. A summary of monitoring data for critical parameters for Clarecastle Bridge (in accordance with the parameters listed in the *European Communities (Quality of Salmonid Waters) Regulations, S.I. 293 of 1988)* is provided in Attachment A-10. No breaches in limit values set in these regulations have been identified over the most recent 46 monthly sampling events at Clarecastle Bridge or Doora Bridge.

The Fergus Estuary, up to the Lake Ballyallia is included in the Lower River Shannon candidate Special Area of Conservation (SAC, Site No 002165). The discharge from the Clareabbey WWTP takes place to waters, which are included in the area of this site. Atlantic salmon, sea lamprey, river lamprey and otter (species listed under the EU Habitats Directive) occur in the vicinity of the discharge[1, 2]. There is potential for the existing discharge from the Clareabbey plant to have a negative impact on the conservation status of the SAC. This includes impacts on water quality as a result of the discharge and risks to water quality arising from malfunction of the plant or associated infrastructure.

[1] *N18 Ennis Bypass and Trunk Main Works: Environmental Assessment of Fergus Crossing of the River Fergus at Skehanagh, Ennis, Co Clare. Report compiled by Howard Williams, Inis Environmental Services*

[2] *The River Fergus, Co Clare. An Investigation of the distribution, abundance and ecology of species designated under the EU Habitats Directive*

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The Fergus Estuary, downstream of the Clarecastle barrage also forms part of the estuarine complex named "River Shannon and River Fergus Estuaries Special Protection Area", (Site Code 004077), designated under *The European Communities (Conservation of Wild Birds) (Amendment) Regulations 1997.* The site is an important coastal wetland site for wintering waterfowl, with several significant populations of wild birds over wintering at the site. The site details of all designated sites are provided as Attachment A-7

Numerous studies of the River Fergus at this point and of the Fergus estuary have been undertaken. These studies are referenced hereunder, and where reference is made to the section of the river in the vicinity of the outfall, these sections are quoted in Section D of this report, with the permission of the authors. The conclusion drawn from the data available is that the area of the river in the vicinity of the discharge is likely to be used for spawning and nursery to some degree by three spined stickle back, smelt and flounder. The possibility that juvenile lamprey occur in the lateral silt beds in the area is not ruled out, and the area is also considered suitable for adult salmon resting, but unsuitable for spawning or nursery of game fish. It was considered likely that trout use this area of the river for feeding or foraging[1,2].

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8.3 Assimilative capacity of receiving waters

Flows in this lower catchment of the Fergus River, in the vicinity of the treatment plant discharge are controlled by a tidal barrage, located just downstream of the discharge point (approx 200m). The barrage was installed in 1954 to control flooding above Clarecastle. The barrage consists of a number of sluice gates, which open and close with outgoing and incoming tides. This section of the river is significantly influenced by the tidal movements, as evidenced by high levels of chloride in the waters during incoming tides. An Foras Forbartha between 1972 and 1977 undertook flow monitoring of the River Fergus in the Ennis town catchment. flow values for each month, in m^3/sec, is provided in Table 2.

[1] *N18 Ennis Bypass and Trunk Main Works: Environmental Assessment of Fergus Crossing of the River Fergus at Skehanagh, Ennis, Co Clare. Report compiled by Howard Williams, Inis Environmental Services*

[2] *The River Fergus, Co Clare. An Investigation of the distribution, abundance and ecology of species designated under the EU Habitats Directive*

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The Fergus Estuary, downstream of the Clarecastle barrage also forms part of the estuarine complex named "River Shannon and River Fergus Estuaries Special Protection Area", (Site Code 004077), designated under The European Communities (Conservation of Wild Birds) (Amendment) Regulations 1997. The site is an important coastal wetland site for wintering waterfowl, with several significant populations of wild birds over wintering at the site. The site details of all designated sites are provided as Attachment A-7

Numerous studies of the River Fergus at this point and of the Fergus estuary have been undertaken. These studies are referenced hereunder, and where reference is made to the section of the river in the vicinity of the outfall, these sections are quoted in Section D of this report, with the permission of the authors. The conclusion drawn from the data available is that the area of the river in the vicinity of the discharge is likely to be used for spawning and nursery to some degree by three spined stickle back, smelt and flounder. The possibility that juvenile lamprey occur in the lateral silt beds in the area is not ruled out, and the area is also considered suitable for adult salmon resting, but unsuitable for spawning or nursery of game fish. It was considered likely that trout use this area of the river for feeding or foraging[12]

3.3 Assimilative capacity of receiving waters

Flows in this lower catchment of the Fergus River, in the vicinity of the treatment plant discharge are controlled by a tidal barrage, located just downstream of the discharge point (approx 200m). The barrage was installed in 1954 to control flooding above Clarecastle. The barrage consists of a number of sluice gates, which open and close with outgoing and incoming tides. This section of the river is significantly influenced by the tidal movements, as evidenced by high levels of chloride in the waters during incoming tides. An Foras Forbartha between 1972 and 1977 undertook flow monitoring of the River Fergus in the Ennis town catchment. flow values for each month, in m^3/sec, is provided in Table 2.

Table 2: River Fergus Flow Data (An Foras Forbartha 1972-77) in m^3/sec

Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept
12.02	19.06	24.81	25.83	23.12	11.83	7.58	5.62	1.42	2.07	3.88	10.93

Estimates of total effluent discharge volumes and associated nutrient loads are used to assess the likely impact of the discharge from the Clareabbey WWTP on the river water quality in the Fergus.

The Office of Public Works has collated flow data for the Fergus and Claureen Rivers for the period 1954 to 2005. The 50%ile flow, dry weather flow (DWF) and 95%ile combined flow values, as set out in Table 3, are used to assess the assimilative capacity of the Fergus river (with the Claureen flow data combined) for the discharge from the treatment plant. It should be noted that the Ballycorey Bridge station represents 53% of the Fergus catchment, so that the assimilative capacity calculation is extremely conservative. The full assimilative capacity calculation is provided in Attachment A-8 to this application.

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Table 3 Flow statistics for Fergus and Claureen Rivers

Area	Dry weather flow (EPA hydrometric data)	95%ile flow (EPA data)	50%ile flow (EPA data)
Fergus river	0.15 m^3/sec	0.75 m^3/sec	7.61 m^3/sec
Claureen river	0.01 m^3/sec	0.02 m^3/sec	1.64 m^3/sec
Clonroadmore	0.18 m^3/sec	0.18 m^3/sec	0.18 m^3/sec
Total flow	0.34 m^3/sec	0.95 m^3/sec	9.43 m^3/sec

Discharges from the agglomeration of Ennis town, via the Clonroadmore WWTP also contribute flow volumes to the Fergus River. The total volume of this discharge is presented as 15,500 m^3/day, which approximates to 0.18 m^3/sec. This flow is added to the base flow of the river to complete the assimilative capacity calculation for the discharge from the Clareabbey WWTP.

Consideration of the nutrient loading to the waters from the Clareabbey WWTP and integrating this data with the existing water quality indicates that there is adequate assimilative capacity for the discharge from the facility for all parameters, with the exception of phosphate. The median concentration of molybdate reactive phosphate

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Table 2: River Fergus Flow Data (An Foras Forbartha 1972-77) in m^3/Sec

Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept
12.02	19.06	14.81	25.83	23.12	11.83	7.56	3.62	1.42	2.02	3.58	10.93

Estimates of total effluent discharge volumes and associated nutrient loads are used to assess the likely impact of the discharge from the Clarecastle WWTP on the river water quality in the Fergus.

The Office of Public Works has collated flow data for the Fergus and Claureen Rivers for the period 1954 to 2005. The 50%ile flow, dry weather flow (DWF) and 95%ile combined flow values as set out in Table 3, are used to assess the assimilative capacity of the Fergus river (with the Claureen flow data combined) for the discharge from the treatment plant. It should be noted that the Ballycorey Bridge station represents 53% of the Fergus catchment so the assimilative capacity calculation is extremely conservative. The full assimilative capacity calculation is provided in Attachment A 8 to this application.

Table 3 Flow statistics for Fergus and Claureen Rivers

Area	Dry weather flow (EPA hydrometric data)	95%ile flow (EPA data)	50%ile flow (EPA data)
Fergus river	0.15 m^3/Sec	0.75 m^3/Sec	5.01 m^3/Sec
Claureen river	0.01 m^3/Sec	0.02 m^3/Sec	1.64 m^3/Sec
Clonroadmore	0.18 m^3/Sec	0.18 m^3/Sec	0.18 m^3/Sec
Total flow	0.34 m^3/Sec	0.95 m^3/Sec	6.43 m^3/Sec

Discharges from the agglomeration of Ennis town, via the Clonroadmore WWTP also contribute flow volumes to the Fergus River. The total volume of this discharge is presented as 15,500 m^3/day, which approximates to 0.18 m^3/sec. This flow is added to the base flow of the river to complete the assimilative capacity calculation for the discharge from the Clarecastle WWTP.

Consideration of the nutrient loading to the waters from the Clarecastle WWTP and integrating this data with the existing water quality indicates that there is adequate assimilative capacity for the discharge from the facility for all parameters, with the exception of phosphate. The median concentration of molybdate reactive phosphate

(MRP) at Doora Bridge (upstream of the discharge), measured over the 2006-2007 period indicates a value of 0.0375 mg/litre. A minimum requirement of the *Local Government (Water Pollution) Act, 1977 (Water Quality Standards for Phosphorus Regulations) S.I. 258 of 1998* is that the waters would achieve a median MRP value of 0.03 mg/litre. Elevated MRP levels in the waters at Doora Bridge are likely to be associated with the discharge from the Clonroadmore WWTP, located just above the Doora Bridge. Improvement works are scheduled to reduce the level of MRP in the discharge from the Clonroadmore facility. These works will largely determine the final discharge load to the waters, and the downstream quality of the waters. The existing discharge at Clareabbey will also be subject to a schedule of improvement works, which will include MRP reduction in the final effluent. Further comment will be made on the results associated with the monitoring over the past 46 months, under Section 8.5 hereunder.

8.4 Total maximum nutrient load discharging to River Fergus

Analytical data for the wastewater discharge from the Clareabbey WWTP is available on a monthly basis for several years, up to an including August 2008. The influent and effluent streams are monitored for biochemical oxygen demand (BOD), chemical oxygen demand (COD), and suspended solids (SS). Monitoring for total nitrogen (TN) and total phosphorus (TP) is undertaken on the discharge on an intermittent basis, with analysis undertaken at an external laboratory (City Analysts, Limerick). Results for 2007 and 2008 are used for this application.

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The volume of *treated* wastewater discharged from the WWTP is recorded daily at the WWTP. The hours of operation of the pumps at the Westfields pumping station (together with pump capacity) provides the flow data for the influent load to the plant. These flow records indicate the range of flow volumes through the system is 1000-1500 m^3/day. The calculation of discharge load uses the maximum flow data readings over a one-week period during August 2008 to present the typical discharge load from the facility. This approach takes account of the requirements of the Waste Water Discharge (Authorisation) Regulations, 2007 in relation to calculation of population equivalent, *"population equivalent" is a measurement of organic biodegradable load and a population equivalent of 1 (1 p.e.) means the organic biodegradable load having a five-day*

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biochemical oxygen demand (BOD5) of 60g of oxygen per day; the load being calculated on the basis of the maximum average weekly load entering the waste water works during the year, excluding unusual situations such as those due to heavy rain"

The discharge of the treated waste stream is used to assess the impact of the discharge on the receiving waters for biochemical oxygen demand (BOD) chemical oxygen demand (COD), suspended solids (SS) total nitrogen (TN) and total phosphorus (TP), to waters. The nutrient discharge load is synopsised in Table 4, based on the estimated maximum flow readings and mean analytical values for the dates presented.

Table 4: Estimated nutrient load from Clareabbey WWTP to Fergus River

Date	Max flow (m^3/day)	BOD (kg/day)	COD kgs/day	SS kgs/day	TN kgs/day	TP kgs/day
09/01/08	1500	4.5	19.5	12	16.5	3
27/02/08	1500	9	28.5	0	10.5	3
09/04/08	1500	3	105	4.5	-	-

TN: total nitrogen, TP: Total phosphate, SS; suspended solids; BOD: biochemical oxygen demand COD: chemical oxygen demand

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8.5 Monitoring undertaken on receiving waters

Monitoring of the Fergus River is undertaken by various groups, under a number of statutory codes, as set out hereunder:

a) Clare County Council undertake monitoring in accordance with the *European Communities (Quality of Salmonid Waters) Regulations, S.I. 293 of 1988-*, as the Fergus River is designated water under this statute. Summary results of monitoring at Doora Bridge (upstream of the WWTP discharge) and Clarecastle Bridge (downstream of the WWTP discharge) for the past 46 sampling events are provided in Attachment A-9. These results indicate that the BOD and total oxidised nitrogen levels in the receiving waters are well within their required criteria standards (as set by the above Regulations). The results for ammoniacal nitrogen (NH_4-N) indicate levels which are within the standard set by the Regulations, but are slightly above the requirements for a defined "high quality" status. An examination of the incidents of high results indicates that these events are associated with high tides (correlating with high chloride values. Under these circumstances, the barrage is closed and the wastewater load from Ennis (Clonroadmore WWTP) and Clareabbey WWTP

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discharge to a receiving water with quiescent flow. No standard is defined for molybdate reactive phosphate (MRP) under the Salmonid Regulations. MRP values for rivers are defined under the *Local Government (Water Pollution) Act, 1977 (Water Quality Standards for Phosphorus Regulations) S.I. 258 of 1998.* The median MRP values for waters in the Phosphorus Regulations are correlated with biological quality ratings, or Q values. The Doora and Clarecastle Bridges are unsuited to the Q rating methodology, due to river channel and estuarine characteristics. Nonetheless, the MRP values defined in these Phosphorus Regulations are used as a benchmark to define the standard of water quality required for protection of conservation objectives and habitats in surface waters. The median MRP concentration for the Clarecastle Bridge, downstream of the outfall from the Clareabbey WWTP is 0.039mg/litre. Ideally, this value should be 0.03mg/litre. Improvement works at the plant, which include provision of phosphate reduction technology will reduce the level of phosphate in the discharge from the facility, and consequently will reduce the level in the receiving waters. It should be noted that the long term improvement works for the Ennis town catchment will provide for the discharge of treated effluent to the estuary, rather than the main river channel. This discharge arrangement will provide significantly greater assimilative capacity for the treated effluent.

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Quality standards for surface waters are likely to be updated in the near future, to provide for compliance with the Water Framework Directive, (2000/60/EC, implemented in Ireland by the Water Policy Regulations, S.I. 722 of 2003). This will provide an integrated approach to the protection and improvement of the ecological status, ecological potential and chemical status of surface waters.

The discharge for the main Ennis town catchment is located above Doora Bridge, on the Fergus River. An application for licensing under the *Wastewater Discharge (Authorisation) Regulations 2007, (S.I No 684 of 2007)* has been made to the EPA (Register Number D0048-01). The discharge from the Roche Ireland plant is licensed by the Environmental Protection Agency, Integrated Pollution Control Licence (Issued on 12/05/06) - Licence Register No P0012-04

b) Biological quality monitoring (Q rating) in accordance with the *Local Government (Water Pollution) Act 1977 Water Quality Standards for Phosphorous Regulations*

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1998 is undertaken on a national basis by the E.P.A. Clare County Council also commission Conservation Services to undertake biological monitoring of surface waters. The Clarecastle Bridge station is unsuited to this type of monitoring, due to the sampling methodology, and, the twice-daily saline nature of the waters, the estuarine mud substrate and the estuarine nature of the site.

c) During the course of this licence application Clare County Council are required to establish the impact of the discharge from the treatment plant on the waters of the Fergus River, with particular reference to the conservation objectives associated with any habitats or species in these waters. The waters are part of the Lower River Shannon catchment, named as a candidate Special Area of Conservation (Site Number 002165). A desk study was undertaken to examine the available data on this section of the river. The published data includes the following studies:

- N18 Ennis Bypass and Trunk Main Works: Environmental Assessment of Fergus Crossing of the River Fergus at Skehanagh, Ennis, Co Clare, compiled (for Gama Construction) by Mr. Howard Williams MIEEM, Inis Environmental Services, Edenvale, Ennis

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This study was undertaken approximately 100 metres upstream of the point of discharge from the Clareabbey WWTP. The study uses a habitat rating index for the waters in this area (published by the Heritage Council in *A Guide to Habitats in Ireland* (Fossitt 2000). The index works on a scale of 1-5 where 1= Unsuitable, 2 = Poor, 3 = Satisfactory, 4 = Good and 5 = Excellent. A rating of 1 indicates that the ecologist carrying out the assessment regarded it as impossible that the river could support salmonid fish in the relevant life stage. A rating of 1-2 indicates that it was regarded as possible but unlikely that the river could support salmonid fish in the relevant life stage. The rating found in the study for this particular stretch of river for various species is reproduced (with the permission of the author) in Table 5 hereunder:

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Table 5: Fish Species recorded in Fergus and Rine Estuaries and the potential utilisation by these species of habitats in the affected stretch of river

Species	Spawning	Nursery	Rearing	Foraging
European eel	n/a	3	3-4	3-4
Three spined stickleback	3	4-5	4-5	4-5
Smelt*	1-2	4-5	2-3	2
Flounder+	1	3	3-4	4-5
River Lamprey*	1	2	2	3
Sea Lamprey*	1	2	2	1
Greater pipefish	1	1	1	1-2
Estuarine Goby*	1	2	2	2-3
Thick lipped grey mullet	1	1	1	3-4
Sprat	1	1	1	1
Perch	1	2	2	2
Brown/slob/sea trout	1	1	2	4-5
Bass+	1	1	1	1
Lesser sandeel	1	1	1	1
Atlantic salmon*+	1	1	1-2	2

*Rare, notable or protected species +Commercial/recreational importance

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- The River Fergus, Co Clare; An investigation of the distribution, abundance and ecology of fish, mammal and invertebrate species designated under the EU Habitats Directive. The specific aim of the project is the collection of scientific data on the flora, fauna and wildlife habitat of the section of the river Fergus in line with the stated objective of the 2003 Wildlife Grant Scheme. The study was undertaken by The Ennis and District Trout Anglers Association (EDTAA), a voluntary body committed to the conservation and development of the River Fergus This baseline ecological heritage survey of the River Fergus System was undertaken to investigate the distribution, abundance and ecology of fish, mammal and invertebrate species, designated under the EU Habitats Directive, in the catchment. The survey personnel were Howard Williams BSc, Inis Environmental Services, and William O'Connor MSc, BSc, CBiol, MIBiol, MIEEM, MIFM, and consultations with Mr. Eamonn Cusack, Chief Executive Officer, Shannon Regional Fisheries Board, and

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Table 5: Irish Species recorded in Fergus and Shannon Estuaries and the potential utilisation by these species of habitats in the affected stretch of river

Species	Spawning	Nursery	Rearing	Foraging
European eel	n/a	3	3-4	3-4
Three spined stickleback	3	4-5	4-5	4-5
Smelt	1-2	4-5	2-3	2
Flounder	1	3	3-4	4-5
River Lamprey	1	2	2	3
Sea Lamprey	1	2	2	1
Freshwater pearl fish	1	1	1	1-2
Estuarine Goby	1	2	2	2-3
Thick lipped grey mullet	1	1	1	3-4
Sprat	1	1	1	1
Perch	1	2	2	2
Brown/sea trout	1	1	2	4-5
Bass	1	1	1	1
Leaser sandeel	1	4-5	1	1
Atlantic salmon	1	1	1-2	2

Rare, unable to provide data Dependent on operational impacts

- The River Fergus Co. Clare: An investigation of the distribution, abundance and ecology of fish, mammal and invertebrate species designated under the EU Habitats Directive. The specific aim of the project is the collection of scientific data on the flora, fauna and wildlife habitat of the section of the river Fergus in line with the stated objective of the 2003 Wildlife Client Schedule. The study was undertaken by The Burrin and District Trout Anglers Association (BDTAA), a voluntary body committed to the conservation and development of the River Fergus. This baseline ecological heritage survey of the River Fergus System was undertaken to investigate the distribution, abundance and ecology of fish, mammal and invertebrate species designated under the EU Habitats Directive, in the catchment. The survey personnel were Howard Williams BSc. Env. Environmental Scientist and William O'Connor MSc, BSc, CBiol, MIBiol, AFBPsyS, MIFM and consultations with Mr. Eamonn Cusack, Chief Executive Officer, Shannon Regional Fisheries Board and

Dr. Enda Mooney, Duchas National Parks & Wildlife, Deputy Regional Manager. This study records significant numbers of salmon in the River Fergus in the Ennis town catchment. However, the survey concludes that unsatisfactory water quality in the lower Fergus may be impacting on salmonid and lamprey reproductive success.

d) The E.P.A has published monitoring data for the Shannon and Fergus estuaries, in the "Water Quality in Ireland 2001-2003" publication. Extracts referring to the Fergus estuary from this publication are provided in Attachment A-10. Salinity values determine the acceptable levels of dissolved inorganic nitrogen (sum of nitrate, nitrite and ammonium) and molybdate reactive phosphate (MRP) to prevent nutrient enrichment in partially saline waters. Using these limit values (calculation of limit values is provided in the EPA report), the lower Fergus River is compliant with limits for dissolved inorganic nitrogen and MRP, and is deemed unpolluted. Using these limit values for dissolved inorganic nitrogen and MRP, the Fergus Estuary is deemed intermediate status .

e) A survey of the River Fergus was undertaken in November 2007 and March 2008, by Clare County Council, during the course of preparing the application for a discharge authorisation, under the *Wastewater Discharge (Authorisation) Regulations 2007, (S.I No 684 of 2007)* for the Clonroadmore WWTP, to the EPA (Register Number D0048-01). During the course of surveying for the Clonroadmore WWTP, the Ennis town catchment was assessed to identify any facility liable to generate substances listed in Annex X of the Water Framework Directive (2000/60/EC) or relevant pollutants listed in Annex VIII of the Water Framework Directive. Monitoring for these substances was undertaken in November 2007 and results on this monitoring did not indicate any substance on the list was present in the waters of the Fergus or in the discharges to the river from the Clonroadmore WWTP (see Attachment F-1. A further survey of water quality for priority listed substances is now being undertaken for the Clareabbey WWTP discharge and downstream of the discharge to ensure the discharge does not contain any listed substance. No potential source of these pollutants has been identified in the sewer catchment, so it is unlikely that the discharge will contain the listed substances. Results from the survey will be collated and included in the licence application data as soon as may be on receipt of the results of the sampling exercise.

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The monitoring programs described above provide a good overview of the water quality status in the River Fergus, both upstream and downstream of the WWTP discharge. In conclusion, there is no indication of significant deterioration in quality status of the Fergus River downstream of the discharge from the treatment plant. Overall, the impact of tidal flows reduces the impact of low flows in the river, in the vicinity of the wastewater treatment plant outfall, to the extent that the 95%ile or dry weather flow values are not relevant to the location.

8.6 Impact of storm overflows to River Fergus

One storm overflow is located in the Clareabbey catchment, associated with the main pumping station at Westfields, at the rear of the Westfields housing estate (marked on the map provided as Attachment B-1). During long periods of pump dysfunction, or power outages, the configuration at the pumping stations is such that there is potential for overflow from the system. Normal operations of the unit, even during heavy rainfall do not result in overflow. Any such overflow discharges to a drain which runs along the eastern boundary of the Westfields and Abbey court housing estates, and then runs east to join the Fergus River, just upstream of Clareabbey and the N18 Ennis bypass bridge crossing. Sampling of this drain was undertaken on September 9th 2008, during the course of preparing the licence application. Results from the survey will be collated and included in the licence application data as soon as may be on receipt of the results of the sampling exercise. No complaints have arisen in connection with this overflow.

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9. Proposed technology for improving emissions from WWTP

The proposals for upgrading of the wastewater treatment facilities for the Clareabbey WWTP and the associated pumping stations, to cater for the existing and projected loading arising in the agglomeration are set out under the following headings:

9.1 Short-medium term measures to address infrastructure deficiencies

9.2 Long term measures to address infrastructure deficiencies

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The monitoring programs described above provide a good overview of the water quality status in the River Fergus, both upstream and downstream of the WWTP discharge. In conclusion, there is no indication of significant deterioration in quality status of the Fergus River downstream of the discharge from the treatment plant. Overall, the impact of tidal flows reduces the impact of low flows in the river, in the vicinity of the wastewater treatment plant outfall, to the extent that the WSWIe or dry weather flow values are not relevant to the location.

9.6 Impact of storm overflows to River Fergus

One storm overflow is located in the Clarenbby catchment, associated with the main pumping station at Westfields, at the rear of the Westfield housing estate (marked on the map provided as Attachment B-1). During long periods of pump dysfunction, or power outages, the configuration of the pumping stations is such that there is potential for overflow from the system. Normal operations of the unit, even during heavy rainfall do not result in overflows. Any such overflow discharges to a drain which runs along the eastern boundary of the Westfields and Abbey court housing estates, and then runs east to join the Fergus River just upstream of Clarenbby and the N18 Ennis bypass bridge crossing. Sampling of this drain was undertaken on September 5th 2005, during the course of preparing the licence application. Results from the survey will be collated and included in the licence application data as soon as may be on receipt of the results of the sampling exercise. No complaints have arisen in connection with this overflow.

9. Proposed technology for improving emissions from WWTP

The proposals for upgrading of the wastewater treatment facilities for the Clarenbby WWTP and the associated pumping stations, to cater for the existing and projected loading arising in the agglomeration are set out under the following headings:

9.1 Short-medium term measures to address infrastructure deficiencies

9.2 Long term measures to address infrastructure deficiencies

9.1 Short-medium term measures to address infrastructure deficiencies

The wastewater treatment plant on the Clareabbey site was constructed in 1981 for a population equivalent of 4,000. Upgrading works were undertaken in 2001 to provide for an increase in the plant capacity to cater for a population equivalent of 6,000. It was considered at that time (2001) that this upgrade would enable the ongoing function of the system, in accordance with regulatory requirements, until a combined plant was provided at the Clareabbey site, to serve the entire Ennis catchment (See Section 9.2 of this report). This project is unlikely to be completed until 2012, and interim works are required to provide for the increase in the volume of wastewater in the catchment.

Permission has been granted, on 2nd March 2007, for the construction of a temporary wastewater treatment facility, adjacent to the Clareabbey WWTP (Permission Reference P06/1754, Attachment B-6). Contract documents have been drawn up to provide for the commencement of this contract on a public/private partnership basis, and a contractor is currently being appointed for the construction of the facility (Response Engineering Ltd). The design flow for the temporary WWTP is 5000PE, with some existing flow to the Clareabbey plant to be diverted to the new plant as soon as may be. The agreement refers to diversion of 1000PE flow from the existing Clareabbey plant to the new temporary facility. This new facility will also provide for phosphorus reduction in the discharge from the system.

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The plant specified is an aeration plant, but the permission granted (and contract details) refer to a "design, build, operate" approach, so final design details on the new temporary plant are not available at this stage.

Drawing details, site location and design calculations are provided as an attachment to this report (Attachment G-3). The rationale behind the design and the estimation of population equivalent takes account of the existing and forthcoming developments in the catchment, to ensure the adequacy of wastewater treatment provisions for the existing and medium term period (up to 2012 as a minimum)

The upgrading of pumping stations is included in the schedule of works associated with the DBO contract for the temporary WWTP. This will include the upgrading

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9.1 Short-medium term measures to address infrastructure deficiencies

The wastewater treatment plant on the Clarabbey site was constructed in 1981 for a population equivalent of 4,000. Upgrading works were undertaken in 2001 to provide for an increase in the plant capacity to cater for a population equivalent of 6,000. It was considered at that time (2001) that this upgrade would enable the ongoing function of the system, in accordance with regulatory requirements, until a combined plant was provided at the Clarabbey site, to serve the entire Ennis catchment (See Section 9.2 of this report). This project is unlikely to be completed until 2012, and interim works are required to provide for the increase in the volume of wastewater in the catchment.

Permission has been granted, on 2nd March 2007, for the construction of a temporary wastewater treatment facility, adjacent to the Clarabbey WWTP (Permission Reference P06/1753, Attachment B-6). Contract documents have been drawn up to provide for the commencement of this contract on a public/private partnership basis, and a contractor is currently being appointed for the construction of the facility (Response Engineering Ltd). The design flow for the temporary WWTP is 30000PE, with some existing flow to the Clarabbey plant to be diverted to the new plant as soon as may be. The agreement refers to diversion of 10000PE flow from the existing Clarabbey plant to the new temporary facility. This new facility will also provide for phosphorus reduction in the discharge from the system.

The plant specified is an aeration plant, but the permission granted (and contract details) refer to a "design, build, operate" approach, so final design details on the new temporary plant are not available at this stage.

Planning details, site location and design calculations are provided as an attachment to this report (Attachment G-2). The rationale behind the design and the estimation of population equivalent takes account of the existing and forthcoming developments in the catchment, to ensure the adequacy of wastewater treatment provisions for the existing and medium term period up to 2012 as a minimum.

The upgrading of pumping stations is included in the schedule of works associated with the D30 contract for the temporary WWTP. This will include the upgrading

and sealing of the Kildysert Road pumping station, and construction of a new pumping station to divert flow from the existing treatment works to the new temporary facility.

In addition, the works have already commenced on the upgrading of pumps at the Westfields pumping station. Three NT 3153.181 pumps are currently on order to provide for adequate flow management from the facility to the Clareabbey old and new plants. These units will operate on the basis of two duty and one standby pump, capable of delivering flows of 50- 75 litres per second (based on 3m rising main head). The pumps will be installed at the station in the near future. This will ensure the pumping station will adequately cater for flows in excess of 6DWF, with no overflow from the system during prolonged wet weather.

Arrangements for licensing of the discharge from the Quin Road pumping station (under the control of Shannon Development) are also underway, under Section 16 of the Local Government (Water Pollution) Act, 1977.

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9.2 Long term measures to address infrastructure deficiencies

The improvement in wastewater treatment infrastructure for Ennis town was included in the National Water Services Investment Programme, scheduled to commence construction in 2005, with a completion date of 2007. This project provides for the construction of a single wastewater treatment facility, to cater for 50,000 population equivalent, adjacent to the site of the Clareabbey WWTP. The project involves pumping the discharges from the Ennis town catchments to the Clareabbey location, with de-commissioning of both the Clonroadmore and Clareabbey WWTPs, as they currently exist. The project is due to be completed in 2012. As indicated in Section 9.1, Clare County Council are now actively involved with the provision of a temporary treatment facility, which will cater for some of the existing loading to the Clareabbey plant, and also for any additional loading arising in the period between now and construction of the new permanent facility.

The existing discharge volumes and associated nutrient loads present a limited risk of pollution to water quality in the Fergus River. Taking account of the projected increase in the population of the entire Ennis agglomeration, the typical cost of nutrient reduction in wastewater treatment plants, and the land footprint available for

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expansion of the existing treatment plants, the proposal (in the National Water Services Investment Programme) is to provide a new 50,000 capacity treatment works at the site of the existing Clareabbey waste water treatment plant. The Council has already acquired the site for the proposed treatment works. A brief to facilitate the appointment of consultants proceeding to the full design stage- is currently being considered by the Department of Environment, Heritage and Local Government (DoEHLG). The DoEHLG already approved a preliminary report on the scheme. The time frame for completion of the design and approval of design criteria and performance targets is linked to the time frame for approval of this data by the DoEHLG. The final contract will be based on a design-build-operate (DBO) approach.

The Fergus River upstream of the Clarecastle barrage will not provide adequate assimilative capacity for the treated effluent from a 50,000 capacity treatment plant. Studies have been undertaken on the Upper Fergus Estuary, downstream of the Clarecastle barrage. A 2D hydrodynamic model was constructed for the Hydro Environmental Ltd study "Fergus Estuary Water Quality Model Study- Outfall Site Selection" was assembled in 2002. This predictive model was used to assess a range of options for discharge of treated wastewater from the Ennis agglomeration. The model considered a B.O.D load from 50,000 population equivalent, (@ 25mg/litre) providing 225 kgs/day to the Fergus estuary, discharged via a diffuser arrangement. This load combined with the Roche Ireland Ltd load of 200 kgs/day would be within the assimilative capacity of the estuary, which is thought to be circa 500 kgs/day. It was further considered that the Fergus estuary would be able to assimilate the total nitrogen load from the 50,000-population equivalent (circa 115 kgs/day). Phosphorus loading was not considered in this exercise due to the tidal nature of the estuary.

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10. Measures planned to monitor emissions into the environment

Provisions for monitoring emissions from the wastewater treatment plant are in place at the Clareabbey WWTP. A full time laboratory technician is employed to cater for the operational requirements in terms of monitoring at both the Clonroadmore and Clareabbey treatment plants. Monitoring of influent and effluent waste water streams, and receiving waters is undertaken on a monthly basis for the parameters biochemical

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oxygen demand (BOD), chemical oxygen demand (COD) and suspended solids (SS). Total nitrogen (TN) and total phosphorus (TP) measurements are undertaken on the influent and effluent streams on a sporadic basis. Methods of analysis and sampling.procedures are provided in Attachment E 2 of this application. Sampling is currently undertaken as grab samples, but it is anticipated that composite samplers will be used on all influent and effluent streams in the near future.

View of the Clareabbey WWTP from the eastern bank of the Fergus river



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Section C

Description of Clareabbey WWTP



The Clareabbey WWTP was constructed in 1981/1982, on the west side of the Ennis-Limerick railway line, approximately 500m south of the ruins of the Augustinian Clare Abbey. The plant is now clearly visible from the Ennis by-pass, just south of the railway bridge. The access route to the plant is from the Limerick Road, near Kildysert Cross, via a lay-by, sharing the access route with the old GAA pitch and a small number of private dwellings.

The original design data for the plant indicates that the plant was constructed to serve a population equivalent (PE) of 4,000, and an upgrade to the plant in 2001/2002 provided improved screening and aeration, to provide treatment for 6,000 P.E. The design data is summarised in Table 1 hereunder:

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Table 1: Design data for Clareabbey WWTP

Parameter	Initial plant	Upgrade
Design Load	4000	6000
DWF	900 m^3/day	1350 m^3/day
BOD_5 Load	240 kg/day	360 kg/day

The above design was based on previous definitions of population equivalent and dry weather flow, with 60grms BOD and 225 litres flow per head per day. Under the Waste Water Discharge (Authorisation) Regulations, 2007, the calculation of population equivalent is based the maximum average weekly flow entering the waste water works during the year and measurement of organic biodegradable load for this flow, allowing 60g of BOD_5 per head of population. Flow measurements should exclude unusual situations such as those due to heavy rain.

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Section C

Description of Clarenabbey WWTP



Treatment Process Description

Clareabbey WWTP operates as an extended aeration activated sludge process, and consists of the following elements:

- Inlet pump house
- Inlet screening, fitted with screening removal and bypass
- Aeration tank fitted with open vane surface aerators
- Final settlement tank with sludge collection hopper
- Final outflow with venturi flume and flow measurement
- Sludge belt press
- Masko-Zoll sludge dewatering unit
- Administration control house

1 Inlet pump houses.

The inlet pumping station delivering wastewater loads to the Clareabbey WWTP is located at Westfields housing estate, on the east side of the Limerick Road, 600 metres north of the treatment works. This station was constructed in 1981. A 250mm rising main from this station delivers flow directly to the Clareabbey WWTP. Three pumps were provided in the pumping station with design pumping capacities as follows:

- Single pump operation: 20litres/second
- Two pumps operating; 32 litres/second
- A third pump of equal capacity, providing 50% standby. When all three pumps operate the total combined output is 42litres/second.

The pumping station is currently being upgraded. During the course of preparation for the licence application, one pump only was operating at the Westfields station, delivering 32 litres/sec to the Clareabbey WWTP. Details of the upgrading works already commenced for this pump house are described in Section 9 of this report, under the heading "Short and long term measures to address pumping facilities"

The Kildysert Cross pumping station was constructed in 2003 to cater for serviced lands in this area, in accordance with the Serviced Land Initiative. This pumping

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Treatment Process Description

Clareabbey WWTP operates as an extended aeration activated sludge process and consists of the following elements:

- Inlet pump house
- Inlet screening, fitted with screening removal and bypass
- Aeration tank fitted with open vane surface aerators
- Final settlement tank with sludge collection bopper
- Final outflow with venturi flume and flow measurement
- Sludge belt press
- Maslo-Zoll sludge dewatering unit
- Administration control house

1 Inlet pump houses.

The inlet pumping station delivering wastewater loads to the Clareabbey WWTP is located at Westfields housing estate, on the east side of the Limerick Road, 600 metres north of the treatment works. The station was constructed in 1981. A 250mm rising main from this station delivers flow directly to the Clareabbey WWTP. Three pumps were provided in the pumping station with design pumping capacities as follows:

- Single pump operation: litres/second
- Two pumps operating: 32 litres/second
- A third pump of equal capacity, providing 50% standby. When all three pumps operate the total combined output is 42litres/second.

The pumping station is currently being upgraded. During the course of preparation for the licence application, one pump only was operating at the Westfields station, delivering 32 litres/sec to the Clareabbey WWTP. Details of the upgrading works already commenced for this pump house are described in Section 9 of this report, under the heading "Short and long term measures to address pumping facilities".

The Killyven Cross pumping station was constructed in 2003 to cater for serviced lands in this area, in accordance with the Serviced Land Initiative. This pumping

station has a design population equivalent of 6,500, at 4DWF (67 litres/sec), and delivers its flow to the Westfields pumping station. This pumping station is also due to be examined during the process of construction of the new works at Clareabbey.

The Quin Road Pumping station, serves housing developments and the Quin Road Industrial Estates. This pumping station is owned by Shannon Development and will be licensed under Section 16 of the Local Government (Water Pollution) Act 1977 in the near future. This pumping station also delivers foul flows to the Westfields Pumping Station.

The locations of all pumping stations is indicated on the Map Attachment B-1 to this application.

2. Inlet Screening



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The Automatic Screening Conditioning Equipment (ACE), manufactured by Haigh Engineering, was fitted on the inlet line at Clareabbey WWTP in 2001. This unit (Model LS303V) comprises a brush screen, a 152 ACE pump, a liquid separator station and a control panel. The function of the system is to screen raw sewage, depositing inorganic material into a collecting bin, while allowing the filtered sewage to flow into the treatment plant. The unit capacity is 4litres/second, and overflows are delivered via a bypass directly to the aeration basin.

3 Aeration Basin.

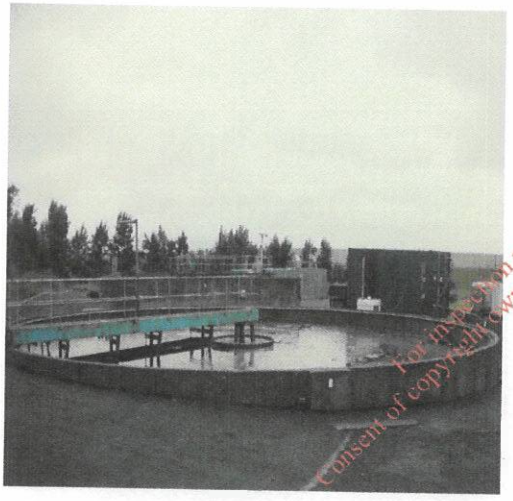
The single aeration tank is a flat-bottomed tank, with a reactor volume of 1500 m^3. Based on the Stage 1 design, (pre-2001) this should provide a retention time at design dry weather flow of 1.67 days (40 hours). With the increased flow through the system, approximating to 1450m^3, the retention time is approximately 24 hours. The aeration

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system is fitted with two open vane surface aerators. Four inlet pipes enter the baffled inlet area of the tank.

- Inlet 1 (250 mm diameter) is the feed line from the inlet screen.
- Inlet 2 (100 mm diameter) is the feed line from the sludge pumping station carrying return sludge from the final settlement tank to the aeration basin
- Inlet 3 (75mm diameter) is the return feed line from the sludge-handling unit, carrying supernatant from this system to the aeration basin.
- Inlet 4 (250mm diameter) is the overflow line from the inlet screen operating when inflows exceed the capacity of the ACE system.

4 Final settlement tank/Clarifier



The outlet from the aeration tank is opposite the inlet point, with a control weir operating at this outlet. A dissolved oxygen probe is located here, but the probe is not operational. The effluent passes (via a 300mm diameter pipe) from the aeration tank to the final settlement tank. The inlet pipe to the settlement chamber is laid under the tank in the centre and rises up toward the top water level.

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The settlement tank is a flat bottom tank, with an internal diameter of 19.3m, a sidewall depth of 2m, and a 7.5° slope to the sludge collection hopper. This provides a surface area of 292m^2. The final settled effluent flows over a weir, located all around the periphery of the tank. A rotating bridge operates around the tank. Based on Stage 1 design, the surface loading rates on the tank are

@ 3 DWF (31 litres/sec): 0.38m^3/ hour

@ 6 DWF (63 litres/sec): 0.77m^3/ hour

Retention times at 3 and 6 DWF are approx 4.5 and 2.25 hours respectively.

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5. Final outflow with venturi flume and flow measurement

The effluent from the final settlement tanks is directed by gravity outfall to the River Fergus, which is located due East of the treatment works. A site layout map is provided as Attachment B-2 and the map indicating both the location of the treatment plant and the main discharge point to surface water is provided as Attachment B-1. The treated wastewater discharge is the primary discharge, and is designated SW1 on the maps accompanying the application. This outflow discharges from the plant via a venturi flume, fitted with a flow meter, recorded on an Akron System 10 pressure transducer and recorder. The accuracy of this system has not been crosschecked during the application process, but the most recent calibration of the unit took place in early August 2008. The discharge point to the Fergus River is located between the railway bridge (on the Ennis by-pass) and the Clarecastle tidal barrage, (See photographs of the location of the plant, including the location of outfalls to surface waters, Attachment A-6)

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6. Sludge Management



Settled sludge is drawn via a 150mm pipe, from the central sludge hopper, into the sludge processing system. This area is fitted with two pumps to pump sludge via the sludge return feed line to the aeration basin, and to discharge waste sludge to the sludge handling system. Sludge thickening takes place in a picket fence thickener, with supernatant return to the aeration basin.

The waste sludge is processed in either the belt press (housed in the administration building) or in the Masko-Zoll unit (installed on site in early 2008). This unit is a mechanical de-watering system housed in a container on site. The sludge is fed into the system, from the holding tank and flocculant is dosed automatically into the feed. The de-watering unit removes waters from the flocculated sludge and solids are

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separated, pressed and further de-watered in the final screw press. The sludge is collected in an external skip, which is removed off site to a composting facility, McGill Environmental Systems (Irl) Ltd, Ballinvoher, Co. Cork (Waste Permit Mcgill CK (S) 302-06). The contractor removing this material is permitted under WCP/LK/047/02b and WCP/LK/047/07c. Details of sludge volumes and solids content are provide in Attachment C-3

7 Administration Control House

The control room and sludge de-watering room are housed in one building on site. The control room houses the main control panel for the treatment plant, with the Arkon System 10 pressure transducer and recorder, a dissolved oxygen recorder, disused flow equipment and basic office facilities provided therein. Daily record sheets with flow data and sludge handling details are maintained on site. In-process monitoring and final effluent monitoring is undertaken on a once per month basis at the plant, to provide appropriate control of the facility performance. The WWTP is manned by one part time operative and an environmental technician on a part time basis (Monday to Friday) and a part-time basis at the weekends.

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Prep Planning FI 8/5/2019 1/8/2019 Obj x4 Sub x1 Irish Water

CLARE COUNTY COUNCIL
PLANNING REPORT 3

File Reference:	18-1007
Applicant:	Seamus Lynch
Development:	for development at the site known as *"Hogan's Field"* (site area 1.18ha approx). The development will consist of 25 No. houses, consisting of 20 No.3-bedroom, two storey semi-detached houses and 5 No. 2-bedroom single storey terraced semi-detached houses; vehicular entrance from Clare Road; and all associated landscaping and site development works
Location:	*"Hogan's Field"*, Clare Road, Ennis, Co. Clare
Due Date:	09th September 2019

Introduction

Clarification of the outstanding issues from the further information response was sought on the 28th June 2019. A response to this request was received on the 01st August 2019 the content of which was deemed to be significant. Outlined in this report is an assessment of the response

Site Description

The site is located in the settlement of Ennis and is zoned for *"Residential"* purposes in the Clare County Development Plan 2017-2023. It is to the east of the R458 regional road (i.e. Clare Road, to the south and west of Abbey Court housing estate and to the north of Westfield housing estate. The site is to the south and east of a petrol filling station. There is a line of detached dwellings to the south of the site that front onto the Clare Road. There is an undeveloped site on the opposite side of the Clare Road. The Halfway Bar is also located opposite the site and the West County Hotel is located to the north of same. The access to Abbey Court and Abbeyville housing estate is located to the north west of the site. There is a footpath across the front of the site. The front boundary of the site comprises of a low level natural stone wall. The shared boundary with the petrol station comprises of a concrete wall. The shared boundary with Abbey Court comprises of an attractive natural stone wall with a linear grassed area and row of mature deciduous trees to the north of same. The eastern and south eastern boundaries of the site comprise of circa 2 metre high block walls that are shared boundaries with the Abbey Court and Westfield housing developments. The shared boundary with the dwelling to the south west of the site (that fronts onto the Clare Road) comprises of a capped wall, the northern elevation of a domestic garage and a rear garden gated pedestrian access. This is an undulating site and the levels of same generally fall away in an easterly direction from the Clare Road. I consider that the main views available towards the site are from the Clare Road and the estate road serving Abbey Court. Views are also available from the dwellings in Westfield and the dwellings fronting onto the Clare Road. The site which has a stated area of 1.18 hectares comprises of an overgrown undeveloped site.

Proposed Services

Water Supply	Connection to public main proposed
Wastewater Treatment	Connection to public sewer proposed
Surface Water Disposal	Connection to public sewer/drain proposed
Car Parking	Onsite provision proposed

Site Notices

The site notices were present on date of inspection (09th January 2019) in accordance with the drawings and particulars received with the application and were legible from the adjacent public areas.

The display of the Site Notices is deemed to be in accordance with requirements of Article 19 of the Planning and Development Regulations 2001, (as amended).

Land Use Zoning & Planning Policy

The site is zoned as *"Residential R35"* in the Clare County Development Plan 2017-2023 (as varied). The site specific development objective associated with these lands is as follows:

"This site is situated on the Limerick Road and is suitable for housing. This site was assessed in the Strategic Flood Risk Assessment and further details are contained in Volume 10(c) of this Plan. CFRAMS maps indicate a flood risk to the east of the site. The western road frontage of the site is within Flood Zone C and is suitable for all types of development. The eastern portion of the site is shown to be at risk of flooding and should be utilised for water compatible land uses only.

The site directly adjoins the R458 (Limerick Road) and roadside portions of the site are identified as being subject to high noise levels in the Clare County Council Noise Action Plan 2013. The design and layout of houses in close proximity to the R458 must incorporate appropriate noise mitigation measures."

Appendix 1 of the Clare County Development Plan 2017-2023 sets out the requirements for urban residential developments. The assessment of this development also has regard to the Section 28 Ministerial Guidelines the *"Sustainable Residential Development in Urban Areas (2009)"* and the accompanying *"Urban Design Manual, A Best Practice Guide (2009)"*.

Recent Planning History

Proposal Site

05-21093 – Further Information – West County Hotel - of the use of 0.25 hectares of land site adjacent to the Statoil garage on the Limerick Road, to accomodate approximately 123 No.

overspill car parking spaces for the West County Hotel for not more than 28 no. days per calendar year for a period of 3 years; and the retention of the site works (site levelling, surfacing and entrance gate) undertaken to facilitate the car parking use.

East

16-874 – Granted – Marianne Moloney - to construct ground floor extension to front and side of dwelling house and to construct new first floor extension over an existing single storey section and the new proposed extended area, with all associated site works.
10-21006 – Granted – Aileen Hennessy - Construction of an extension to existing dwelling including ancillary site works.

09-21031 – Granted – Eugene Folan - to convert the attic space above the ground floor room into an additional bedroom.

South

14-21020 – Granted – Seamus Lynch - to demolish existing house and construct new dwelling house with garage, shed and ancillary services.

14-742 – Granted - S O'Connell, N. Nevin, Ann Marie O'Connell & I. McGoldrick - to demolish 2 no. existing habitable semi-detached private dwelling houses and construct 2 no. proposed semi-detached private dwelling houses and associated site works.

12-21012 – Granted – John O'Leary - to construct an extension to the side of the existing dwelling, with all associated site works at.

West

17-254 – Granted – Patrick Mulcair - for the construction of 3 No. 2 storey dormer-roofed detached dwelling houses (previously granted Planning permission Ref: 05-155), with all site works and services.

15-310 – Refused – Pat Mulcair - to construct 3 no. 2- storey dormer roofed detached dwelling houses (previously granted Planning Permission Ref: 05-155, with all site works and services.

North

15-141 – Granted – Mark & Mary Sutton - to construct extension and carry out alterations to dwelling house.

12-21056 – Granted – Ms. Marie Hussey - to a) Demolish existing sun room to rear of dwelling house and b) Construct new single storey sun room extension to rear of dwelling house and

also to construct new first floor extension over existing single storey section of private dwelling house along with all associated site works and services.

Pre-Planning History

PP-18-158 – See notes on pre-planning consultation file.

Planning Enforcement History

There are no active enforcement proceedings on the proposal site.

Technical Reports

Pre-Further Information Request

1. Taking in Charge / Estates Team

- Issues with regard to the proposed 90 degree bends within the site are outlined.
- Considers that the road layout is *"not conducive to children cross the estate road to the play area / open space"*.
- Consider that off street parking is limited.
- Outlines potential civil issues with the inclusion of footpaths between the proposed parking areas and the dwellings.
- The trees proposed across the front boundary will restrict sight distances.
- No cycle path is provided.
- Parking arrangements for dwelling numbers 1 and 2 are queried.
- Expresses concerns that the turning head to the front of dwelling number 16 may be used as a parking area.
- Clarification on sewer connections recommended.
- Concerns expressed with regard to the construction of sewers under proposed dwelling numbers 1, 2, 15, 16 and 17.
- Limited open space provision for dwelling numbers 15 and 16.
- Lack of privacy for dwellings backing onto Abbey Court.
- Post and panel fencing between dwellings is not desirable. Block and capped walls preferable.
- No street light details provided.
- Open space area is within a flood risk area. Adequate drainage and landscaping of this area required.
- Standard financial conditions recommended.

2. Road Design Office

- Demonstration of 49 metre sight distances in accordance with DMURS not demonstrated.

- Footpath width of 1.8 metres required in accordance with DMURS. Same not demonstrated.
- Parking requirements of County Development Plan satisfied.
- Lighting design not provided.
- Autotrack analysis required for the development. This analysis to include specific assessment of proposed parking spaces in close proximity to the Clare Road junction.
- Ensure that pedestrian routes are adequate and suitably illuminated.
- Proposed trees are included at locations that restrict sightline distances.
- High friction surfacing is required on a cycle lane across any new junction as per the National Cycle Manual.

3. Chief Fire Officer

- *Water supplies are to be in accordance with the Water UK "National guidance document on the provision of water for fire fighting (3rd edition; Jan 2007)".*

4. Ennis Municipal District Engineer

- *"I note the intention of the applicant is to discharge the majority of the storm water from the proposed development to the existing storm water infrastructure in Abbeyville/Abbey Court. The applicant should provide evidence that both the capacity and condition of the existing network is capable of dealing with the additional loading".*

5. Housing Department

- *The Council require that 3 no. dwellings be provided. Our priority is for 2-bed units to satisfy our current demand in Ennis. The 2 no. two bed units, semi-detached (House Type B), as proposed, are acceptable. However, the parking and access provision for these dwellings is not clear from the layout plan. Subject to these issues being dealt, the Part V proposal for these units is in order. In addition the Council require that one no. house type C (3 bed-terrace)be provided.*
- *We will examine the costs submitted if and when the application is granted, and a Part V valuation report, breakdown of build costs and specification will be required at that stage to progress the matter further*

Post Further Information Response

1. Chief Fire Officer

- States that all requirements from Part A to M of the 2nd Schedule to the Building Regulations 1997 to 2017 which apply to housing shall be complied with.
- Set out the water supply and fire hydrant requirements.
- Turning bays required at the end of cul de sacs to allow for turning of fire appliances.
- Minimum width between kerbs should be 3.7 metres.

2. Road Design Office

- *The items raised in our letter of 22/01/2019 have been addressed other than item 8 which requested that "Red Surface (i.e. high friction surfacing) is required on a cycle lane across any new junction as per the National Cycle Manual with adjustment to cycle lane marking also".*

3. Taking in Charge / Estates Team

- File should be referred to P Lynch in Road Department with regard to the proposed public lighting.
- Concerns remain regard the connectivity of the development to the proposed open space.

4. Roads Department

- Insufficient information has been received with regard to the proposed public lighting.
- Issues with the proposed lighting are outlined and same include:
    - Unclear whether lighting is proposed across the road from the access to the estate.
    - Lux Contour Maps required.
    - Ducting for the lighting to be located on public lands and not within the curtilege of dwellings.
    - No public lighting provided on the footpath to Abbey Court.
    - Current lighting standards must be met at the proposed junction.
    - Lighting should not be located between driveways as same may lead to damage to the lighting column by reason of vehicles colliding into same.

5. Ennis Municipal District

- Notes the content of the report received from the Road Design Office with regard to direct access for the proposed development from the Clare Road and recommends the inclusion of a condition in relation to a road opening licence in this regard.
- There is adequate capacity in the Abbeycourt-Abbeyville storm water network to cater for the proposed attenuated discharge. The Council is currently procuring works on parts of this network to rectify issues found during the taking in charge process. Also works to the River Fergus Embankments and associated back drain and outlet works will reduce the surcharging of drainage networks during severe flood events. Again a condition with regard to the requirement for a road opening licence for the connection works to the Abbeycourt/Abbeyville stormwater network is recommended.
- Recommends the inclusion of a condition in relation to the installation, certification and maintenance of the proposed attenuation system.

- The content of the flood report is noted. Ennis MD has not observed flooding in the area during the more severe flood events. Flooding has been observed in private gardens in the north west of Abbeycourt/Abbeyville and it is stated that this area is not served by the drainage network that it is reposed to discharge the proposed development too.
- The development of the proposed development is not dependent on the St. Flannan's College / Ennis South Flood Relief Scheme.
- The open space area shall be constructed in accordance with the drawings received and shall be designated as open space.

The issues raised in the reports received are noted and are assessed/considered in the relevant sections of this report.

Submissions from Prescribed Bodies

Pre-Further Information Request

1. Irish Water

- Further information recommended – *"applicant is required to apply to Irish Water for a PCE for water and wastewater connections".*

Post Further Information Response

None received.

The issues raised in the submission received are noted and are assessed/considered in the relevant sections of this report.

3rd Party Observations

Pre-Further Information Request

1. John & Marguerite O'Leary

Submission which raises the following issues:

- Recommend the inclusion of a condition that retains the proposed green area as an open space area and does not allow future development here. Residential amenity considerations are outlined in this regard.
- Outline structural concerns with regard to the boundary wall with Hogan's field as a result of the proposed works.
- Outline noise concerns and the potential for same to have an adverse impact on their existing residential amenities (i.e. noise from additional traffic).

- Outlines traffic concerns for the adjacent road network arising from the development. Issues of traffic congestion, cumulative impact and traffic safety are outlined.

2. Eugene Folan

Submission which raises the following issues:

- Notes that the water supply will be via the existing infrastructure serving the adjacent housing development. Outlines potential water pressure concerns in this regard.
- Notes that the wastewater sewer from the site would connect to the existing infrastructure serving the adjacent housing development. Outlines concerns pertaining to potential impacts on the adjacent estate.
- Notes that the surfacewater drainage from the site would connect to the existing infrastructure serving the adjacent housing development. Questions whether this system has the capacity to accommodate this loading and outlines potential flooding issues (e.g. in green area to the rear of dwellings in Abbey Court).
- Questions the maintenance of the attenuation tank and what measures would be in place when said tank is full and it is still raining. Also questions whether same would reduce the water drainage characteristics of the existing ground in this area.
- Outlines concerns with regard to cumulative impact of new development in the area and the potential impacts for flooding. History of flooding in the area is outlined. Also outlined is the recently permitted Lidl development to the north of the site. The underground hydrological systems in the area are also questioned.
- Notes that the site is partially located within a flood risk area and questions whether a flood risk assessment has been prepared.
- Expresses concerns with regard to the rear garden boundary treatments that back onto Abbey Court. Visual and residential amenity concerns are outlined in this regard. The appropriateness of hedging in this area is queried.
- Outlines the lack of pedestrian permeability with the existing road network and pedestrian infrastructure in the area. Considers that people will traverse over the northern boundary wall to gain access to the shop etc.

3. Michael O'Brien & Noel McMahon (Abbey Court & Abbeyville Residents Association)

Submission which raises the following issues:

- Water main connection to the existing infrastructure in Abbey Court & Abbeyville should be refused unless there is sufficient evidence to show that water supply/pressure to the adjacent estates will not be impaired.
- Surfacewater drainage connection to Abbey Court and Abbeyville be refused *"on the grounds of the current poor conditions of the storms drains and sewerage systems"* in said estates. *"Following a previous flooding in St. Flannan's the pressure from the water forced up the inspection gully covers where raw sewerage was displaced in the estate.*

This should not have happened if both systems were independent of each other. The developer in Hogan's field now intends to add the disposal from 25 houses to this". The condition of the system in the adjacent estate is outlined.

- States that the green areas in Abbey Court and Abbeyville were not completed and were left uneven. States that these areas continue to flood even during the summer months and this creates maintenance issues. *"We object to this development which is likely to cause further flooding in the Abbey Court / Abbeyville estate".*
- Considers that the existing wall between Abbey Court and the proposed development is not sufficient to prevent persons traversing same. Questions how this issue will be addressed and the visual impact on such proposed measures.
- Questions what screening is proposed to the rear of dwelling numbers 18 to 25.
- States that any proposed tree planting should be a sufficient distance from the shared boundary walls to prevent overhang or damage to said walls.
- House designs are for 2 to 3 bedroom houses whereas the adjacent estate accommodates 3 to 4 bed houses. State that the proposal is not in keeping with existing housing.

4. Reene Kelly

Objection to the proposed development on the following grounds:

- Outlines the onsite flood risk designations and questions whether a flood risk assessment has been carried out.
- Questions whether in the instance of future flooding in Abbey Court remediation works would be carried out by the developer or the Council.
- Questions the capacity of the Abbey Court and Abbeyville wastewater sewer to accommodate the additional loading from the development.
- Notes that the water supply will be via the existing infrastructure serving the adjacent housing development. Outlines potential water pressure concerns in this regard.
- Notes that the surfacewater drainage from the site would connect to the existing infrastructure serving the adjacent housing development. Questions whether this system has the capacity to accommodate this loading and outlines potential flooding issues.
- Outlines potential security concerns for the dwellings to the east of the site. Recommends the planting of a *"suitable deterrent hedge"* in this area. States that no trees should be planted in this area as same could be used to climb over the wall and reduce light in the area.
- Questions the levels of the green area relative to the wall to the east of the site.
- Questions what security measures could be put in place to protect the residents to the east of the site.

Post Further Information Response

1. John & Marguerite O'Leary

- Having reviewed the further information response they consider that 4 observations detailed in their original submission remain relevant and have not been fully addressed.
- Recommend the inclusion of a condition that retains the proposed green area as an open space area and does not allow future development here. Residential amenity considerations are outlined in this regard.
- Outline traffic concerns with regard to the impact on the proposed development on the Clare Road and highlights the recent developments in the area. Also outlines the proximity of the proposed access to a number of access points along the Clare Road and expresses traffic safety and free flow concerns in this regard.
- With regard to item 3(k) on the further information request which relates to rock breaking within the site the observation states that "appropriate mitigation measures must be used throughout the construction phase".
- Outline issues with the roundabout serving Westfield's and the Hawthorns and recommends mitigation measures in the form of traffic calming measures to address these concerns.

2. Eugene Folan

- Questions the water supply pressure and the capacity of wastewater and surfacewater networks to manage the additional loading. Also questions the calculations received in the response with regard to rainfall.
- Expresses security concerns for the existing dwellings to the east of the site. Recommends that deterrent hedging be planted in this area to mitigate against this issue. The Beech Hedging as proposed will not provide sufficient mitigation in this regard and it is stated that same can grow up to 10 metres in height (maintenance issues outlined).
- No trees should be planted at a location where they could have an adverse impact on sunlight for existing dwellings.
- Questions whether the levels as shown in the open space area can be achieved and expresses concerns with regard to the potential for unauthorised rear access to the dwellings along the eastern boundary.
- Questions how the trees in Abbey Court and Abbeyville would be protected during the construction of the stone wall.

3. Reene Kelly

- Expresses security concerns for the existing dwellings to the east of the site. Recommends that deterrent hedging be planted in this area to mitigate against this issue. The Beech Hedging as proposed will not provide sufficient mitigation in this

regard and it is stated that same can grow up to 10 metres in height (maintenance issues outlined).

- No trees should be planted at a location where they could have an adverse impact on sunlight for existing dwellings.
- Questions the water supply pressure and the capacity of wastewater and surfacewater networks to manage the additional loading. Also questions the calculations received in the further information response.
- Expresses concerns with regard to impacts on the visual amenities of the area by reason of the rear boundary walls serving proposed units 18 to 25. States that a 2 metre high wall should be used as a permanent solution.
- Considers that safety railings would be required for the proposed footpath link to Abbey Court to prevent children from running out onto the road.

The issues raised in the observations are noted and are considered/assessed in the relevant sections of this report.

Representations

None received.

Archaeological and Architectural Heritage

No designations on the site or within its immediate environs.

Natural Heritage Designations

The proposal site is:

- 0.73km from the Lower River Shannon SAC
- 2.2km from the River Shannon and River Fergus Estuaries SPA
- 2.25km from the Newhall Edenvale Complex SAC
- 3.2km from Ballyallia Lake SAC
- 3.6km from Pouldatig Cave SAC

Part V

The site is located within the settlement of Ennis and is zoned for *"Residential"* purposes. As such the provisions of Part V are applicable in this instance.

Habitat Mapping

There are no habitats identified on the subject site.

Flood Risk

The rear of the site is located within designated flood risk areas *"A"* and *"B"*.

Clarification Response Assessment

Technical Reports (post clarification response)

1. Chief Fire Officer

- No objection to the proposed development. Recommends the inclusion of conditions on any grant of permission. These conditions relate to compliance with the building regulations, water supply standards and fire safety.

2. Roads Department

- The lighting design should *"also include the entrance onto the public road/main road within the estate conflict area. This needs to be verified as there should be a light across from the junction into the new development within the estate and the existing street lights showing a lux contour map confirming this area is to standard along"*.
- Outlines technical requirements with regard to materials, ducting, switching regimes etc.
- Questions the level of lighting to be provided at the ramps at the first bend going into the estate and queries whether same can be reviewed.

The issues raised in the reports received are noted and are considered/assessed in the relevant sections of this report.

Third Party Observations (post clarification response)

1. John & Marguerite O'Leary

- Consider that the traffic safety issues with the Clare Road have not been adequately addressed. In particular the placement of the parking areas associated with dwelling numbers 1 and 2 and the vehicular movements associated with same are outlined.
- Supports the Planning Authority in its consideration that the main access to the development should be via Abbey Court.

2. Michael O'Brien & Noel McMahon (Abbeycourt/Abbeyville Residents Association)

Dated 5 counter

- The issues as raised in the original submission still stand.
- Object to the pedestrian link to Abbeycourt & Abbeyville as same would add further footfall to the estate and would be "unjust on the residents of the estate".

Noted 5 counter

- Outline the issues currently experienced for drivers looking to exist the estate onto the main road. Considers that the inclusion of the traffic from a further 25 dwellings onto this junction would add to these issues.
- Outline the issues within the Abbeyville & Abbeycourt estate with regard to footpath condition etc. Outline that the estate has been taken in charge and that remedial works have not taken place.
- The Westfield's and Hawthorn estates have the benefit of a roundabout.
- Question what traffic surveys have taken place at the existing exist to ascertain the issues with same.
- Has traffic control been considered in the provision of advice to the developer.

The issues raised in the observations received are noted and are considered/assessed in the relevant sections of this report.

Submissions for Prescribed Bodies (post clarification response)

1. Irish Water

- No objection.

The content of the submission received is noted and is considered/assessed in the relevant sections of this report.

Representations

None received.

Clarification Response Assessment

1. *(a)*
   With regard to the response received to item number 1 on the further information request the Planning Authority considers that the revised locations of proposed dwelling numbers 1 and 2 are not in keeping with the existing setback and building line of the existing dwellings which face onto the Clare Road. Also, you are advised that site specific development objective "R35" states that the front of the site is within a high noise level area in the Clare County Council Noise Action Plan 2013. The Planning Authority considers that the residential amenities of the future occupants of these dwellings may be adversely affected by reason of noise. Therefore, you are requested to submit revised proposals which seek to adhere to the existing setback and building line in the area and which clarify the noise mitigation measures proposed for these dwellings.

In response to the above the revised drawings show the 2 dwellings set further back into the site. The front building line would now be approximately 10 metres from the road. Same would still be slightly forward of the average building line of 12.4 metres to the south. Revised

proposals are required which set the dwellings further back into the site to ensure a greater compliance with the average setback on this side of the Clare Road and to further remove the dwellings from the adjacent road (i.e. noise issue). Also, having regard to the built vernacular of the area, upon reassessment it is considered that said dwellings should be revised to storey and a half style dwellings. To accommodate the greater setback and to also improve the private amenity area provision for these dwellings dwelling number 3 requires omission. These issues may be managed by condition on a grant of permission.

(b)
With regard to the pedestrian connectivity to Abbey Court as proposed in the response to further information request item 1 the Planning Authority notes that whilst a footpath is proposed as far as the northern boundary wall of the site, same would not result in pedestrian connectivity to the adjacent estate. Therefore, you are requested to clarify how the proposed footpath would integrate with the existing pedestrian provision within the Abbey Court estate.

The revised Site Layout Plan demonstrates the location of a pedestrian crossing within Abbey Court and how same would integrate with the pedestrian provision within the site. This adjacent estate has been taken in charge by the Council. Subject to a grant of permission a special contribution should be levied for the inclusion of the pedestrian crossing (raised table) and ancillary infrastructure within the Abbey Court Estate. I also consider that the wall opening and path within the site approaching same should be in place prior to the occupation of the units. This may be managed by condition.

Note: *You are advised that the Planning Authority considers that the provision of the main vehicular access point to the development via Abbey Court would be more appropriate in the interest of orderly development.*

The revised proposal does not alter the proposed access to the site in light of the note included in the clarification request. Instead reference is made by the applicant to the Transportation Assessment Report received with the further information response. I note that at each stage of this application the Roads Department has been agreeable to the principle of the accessing the site from 1 point onto the Clare Road as proposed. The outstanding issues as raised by the Roads Department on all other issues within the development have been resolved. Therefore, in light of the development being acceptable to the Roads Department and having regard to all the available information I consider that all issues with regard to vehicular access into the site have been addressed and therefore the use of same as the sole vehicular access into the site may progress in this instance.

2. *(a)*
With regard to the response received to item 2(b) of the further information request, you are requested to submit clarification as to whether 2 or 3 parking spaces are proposed to the south of dwelling number 2. In the instance where 3 parking spaces are proposed

you are requested to remove the westernmost parking space due to its close proximity with the Clare Road junction and off ramp associated with the raised table.

The response received states that 2 spaces are proposed in this area. The revised Site Layout Plan has removed a hard stand area that was adjacent to these spaces and which may have potentially been used as a parking space. This is acceptable. Revisions to this area may be required due to the conditions on the permission relating to dwelling numbers 1 to 4.

(b)
With regard to the response received to item 2(d) of the further information request, you are requested to submit clarification as to whether the proposed tactile paving, levels and associated kerbing for the uncontrolled pedestrian crossings within the development would have an adverse impact on universal accessibility on the adjacent footpaths.

In light of this element of the further information request the proposed crossings in the east of the scheme have been relocated. Also details of the proposed crossing point at the front of the site have been provided. The response received is acceptable.

(c)
With regard to the response received to item 2(e) of the further information request, you are advised that the Planning Authority considers that the revised proposals do not provide sufficient connectivity between the dwellings and the proposed open space area. Therefore, you are requested to provide additional measures to achieve this connectivity. It is advised that the use of a raised table that includes tactile surfacing to the front of dwelling numbers 9 to 14 is considered appropriate in this instance.

The proposed crossing points in the east of the site have been relocated to improve connectivity and to slow traffic movements in the area. Also the proposed parking in this area has been reconfigured so that same would be perpendicular to the road thus improving the visual connectivity with the open space area. I consider that the response received is adequate to address the issues raised.

(d)
With regard to the response received to item 2(g) of the further information request, you are requested to clarify the following:

(i)
Whether the lighting design is in accordance with BS5489-1:2013 & IS13201-2:2015 and the National for Electrical Installations (ET101:2008).

The response received states that the proposed lighting is in accordance with the aforementioned standard. A lighting report also accompanies the further information response. The internal raised tables have not been amended as per the revised proposal. As such, the

lighting design requires revision to ensure the adequate lighting of these areas. This issue may be managed by condition on a grant of permission.

(ii)
Clarify the location, type and design of the lighting to serve the footpath on the Clare Road and the foot path connection to the Abbey Court Estate.

No additional lighting is proposed on the Clare Road. As per the report received from the Roads Department I note that there is an existing street light on the opposite side of the road from the proposed junction.

Lower level lighting is proposed on the path to Abbey Court. Details of the low level lighting are required (by condition).

(iii)
You are requested to clarify the wattage of the proposed lighting and you are requested to provide a lux contour map which demonstrates the lighting level for the development.

These would be 6 metre columns with 8W LED lanterns.

I consider that the revisions required to the lighting layout and design serving the development may be managed by condition on a grant of planning permission.

3. *(a)*
With regard to the response received to item 3(d) and 3(f) of the further information request, you are advised that the Planning Authority considers that an alternative species of hedging along the eastern and south eastern boundaries of the site that would require less ongoing maintenance would be more appropriate in this instance. You are also advised that it is considered that the existing southern boundary treatment is insufficient to protect the privacy of the existing dwelling to the south west of the site. Therefore, you are requested to clarify what additional measures you propose along the southern and eastern site boundaries to resolve these issues.

The hedging now proposed along the south eastern and eastern boundaries is Pyracantha Coccinea Red Column. This is acceptable. Hedging is also proposed along the shared boundary with the dwelling to the south west. Finally, laurel hedging is proposed in-lieu of the proposed beech hedging along the shared boundaries to the front of the dwellings. This is acceptable.

(b)
In relation to the response received to items 1 and 3(h) of the further information request, having regard to the setback, building line and residential amenity issues arising from the revised proposal, you are advised that the Planning Authority considers that the issue with regard to the overshadowing of the private amenity area of dwelling number

2 remains. Therefore, in light of clarification request 1(a) above, you are requested to clarify how overshadowing issues will be addressed within the revised proposals.

A shadow analysis accompanies the response received. In addition proposed dwelling number 2 has been amended to remove the rear step back. I also note the front garden areas have increased due to the increased set back. The reconfiguration of this area is required by condition on the permission recommended.

Conclusion

I consider that the response received has adequately addressed the majority of the outstanding issues as set out in the clarification request. Having regard to the nature of the outstanding issues same may be managed by condition. As the principle of the proposed development is considered to be acceptable I consider that the application may proceed to a recommendation to grant permission.

Development Contributions

Contributions are payable at residential rates in accordance with the Clare Development Contribution Scheme 2017-2023. In calculating these contributions I note that the floor area of each dwelling is less than 200sqm.

Contribution	€ Rate up to 200 m^2	Floor area in excess of 200 m^2	€ Rate per m^2 metre – this can change	Add on Sq Metre X Rate	TOTAL
Roads	4317	0	15.00	0	4317
Amenities & Community Facilities	955	0	4.00	0	955
Flood Relief/Defence & Surface Water Works	277	0	1.00	0	277
TOTAL	5549	0	20.00	0	5549

In total 24 houses are to be permitted (i.e. see conditions reducing the number of dwellings by 1) so the total contribution would be €133,176.

Special Contributions

A special contribution is payable for the pedestrian crossing within the Abbey Court estate. The district engineers office recommends a contribution of €9,400 in this instance. I subsequently discussed the lighting of this raised table with the district engineers office on the 03rd September and it was agreed that a further €2,000 would be required for the relocation of the existing lighting to serve the crossing. Therefore a total contribution of €11,400 is required.

Bonds

A bond would be required for the housing development at standard rates (i.e. €5,000 per residential unit). Therefore, a bond of €120,000 is required.

Recommendation

I recommend that planning permission be GRANTED by the Planning Authority subject to the following conditions:

First Schedule – Reason

Having regard to the onsite residential zoning, the intended use of the proposed development, the relevant Section 28 Ministerial Guidelines, the policies of the current County Development Plan and the pattern of development in the area, it is considered that, subject to conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable on the grounds of traffic and pedestrian safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

Second Schedule - Conditions

1. The development shall be carried out and completed in accordance with the drawings and particulars as received by the Planning Authority on the 07th December 2018 and the further information received on the 08th May 2019 and the 01st August 2019 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

   Reason: In the interest of clarity.

2. In accordance with Part V of the Local Government (Planning and Development) Act 2000 as amended, no development or any associated works shall take place on foot of this planning permission until an agreement is entered into between the Planning Authority and the person or persons having sufficient interest in the subject land.

   Reason: To comply with Housing Strategy for Co. Clare, the requirements of Section 96 of Part V of the Local Government (Planning & Development) Act 2000 as amended and in the interest of the proper planning and sustainable development of the area.

3. Prior to the commencement of development the developer / applicant shall pay a contribution of **€133,176** to Clare County Council (Planning Authority) in respect of

public infrastructure and facilities benefiting the development. The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st next and annually thereafter (unless previously discharged) in line with the Wholesale Price Index – Building and Construction (published by the Central Statistics Office) unless the scheme is superseded by a further Development Contribution Scheme adopted by the Council.

Reason: It is considered appropriate that the developer / applicant should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act 2000, as amended, and that the level of contribution payable should increase at a rate in the manner specified in that scheme.

4. (a)
No development shall be commenced until cash security has been provided to the Planning Authority for the provision of, and satisfactory completion of open space, roads, footpaths, storm water sewers, public lighting, other public facilities, including maintenance until taken in charge by Clare County Council OR upon satisfactory completion of the development, and the satisfactory compliance with the conditions of this permission. This cash security is required by the Council for application at its absolute discretion if such facilities are not duly provided to its satisfaction. The cash security shall be given by:-

~~(b)~~
Lodgement with the Clare County Council of the sum of **€120,000**. All such security shall be adjusted from January 1st next and annually thereafter (unless previously discharged) in line with the Wholesale Price Index – Building and Construction (published by the Central Statistics Office). The security shall remain in full force and effect until discharged by the Council.

~~(b)~~
Where the developer / applicant proposes in writing to the Planning Authority to carry out the proposed development in phases, a phased payment of the cash security may be agreed by the Planning Authority. Any phased payment shall be determined by the Planning Authority and shall reflect the development works required to make each phase viable (this cash security can be partially rolled from one phase to another depending on the Planning Authority's assessment of the works outstanding in each phase and where the storm water sewers, public lighting, roads, footpaths and open spaces, required to facilitate the houses constructed in that phase, have been completed to an appropriate standard). All relevant information to show compliance with the appropriate standards (e.g. Engineers Certification, CCTV of storm water sewers, RECI Certificates etc.) shall be submitted to the Planning Authority in advance of

any request to roll the cash security from a particular phase to another phase of the development.

(d)
The return, of the cash security shall be subject to, *inter alia*, the report of an independent chartered engineer (with professional indemnity insurance) confirming that all materials and workmanship of the site infrastructure is in accordance with the plans and specifications submitted.

Reason: To ensure the satisfactory completion of the site development works, in the interests of residential amenity and the orderly management of roads and services.

5. Prior to the commencement of development, the developer / applicant shall pay a Special Development Contribution to Clare County Council as a special contribution towards the improvements of pedestrian and public lighting infrastructure in the area which is necessary to facilitate the development of the site and the overall area. The contribution payable will be based on the contribution rate applicable at the time of payment and not the rate in existence when permission is granted. The amount of the development contribution is set out below and is subject to annual revision with reference to the Wholesale Price Index (Building and Construction), and in accordance with the terms of the Council's Development Contribution Scheme. The amount is currently **€11,400.**

Reason: In the interests of the proper planning and sustainable development of the area and in accordance with Section 48(2)(c) of the Planning and Development Act 2000 (as amended).

6. Prior to the commencement of the development the applicant shall submit the following for the written agreement and approval of the Planning Authority and the works shall subsequently be carried out in accordance with this agreement:

(a)
Revised drawings and particulars which remove proposed dwelling number 3. Dwelling number 4 shall comprise of a detached dwelling and a revised design and layout of same shall be submitted for the written agreement of the Planning Authority.

(b)
The western boundary walls of proposed dwelling numbers 3 and 17 shall be relocated a minimum of 1.5 metres eastwards and the front building line of dwelling numbers 1 and 2 shall be set back a minimum of 1 additional metre from the setback as indicated on the Site Location Map received by the Planning Authority on the 01st August 2019. The front building line of dwelling number 2 shall be further stepped back behind the front building line of dwelling number 1.

(c)
Proposed dwelling numbers 1 and 2 shall be dormer style dwellings which include first floor accommodation and revised drawings shall be submitted for the agreement of the Planning Authority in this regard. The first floor windows to the rear of dwelling numbers 1 and 2 shall be above eye level windows only.

Reason: In order to provide for greater housing mix within the development, to improve residential amenities for future occupants and having regard to the house styles and pattern of development in the area.

7. Prior to the commencement of the development the applicant shall submit the following for the written agreement and approval of the Planning Authority and the works shall subsequently be carried out in accordance with this agreement:

(a)
Revised drawings and particulars that include a natural stone finish to the proposed retaining wall in the public area to the east of the petrol filling station.

(b)
Revised drawings and particulars which increase the height of the proposed boundary wall to the rear of dwelling numbers 18 to 25 to 1.8 metres in height when measured from Abbey Court.

(c)
A revised Site Layout Plan which replaces the proposed gravel area to the south of the site access with a grassed area.

(d)
Details of the materials, colours and textures of the proposed external surface finishes throughout the development.

(e)
The front boundary wall serving dwelling numbers 1 and 2 shall comprise of A natural stone and shall reuse the stone in the existing wall along the western boundary of the site.

Reason: In the interests of pedestrian and traffic safety and the protection of the visual and residential amenities of the area.

8. The natural stone wall on the northern boundary of the site shall be amended to provide the pedestrian link to the adjacent housing development as demonstrated on the Site Location Map received by the Planning Authority on the 01st August 2019 prior to the first occupation of the dwellings within the development.

Reason: In the interests of pedestrian permeability.

9. Prior to the commencement of the development the applicant shall submit a revised lighting plan for the written agreement of the Planning Authority that includes the following requirements, and the works shall subsequently be carried out in accordance with this agreement:

(a)
Details of the design and finishes of the proposed lighting to the east of the footpath link to the Abbey Court Estate.

(b)
Additional lighting shall be included at the proposed raised tables within the site to provide adequate illumination of same.

(c)
Street lighting shall be provided and made operational and it shall be in accordance with the standards laid down in the current E.S.B. Publication "Public Lighting in Residential Estates" and particulars received by the Planning Authority on the 01st April 2019. Lanterns shall be of LED type. The lighting columns for the public lighting system shall be constructed of 3.2mm minimum steel hot dip galvanised.

Reason: In the interest of public lighting and public safety.

10. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a)
Location of the site and materials compound(s) including areas identified for the storage of construction refuse.

(b)
Location of areas for construction site offices and staff facilities;

(c)
Details of site security fencing and hoardings;

(d)
Details of on-site car parking facilities for site workers during the course of construction;

(e)
Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

(f)
Measures to obviate queuing of construction traffic on the adjoining road network;

(g)
Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(h)
Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

(i)
Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(j)
Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local watercourses, surface water sewers or drains.

(k)
Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(l)
Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

(m)
All construction materials and substances shall be stored in a secure compound, away from any watercourses, when not in use. This compound shall be fenced off and all chemicals shall be stored in suitable, secure containers to avoid the potential for contamination.

(n)
Any excavated topsoil that is to be reused shall be stored on the site outside of a minimum five metre buffer zone from all watercourses/drains on the site. Where this is stored during the construction phase, it shall be covered to avoid excessive sediment run-off or wind blow.

(o)
Mobile storage such as fuel bowsers shall be bunded to 110% capacity to prevent spills. Tanks for bowsers and generators shall be double skinned. When not in use, all valves and fuel trigger guns from fuel storage containers shall be locked.

(p)
All onsite plant refueling shall take place using mobile fuel bowsers. Only dedicated trained and competent personnel shall carry out these refueling operations. A spill kit and drip tray shall be on site at all times and available for all refueling operations. Equipment shall not be left unattended during refueling. All pipework from containers to pump nozzles shall have anti siphon valves fitted. The plant refueling procedures shall be detailed in the Construction Management Plan.

(q)
Strict procedures for plant inspection, maintenance and repairs shall be detailed in the Construction Management Plan and machinery shall be checked for leaks before arrival on site. All site plant will be inspected at the beginning of each day prior to use. Defective plant shall not be used until the defect is satisfactorily fixed. All major repair and maintenance operations will take place off site.

(r)
A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

Reason: In the interest of amenities, public health, water quality and safety.

11. (a)
Ground works associated with the proposed development shall be monitored by a suitably qualified archaeologist.

(b)
Should archaeological material be found during the course of works, the work on the site shall cease pending a decision as to deal with any archaeological findings. The development shall be prepared to be advised by the Department, Arts Heritage & Gaeltacht with regard to any necessary mitigating action (e.g. preservation in situ or excavation) and shall facilitate the archaeologist in recording any material found.

(c)
The Planning Authority and the National Monuments Service of the Department of Culture, Heritage and the Gaeltacht shall be furnished with a report describing the results of the monitoring.

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

12. (a)

The installation and commissioning of the storm sewers, hydrocarbon interceptors, attenuation area and hydro break units shall be inspected and certified by a suitably qualified person as being in compliance with the documentation submitted in the application and the further information response and shall be in accordance with the manufacturer's instructions. Prior to the occupation of the houses, this certification shall be submitted to the Planning Authority for agreement and approval.

(b)

No surface water from roofs, paved areas or otherwise shall discharge onto the public road and the site access shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interests of flood prevention

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

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential area.

14. (a)

The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Recommendations for Site Development Works for Housing Area (DoEHLG 1998) and the Planning Authority's Taking in Charge Policy. Prior to commencement of development the developer shall agree with the Planning Authority, in writing, the procedures for inspection and monitoring of the entire development by the Authority to ensure compliance with these standards, and shall thereafter comply with the agreed procedures during the construction of the overall development. Following completion, the development shall be maintained by the developer in compliance with these standards until taken in charge by the Planning Authority.

(b)

All footpaths at vehicular access points shall have an increased depth of construction as per the Recommendations for Site Development Works for Housing Area (DoEHLG 1998).

(c)
Red surface high friction surfacing shall be included across the public road junction in accordance with the National Cycle Manual.

Reason: To ensure that the development is carried out and completed to an acceptable construction standard.

15. The open spaces shall be developed for, and devoted to public use and shall be kept free of any development. When the development is being taken in charge, the public areas including the open spaces that have been designated for taking in charge shall be vested in the Planning Authority, at no cost to the Authority. Responsibility for the maintenance of the open spaces shall not be vested with the Planning Authority.

Reason: In order to ensure the proper development of the public open space areas, and their continued use for this purpose.

16. Notwithstanding any drawings submitted, the following schedule of materials/finishes only shall be used in the proposed development:

(a)
The roofs shall be finished in slate/flat tile, black, dark grey or blue/black in colour. The colour of the ridge tiles shall match the colour of the roofs and shall be of concrete or clay manufacture without raised edges or ribs.

(b)
No changes are permitted to the agreed external wall finishes.

(c)
Any stone facing shall be of natural local stone. All pointing shall be recessed or flush.

Reason: In the interests of visual amenity and in order to ensure a standard of materials and finishes appropriate to this area.

17. Construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays inclusive and between 08:00 and 14:00 on Saturdays. No construction works shall take place on Sundays or public holidays.

Reason: To protect the amenities of adjacent properties, in the interests of orderly development.

18. (a)
The internal roads, footpaths, lighting and open space shall be fully in situ, to the satisfaction of the Planning Authority, prior to the occupation of the proposed dwellings.

(b)
The surface treatments on the internal estate road shall comply with Transport Infrastructure Irelands Specification for Road Works Series 900 – Road Pavements (document reference CC-SPW-00900).

Reason: To ensure a satisfactory standard of development in the interest of residential amenity.

19. All footpaths shall be concrete bayed, slabbed or tiled. They shall be dished at all road junctions and at all entrances and shall be level with the carriageway at such points.

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

20. The developer shall provide and lay underground all telephone, broadband, electricity and piped television cables at the time of construction.

Reason: In the interest of orderly development and visual amenity.

21. No development exempted or otherwise shall be erected over the public sewer, drain or watermain.

Reason: In the interest of public health and orderly development.

22. (a)
After completion of the development, the developer shall lodge full plans, drawings and details of the entire development as constructed and these shall be certified by a suitable professionally qualified individual. Said drawings and plans shall be in digital format and be compatible with AUTOCAD Release 12 or later.

(b)
A CCTV survey shall be carried out on storm and foul sewers on completion of the development and prior to occupancy of houses. A copy of the survey shall be forwarded to the Planning Authority prior to the occupation of the houses for agreement and approval.

Reason: In the interest of future maintenance of the development.

23. No house in the development shall be used for commercial overnight guest accommodation without a separate planning permission being obtained, notwithstanding that any such use might be considered exempted development but for the provisions of this condition.

Reason: In the interest of amenity and traffic safety/convenience.

24. Water supplied shall be in accordance with the Water UK National guidance document on the provision of water for fire fighting (3rd edition, January 2007).

Reason: In the interests of fire safety.

25. The finished floor levels of the dwelling houses shall be in accordance with those as indicated on the site location map received by the Planning Authority on the 01st August 2019 and shall not be modified in any way without the prior written consent of the Planning Authority.

Reason: In the interest of visual amenity.

26. (a)
All foul sewage and soiled water shall be discharged to the public foul sewer.

(b)
Only clean, uncontaminated storm water shall be discharged to the surface water drainage system. No surface water from roads, driveways, roofs, paved areas etc. shall discharge to the foul sewerage system.

Reason: In the interest of public health.

27. The developer shall take all precautions necessary to avoid the spread of non-native invasive plant species in accordance with Section 49 of The European Communities (Birds and Natural Habitats) Regulations 2011 and best practice for management of these species as detailed in the NRA Guidelines on The Management of Noxious Weeds and Non-Native Invasive Plant Species.

Reason: To prevent the spread of invasive species.

28. (a)
The development shall be landscaped in accordance with the landscaping plan received by the Planning Authority in the further information responses on the 08th May 2019 and the 01st August 2019. The open space areas and landscaping plan shall be completed to the written satisfaction of the Planning Authority prior to the occupation of the dwellings.

(b)
All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development [or until the development is taken in charge by the local authority, whichever is sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of visual and residential amenity

Position A/Executive Planner
Date 06th September 2019

Position A/Senior Exertive Planner
Date 06/09/19.

Agree BL
9/9/19

Claire Co. Council - Online Viewing Purposes Only

Clare County Council
Screening for Appropriate Assessment & Determination

1. Table 1 to be filled in for all development applications.
2. Where proposed development is within a European site(s) site, go directly to table 3.
3. For all other development proposals, fill in table 2, and if required, table 3.
4. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

Table 1: Project Details

Planning File Reference	18-1007
Applicant Name	Seamus Lynch
Development Location	Clare Road Ennis
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project (To include a site location map):	
Housing estate	

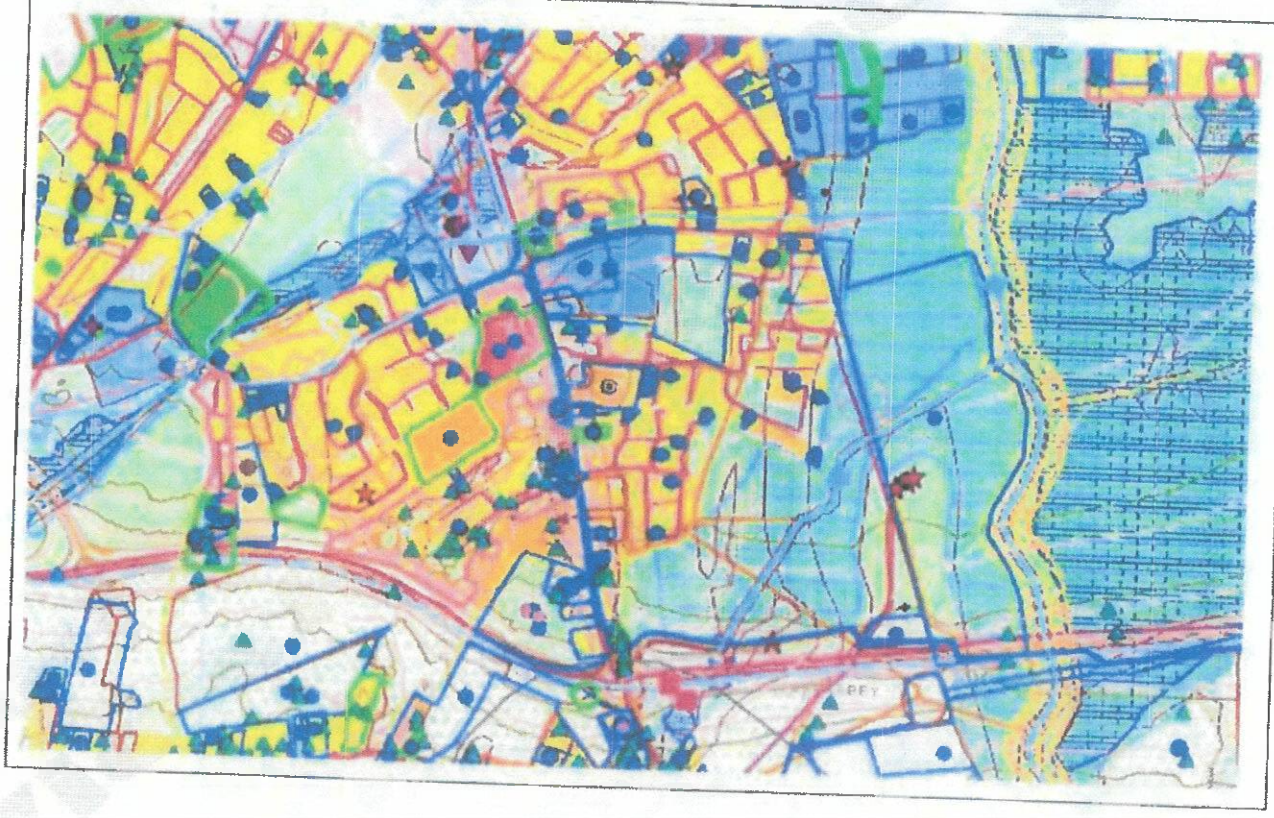




Table 2: Identification of European sites which may be impacted by the proposed development.

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)[1] is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

Table 2 (a): European Sites within 15km of Applicant Site

European Sites[2]	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through intranet.	Distance to Applicant Site (km)
Lower River Shannon SAC	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (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 (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]	0.73
River Shannon and River Fergus Estuaries SPA	Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048]	2.2

[1] European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

[2] European Site details are available on http://webgis.npws.ie/npwsviewer/ or maybe obtained from internal mapping systems.

European Sites[2]	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
	Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] 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 (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] Wetland and Waterbirds [A999]	
Newhall Edenvale Complex SAC	Caves not open to the public [8310] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	2.25
Ballyallia Lake SAC	Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]	3.2
Pouldatig Cave SAC	Lesser Horseshoe bat (Rhinolophus hipposideros)	3.6

1	**Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.**	*Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?*	Yes
2	**Impacts on terrestrial habitats and species.**	*Is the development within 1km of a European site with terrestrial based habitats or species?*	Yes
3	**Impacts on designated marine habitats and species.**	*Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs*	No
4	**Impacts on birds in SPAs**	*Is the development within 1km of a Special Protection Area*	No
5	**Indirect effects**	*Is the development, in combination with other*	No impacts envisaged – subject to

	Qualifying interests (SCIs) and conservation objectives (where detailed) (available through Intranet.	Distance to A plan SCIs (km)

		existing or proposed developments likely to impact on an adjacent European site? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?	resolution of wastewater treatment issue with Irish Water

Conclusion: If the answer to all of the above is no, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
If the answer is "unknown" or "yes" proceed to Table 3 and refer to the relevant sections of Table 3.

Table 3: Identification of potential Impacts.

1	**Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.** *Please answer the following if the answer to question 1 in table 2 was "yes" or "unknown".* *Does the development involve any of the following:*	
1.1	Removal of or interference with habitat within a European site. This may include any element of a project liable to interfere with breeding, nesting or roosting sites of birds, bats, water based species	No
1.2	Discharges either directly (via pipe from the development) or indirectly (via sewer) to surfacewater or groundwater What is the likely volume of the discharge?	Via public sewer - Sewer discharges subject to EPA licence.
1.3	Abstraction from surfacewater or groundwater in or adjacent to a European site, where hydrology is a critical element in the protection of habitat and species at the site? What is the likely volume of the abstraction?	No
1.4	Is removal of topsoil proposed within 500m of watercourses? What transportation requirements are provided? Does the removal involve reduction in area, population density or fragmentation of area of any habitat or species?	For footprint of development
1.5	Infilling or raising of ground levels within 500m of watercourses? What transportation requirements are provided? Does the infilling or raising involve interference with area, population density or fragmentation of area of any habitat or species?	For footprint of development
1.6	Construction of drainage ditches - (scale?) Where the run off is directed to? Is the drainage run off directed to a European	New surfacewater drainage system proposed. Discharge to public utilities.

	site where species are identified and whose conservation status may be impacted by this drainage?	
1.7	Installation of waste water treatment systems; percolation areas; septic tanks within 500m of watercourses?	No
1.8	Construction within a floodplain or within an area liable to flood (See www.floodmaps.ie, internal flood risk maps, County Development Plan SFRA and www.cframs.ie)	Open space area and attenuation tank within flood plain area.
1.9	Crossing or culverting of rivers or streams, installation of weirs, temporary watercourse crossings or any interference with a watercourse.	No
1.10	Storage of chemicals or hydrocarbons (including oils and fuels) within 500m of a watercourse	No
1.11	Development within catchment of a European site of a scale or type which involves the production of an EIS	No
1.12	Consideration of effects in combination with existing development?	No impacts envisaged
2	**Impacts on terrestrial habitats and species.** *Please answer the following if the answer to question 2 in table 2 was yes.* *Does the development involve any of the following:*	
2a	Removal of or interference with habitat within the European site. This includes reduction in habitat area or fragmentation of habitat. Is the timing of this interference liable to impact on the nesting or breeding period of any protected species?	No
2b	Construction of roads or other infrastructure on peat habitats within 1km of bog, marsh, fen or heath habitat within a European site	No
2c	Is the development liable to impact on water quality in the European site, or liable to give rise to any change in a key indicator of water quality, including salinity. If yes, is the site designated for any bird species or other plant species whose feeding ground or life cycle may be affected by changes in water quality?	Discharge via public sewer –Sewer discharges subject to EPA licence.
2d	Development within 1km of terrestrial European site of a scale or type which involves the production of an EIS.	No
3	**Impacts on designated marine habitats and species.** *Please answer the following if the answer to question 3 in table 2 was yes.* *Does the development involve any of the following:*	
3a	Removal of or interference with habitat within the European site. This includes timing of the project if there is potential to interfere with nesting or breeding	N/A

	periods, either directly or indirectly (e.g. by noise emission) or any aspect of the life cycle of a protected species. This also includes potential fragmentation, size reduction of habitat, or reduction in species density.	
3b	Coastal protection works on intertidal or marine habitats within 5km of a European site supporting coastal or marine habitats or species. This includes any works which may give rise to potential changes in hydrology or salinity of these areas.	N/A
3c	Development of piers, slipways, marinas, pontoons or any other infrastructure within 5km of a European site that was designated because it supports marine habitats and/or species.	N/A
3d	Dredging within 5km of a European site supporting coastal or marine habitats or species.	N/A
3e	Removal of topsoil or infilling within 100m of marine habitats within the designated site.	N/A
3f	Land based development within 1km of a European site of a scale or type which involves the production of an EIS.	N/A
3g	Marine or intertidal based development within 5km of a European site of a scale or type which involves the production of an EIS.	N/A
4	**Impacts on birds in SPAs** *Please answer the following if the answer to question 5 in table 2 was yes.* *Does the development involve any of the following:*	
4a	Removal of or interference with habitats within an SPA. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	N/A
4b	Erection of wind turbines within 1km of an SPA.	N/A
4c	All construction works within 100m of intertidal areas – Coastal SPAs, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	N/A
4d	Infilling of coastal habitats within 500m of SPA, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	N/A
4e	Discharges to coastal SPA, including any element of a discharge liable to give rise to disturbance of this habitat, either by direct, indirect, or in combination effects	N/A
4f	Development of cycleways or walking routes within 100m of intertidal areas. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	N/A
4g	Development within 1km of SPA of a scale or type which	N/A

	involves the production of an EIS. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	

Conclusion: If the answer to all of the above is "no", significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement. If the answer to any of the above is "yes", or "unknown" effects on the European sites need to be assessed and a Natura Impact Statement will be required

Clare Co. Council
Viewing Purposes Only

Appropriate Assessment Screening Determination	
Planning File Reference	18-1007
Proposed Development	Housing development
Development Location	Clare Road, Ennis
European sites within impact zone	As per report

Description of the project

Planning permission is sought for a housing estate of 25 dwellings. The proposal would comprise of:

- 20 No.3-bedroom, two storey semi-detached houses (House Type A). These dwellings would have an internal floor area of 108.19sqm and an overall height of 8.665 metres.
- 5 No. 2-bedroom single storey terraced semi-detached houses (House Types B & C).
  - House Type B – These 2 semi-detached dwellings would have stated floor areas of 70.21sqm and an overall height of 4.5 metres. They would front onto the Clare Road.
  - House Type C – These 3 terraced dwellings would have stated floor areas of 70.21sqm and an overall height of 4.5 metres. T
- Vehicular entrance from Clare Road. This would be an upgrade of the existing entrance in the south west of the site.
- All associated landscaping and site development works. The open space provision for the development would be located in the east of the site.

Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site

As per report

Describe how the project or plan (alone or in combination) is likely to affect the European site(s).

Water quality & general disturbance

If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?

Discharge via public sewer –Sewer discharges subject to EPA licence. no impacts envisaged

Documentation reviewed for making this statement

NPWS website
Plans and particulars received
GIS mapping database

Conclusion of assessment (a, b, c or d)

(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s)[3]	
(b) There is no potential for significant effects to European Sites[3]	Yes

[3] Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

Planning File Reference	18-1097
Proposed Development	Housing development
Development location	Clare Road, Ennis
European sites within impact zone	As per report
Description of the project	

planning permission is sought for a housing estate of 25 dwellings. The proposal would comprise of:

- 20 No.3 bedroom, two storey semi-detached houses (House Type A). These dwellings would have an internal floor area of 108.19sqm and an overall height of 8.60m metres.
- 5 No. 2 bedroom single storey terraced semi-detached houses (House Type B & C)
  - House Type B – These 2 semi-detached dwellings would have stated floor areas of 70.23sqm and an overall height of 4.5 metres. They would front onto the Clare Road
  - House Type C – These 3 terraced dwellings would have stated floor areas of 76.23sqm and an overall height of 4.5 metres.
- Vehicular entrance from Clare Road. This would be an upgrade of the existing entrance in the south west of the site
- All associated landscaping and site development works. The open space provision for the development would be located in the west of the site.

Describe how the project, alone and/or in combination is likely to affect the European Site(s)

(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s)?

(b) There is no potential for significant effects to European Site(s)

(c) The potential for significant effects to European Site(s) cannot be ruled out[4]	
(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010[5]	
Completed By	John O'Sullivan
Date	06th September 2019

[4] In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document 'Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf Alternatively, where other planning concerns arise the proposal could be refused planning permission.

[5] The proposed development must either by refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.

Clare Co. Council -
Viewing Purposes Only

Development Contribution & Bond Calculation Sheet

Development Contributions

Contributions are payable at residential rates in accordance with the Clare Development Contribution Scheme 2017-2023. In calculating these contributions I note that the floor area of each dwelling is less than 200sqm.

Contribution	€ Rate up to 200 m^2	Floor area in excess of 200 m^2	€ Rate per m^2 metre – this can change	Add on Sq Metre X Rate	TOTAL
Roads	4317	0	15.00	0	4317
Amenities & Community Facilities	955	0	4.00	0	955
Flood Relief/Defence & Surface Water Works	277	0	1.00	0	277
TOTAL	5549	0	20.00	0	5549

In total 24 houses are to be permitted (i.e. see conditions reducing the number of dwellings by 1) so the total contribution would be €133,176.

Special Contributions

A special contribution is payable for the pedestrian crossing within the Abbey Court estate. The district engineers office recommends a contribution of €9,400 in this instance. I subsequently discussed the lighting of this raised table with the district engineers office on the 03rd September and it was agreed that a further €2,000 would be required for the relocation of the existing lighting to serve the crossing. Therefore a total contribution of €11,400 is required.

Bonds

A bond would be required for the housing development at standard rates (i.e. €5,000 per residential unit). Therefore, a bond of €125,000 is required.

Kevin Boyle

From: Gerry O'Donnell
Sent: 12 February 2009 14:55
To: Kevin Boyle
Cc: Sean Ward
Subject: P08/1978 - CLS Crystal Partners

Kevin,
In relation to the above application I have examined the foul drainage layouts and proposals in relation to the foul sewerage and would comment as follows:

- Drainage layout to be agreed with Clare Council prior to any works commencing.
- In relation to the provision of an interim WWTP (Planning Application 06/1754), no works to commence on the proposed development untill construction of the interim WWTP has commenced and no occupancy of any dwelling should be considered untill the WWTP has been commissioned to the satisfaction of Clare County Council.
- In relation to the provision of a storm attenuation tank and associated collection system, this appears to be located within buffer zone land, which is outside of the applicant's ownership. Has the applicant provided evidence of the neccessary consents and wayleaves required to provide such a facility. Are such consents relevant to the planning application?.

G O'Donnell A/SEE
Water Services
Clare County Council
Áras Contae an Chláir
New Road, Ennis, Co.Clare
065-6846546
065-6821915
087-2029026

Clare Co. Council - Planning Purposes Only

Kevin Boyle

From: Gerry O'Donnell
Sent: 12 February 2009 11:55
To: Kevin Boyle
Cc: Sean Ward
Subject: P08/1978 - CLS Crysin Caravans

Kevin,

In relation to the above application I have examined the foul drainage layouts and proposals in relation to the foul sewerage and would comment as follows:

- Drainage layout to be agreed with Clare Council prior to any works commencing.
- In relation to the provision of an interim WWTP (Planning Application 06/1754), no works to commence on the proposed development until construction of the interim WWTP has commenced and no occupancy of any dwelling should be considered until the WWTP has been commissioned to the satisfaction of Clare County Council.
- In relation to the provision of a storm attenuation tank and associated collection system, this appears to be located within buffer zone land, which is outside of the applicants ownership. Has the applicant provided evidence of the necessary consents and wayleaves required to provide such a facility. Are such consents relevant to the planning application?

G O'Donnell A/SEE
Water Services
Clare County Council
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☎ 065-6846546
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✉ 087-2029029

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R21 61
APPLICANT(S):	Irish Water
REFERENCE:	Whether the construction of a new underground pumping station to grounds to the south of the existing Quay Road pumping station, diversion of existing waste water sewers to a new pumping station, internal revisions to the existing Quay Road pumping station, and the installation of a new rising main connection to the existing Clareabbey Waste water treatment plant is development and if so is exempted development
LOCATION:	Clarecastle/Clareabbey, Ennis, County Clare
DUE DATE:	22ND Nov. 2021

DESCRIPTION OF PROPOSED WORKS

According to the details submitted with the Declaration, the scope of the proposed works is as follows:

- The construction of a new underground wastewater pumping station on lands to the front of the existing Quay Road pumping station, consisting of a pump sump, valve chamber and meter chamber to pump untreated wastewater to Clareabbey Wastewater Treatment Plan to undergo secondary treatment
- The diversion of the existing combined gravity network to discharge to the new wastewater pumping station
- The construction of new pipework, fitted with a 10mm perforated fixed storm water overflow screen within the new wastewater pump sump, to discharge flows in excess of the new wastewater pumping station capacity to the wet well of the existing Quay Road pumping station, and
- The construction of approx. 1750m of 280mm OD wastewater rising main and associated fittings to connect the new wastewater pumping station to the proposed new inlet works at Clareabbey Wastewater Treatment Plant
- The existing Quay Road pumping station and associated infrastructure will be maintained in situ to operate as a stormwater pumping station to pump stormwater overflow to outfall to the River Fergus.

The applicant has stated that an application to the EPA for an amendment to the Clareabbey WwTP's wastewater discharge license will be required to allow for the revision to the collection boundary of the Clareabbey WwTP due to the proposed works.

There are no above ground structures proposed as part of the works.

LAND OWNERSHIP / LEGAL INTEREST

The area where the proposed wastewater pumping station is proposed to be constructed is currently in use as a public road (part of Quay Road). The proposed gravity sewer diversions are also located in this area.
The majority of the proposed rising main is to be constructed along the R458 regional road. The final section of the rising main, approx. 770m long, is to be constructed in Greenfield lands parallel to the N85 national secondary road. In this Greenfield section, the initial approx. 470 m long section is within third party property, while the final approx. 300 m long section is to be located on lands in the ownership of Clare County Council.

Regarding the undertaking of works on the public road, the applicant refers to the Planning and Development (Amendment) Regulations 2021.

Regarding the undertaking of works on third party property, the applicant refers to CPO which was confirmed by ABP on 22nd May 2019. A Notice to Treat has been submitted to the landowner.

Regarding the undertaking of works on lands owned by CCC, it is stated that negotiations are ongoing between Irish Water and CCC regarding the obtaining of the required Permanent Wayleave for such lands, as well as a Temporary Wayleave to facilitate the construction works. Correspondence from CCC regarding the intention to enter into a

wayleave agreement with Irish Water for the required works on their lands has been included with the subject application.

BASIS OF THE REFERRAL

Irish Water, pursuant to Section 5 of the Planning and Development Act 2000, as amended, is requesting a declaration on the following:

> *Whether the construction of a new underground pumping station to grounds to the south of the existing Quay Road pumping station, diversion of existing waste water sewers to a new pumping station, internal revisions to the existing Quay Road pumping station, and the installation of a new rising main connection to the existing Clareabbey Waste water treatment plant is development and if so is exempted development*

STATUTORY PROVISIONS

Planning and Development Act, 2000, as amended

In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended.*

> S.3.(1)In this Act, *"development" means, except where the context otherwise requires,* ***the carrying out of any works on, in, over or under land*** *or the making of any material change in the use of any structures or other land.*

'Works' are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

> *"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure*

Section 4 (1) (g) states the following shall be exempted developments for the purposes of the act developments consisting of the varying out by any local authority or statutory under taken of any works for the purpose of inspection, repairing, renewing, altering or removing any sewer, mains, pipes, cables, over head wires or other apparatus including the excavation of any street, or other land for that purpose.

Section 4(4) of the Act states that notwithstanding paragraphs (a), (i) (ia) and (l) of subsection 1 and any regulations under subsection 2 , development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required (i.e. amended by the Environment (Miscellaneous Provisions) Act 2011).

Planning and Development Regulations 2001, as amended

Class 58 – Development by Irish Water

Development by Irish Water, for the purpose of the provision of water services, consisting of one or more of the following:

(a) the inspection, maintenance, repair, renewal or removal of pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes, kiosks ,intakes, overhead wires, meters and other apparatus, including the excavation of any street or other land for that purpose;

(b) the installation of either or both—

(i) underground pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes and meters, and,

(ii) above ground kiosks, meters and over head wires including the excavation of any street or other land for that purpose;

Conditions and limitation:

The volume above ground level of any such other apparatus and overhead kiosk, meter or other apparatus shall not exceed 13 cubic metres in rural areas (being areas as defined in Article 6(3)) or 2 cubic metres in order areas measured externally.

(c) The construction or erection of either or both.

(i) below ground pumping or booster stations and, where appropriate, above ground kiosks, and

(ii) below ground holding tanks ore reservoirs

Conditions and limitations

1. *The volume above ground level of any (ii) below ground holding tanks or such kiosk, meter or other apparatus shall not exceed 500 cubic metres measured externally*
2. *The volume above ground level of any such kiosk, metre or other apparatus shall not exceed 13 cubic metres in rural areas(being areas as defined in Article 6(3)) or2 cubic metres in other areas, measured externally.*

Article 9 – Restrictions on Exemption

Under Article 9 (1) of the same Regulations, development to which Article 6 relates shall not be exempted development for the purposes of the Act:

(a) if the carrying out of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act

(ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

(iv) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act

1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

PLANNING HISTORY

R19 62 Application by Brian Barry for a declaration on the following:
Whether development of a sewer to transport wastewater arising in the agglomeration of Clarecastle for treatment in the Clareabbey WWTP and which discharges to waters in and / or connected to European Sites from Clarecastle to Clareabbey, Ennis, Co. Clare is or is not development and is or is not exempted development.

Clare County Council decided that the works constituted development which is exempted development
Note: The decision of Clare County Council was appealed by the first party to ABP, however the appeal was deemed invalid.

R19 39 Application by Brian Barry for a declaration on the following:
Whether the installation of a rising main sewer transporting raw sewerage from Clarecastle to Clareabbey WWTP at Clareabbey, Clarecastle, Co. Clare is or is not development and is or is not exempted development.

Clare County Council decided that the works constituted development which is exempted development
Note: The decision of Clare County Council was appealed by the first party to ABP, however the appeal was deemed invalid.

P18 1004 Application by Irish Water for planning permission for development consisting of upgrading the existing waste water treatment plant, by demolishing the existing inlet works, construction of a new inlet works, storm tank, ESB substation and all ancillary site works. Permission granted

Assessment

The Requirement For An Environmental Impact Assessment

Mandatory

Having regard to the nature of the proposed works and the list of projects set out under schedule 5 Development for the purposes of part 10 Article 93, of the Planning and Development Regulations as amended I do not consider that the proposed development falls within the mandatory requirements for an EIA as stated in EU Directive 85/337/EEC (as amended by Directive 97/11/EC, 2003/31/EC and 2009/31/EC). In this regard, I have considered the following:

- Schedule 5, Part 2, Item 11 (c) of the Planning and Development Regulations 2001, as amended:

Waste water treatment plants with a capacity greater than 10,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule.

- Schedule 5, Part 2, Item 13 (c) of the Planning and Development Regulations 2001, as amended:

Any change or extension of development already authorised, executed or in the process of being executed(not being a change or extension referred to in Part 1)which would:-

(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and

(ii) result in an increase in size greater than –25 per cent, or an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

The proposed development does not comprise of a new WWTP, and therefore Schedule 5, Part 2, Item 11 (c) can be excluded from further consideration. Regarding Schedule 5, Part 2, Item 13 (c), it is noted that the WwTP at Clareabbey is an existing piece of infrastructure which is licensed by the EPA. It has a capacity of 6000 pe, which is below the threshold as set out above. It is stated in the documentation submitted with the subject referral that the operational and licensed capacity of the WwTP will not be altered by the proposed development. It is noted that the volume of throughput will be increased as a result of the proposed development, the proposed increase falls within the current license limits of 6000 pe. In addition, it is stated that the proposed development will not result in an increase in size of greater than 25% as the proposed development does not proposed any increase in the 6000 pe capacity.

Having regard to the foregoing, I am satisfied that the development as proposed under the subject Section 5 declaration does not fall within the mandatory requirements for an EIA as stated in EU Directive 85/337/EEC (as amended by Directive 97/11/EC, 2003/31/EC and 2009/31/EC).

I note that the requirement for a sub-threshold EIA was screened out under P18-1004, R19 62 and R19 39, however I consider it prudent to carry out a sub-threshold screening in respect of the subject Section 5 declaration.

Sub Threshold

The applicant has submitted an EIA (sub threshold) screening document. The contents of same have been noted. In addition, I note the following;

- According to the Annual Report (2020) for the Clarecastle Agglomeration, there is no wastewater treatment plant associated with the agglomeration.
- The Waste Water Discharge License (WWDL) for the Clarecastle Agglomeration as issued by the EPA is for a population equivalent of 1,001 to 2,000. Clareabbey WWTP has spare capacity of 1,320 PE.
- The WWDL for the Clarecastle Agglomeration requires the provision of primary treatment, this provision is currently not being met or provided for at Clarecastle.
- As per the 2017 Annual Environmental Report (AER) the discharge at Clareabbey WWTP is not having an observable negative impact on the water quality or the WFD status of the River Fergus.
- The current discharge from the Quay Road pumping station in Clareastle is being discharged untreated with the current WFD status at this location reflecting the impact as it is currently classified as being at "Poor" status and "at risk" of failing to achieve "good" status in accordance with the WFD Objectives.

- The provision of a rising main sewer transporting raw sewage from Clarecastle to Clareabbey WWTP at Clareabbey, Clarecastle, Co.Clare will provide an overall improvement in water quality and therefore provide a direct benefit to the Qualifying Interest Features of the SAC and Special Conservation Interests of the SPA.
- While the primary purpose of the provision of the sewer is not for nature conservation management of the Natura 2000 site, it cannot be ignored that the upgrade will benefit water quality in the River Fergus and therefore provide a direct benefit to the associated European Sites and the Special Interest Features and further be seen as a project which is directly connected with and necessary to the management of a European site.

I am satisfied based on the above points and having reviewed the findings of both the EIA Screening and Screening for Appropriate Assessment that the proposed works would unlikely to have a significant effect on the environment, and as such is not sub-threshold development for which an EIA is required.

The Requirement For Appropriate Assessment

See screening report attached.

Test For Project Splitting

The applicant has contended that the works comprise project splitting on a significant scale given the applicant contends that such development requires an EIA and in particular AA as set down in European Directives.

I consider that a waste water treatment plant with a capacity greater than 10,000 population equivalent as defined in Article 2, point 6 of Directive 91/ 271/ EEC, not included part 1 of schedule 5 requires the benefit of a EIA. The Clareabbey plant has a PE of 6000. Planning permission was granted to Irish Water in respect of same (pl. ref. No. p18 1004) for the following development;

for development consisting of upgrading the existing waste water treatment plant, by demolishing the existing inlet works, construction of a new inlet works, storm tank, ESB substation and all ancillary site works

This permitted development was considered to constitute sub threshold development for which the need for EIA was excluded.

The submitted EIA screening in relation to the subject Section 5 declaration states the following:

"The upgrade to the existing Clareabbey WwTP noted above and permitted under Reg. Ref. 181004 will see it continue to operate as a secondary treatment plant. The upgrade works will not provide any additional treatment capacity. However the provision of storm storage will allow the plant to operate more effectively and efficiently....Whilst this project will require connection to the existing WwTP, the inlet works under Planning Ref: 181004 will be completed separate from this project and will not result in any significant impacts to the environment in their own right or in combination with this project".

The judgment of Peart J. in *O'Grianna and others v. An Bord Pleanala* [2014] IEHC 632 the High Court upheld the application for judicial review by the Applicants of the decision of An Bord Pleanála to approve the planning permission granted by Cork County Council to Framore Limited to build 12 turbines. The judge was satisfied that the connection to the national grid was an integral part of the overall development of which the construction of the turbines was the first part. The wind farm on its own serves no function if it cannot be connected to the national grid. In that way, the connection to the national grid is fundamental to the entire project, and therefore the cumulative effect of both phases must be assessed by the accompanying EIS in order to comply with the Directive.

Having regard to the legal precedent set by the O'Grianna case, the works as proposed at Clarecastle and the works approved under P18-1004, I am satisfied that each may be considered a *"whole project"* in its own right, both of which are discreet from each other and both of which are not reliant of each other to be constructed in order to be operational. Each project was considered in both their respective EIA Screening and AA screening report under the cumulative impacts.

Considerations

Planning and Development Act 2000, as amended

Is or is not development?
Having regard to section 2 of the Planning and Development Act 2000, as amended, 'works' is defined as 'any act or operation of construction or excavation'. I refer to section 3 of said Act which defines 'development' as 'The carrying out of any works on, over or under land or the making of any material change in the use of any structures or other land'.
Having regard to the definition of works, I consider the proposed works being the laying and installation of sewers underground and ancillary works constitutes both 'works' and 'development'.

Is or is not exempted Development?
Section 4 (1) (g) of the Planning and Development Act 2000, as amended, states the following shall be exempted developments for the purposes of the Act: 'Developments consisting of the carrying out by any local authority or statutory undertaker of any works for the purpose of inspection, repairing, renewing, altering or removing any sewer, mains, pipes, cables, over head wires or other apparatus including the excavation of any street, or other land for that purpose'.

Section 4(4) of the Act states 'Notwithstanding paragraphs (a), (i) (ia) and (l) of subsection 1 and any regulations under subsection 2, development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required. **In this regard it is noted that neither an EIAR nor an AA is required.**

It is noted that section 4 (1) (g) of the Act does not expressly state the **installation** or laying of a new sewer/ rising main is exempted development, but only refers to inspection, repairing, renewing, altering or removing.

Section 5 (7) of Planning and Development Act 2000, as amended
Under Section 5 (7) of the Act, a planning authority, before making a declaration under this section, shall consider the record forwarded to it in accordance with subsection (6)(c) by An Bord Pleanala.
I have examined similar section 5 declarations as issued by An Bord Pleanala (304236, 305749) however the circumstances in those cases are different to the current section 5 which I am assessing.

Planning and Development Regulations 2001 as amended

Class 58 – Development by Irish Water

Column 1 Description of Development	Column 2 Conditions and Limitations
Class 58 Development by Irish Water, for the purpose of the provision of water services, consisting of one or more of the following:	
(*a*) the inspection, maintenance, repair, renewal or removal of pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes, kiosks, intakes, overhead wires, meters and other apparatus, including the excavation of any street or other land for that purpose;	
(*b*) the installation of either or both—	
(i) underground pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes and meters, and,	
(ii) above ground kiosks, meters and other apparatus and overhead wires,	The volume above ground level of any such kiosk, meter or other apparatus shall not exceed 13 cubic metres in rural areas (being areas as defined in Article 6(3)) or 2 cubic metres in other areas, measured externally.
including the excavation of any street or other land for that purpose;	
(c) The construction or erection of either or both—	1. The volume of any such below ground level pumping or booster station and any such holding tank or reservoir shall not exceed 500 cubic metres, measured externally.
(i) below ground pumping or booster stations and, where appropriate, above ground kiosks, and	
(ii) below ground holding tanks or reservoirs;	2. The volume above ground level of any such kiosk, meter or other apparatus shall not exceed 13 cubic metres in rural areas (being areas as defined in Article 6(3)) or 2 cubic metres in other areas, measured externally.

It is considered that the proposed removal of existing pipework to facilitate diversions of the existing gravity sewers to discharge to the new Quay Road pumping station and works to the existing pumping station are exempt under Class 58 (a).
It is considered that the proposed rising main, including diversions from the new Quay Road pumping station to Clareabbey WwTP constitute exempted development under Class 58 (b)(i).
It is noted that the externally measured volume of the proposed Quay Road pump sump, valve chamber and meter chamber is approx. 100 m^3, which is significant below the 500m^3 threshold, and therefore is considered emept under Class 58 (c)(i).

Article 9

Under Article 9 (1) of the same Regulations, development to which Article 6 relates shall not be exempted development for the purposes of the Act:

(a) if the carrying out of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act. **There are no conditions attached to pl. ref. no. p18 1004 which would be inconsistent with the proposed development.**

(ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width, ***N/A***

(iii) endanger public safety by reason of traffic hazard or obstruction of road users, ***N/A***

(iv) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan. ***N/A***

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan, ***N/A***

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended, ***N/A***

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site. ***Having regard to the submitted AA screening report received from Irish Water and the other documentation as contained in the Section 5 referral the requirement for an AA has been screened out.***

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000." ***N/A***

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use, ***N/A***

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, ***N/A***

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way, ***N/A***

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area. ***N/A***

Conclusion

The provisions of Section 4 of the Planning and Development Act 2001, as amended, Class 58 of the Planning and Development Regulations 2001, as amended and Article 9 of the Planning and Development Regulations 2001, as amended which refers to restrictions on exemptions are set out above. I am satisfied having regard to the further information received and the conclusion that and AA and/ or an EIAR are not required that the proposed works constitute development which is exempted development.

Recommendation

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width, N/A

(iii) endanger public safety by reason of traffic hazard or obstruction of road users, N/A

(iv) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, N/A

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan, N/A

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended, N/A

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site. Having regard to the submitted AA screening report received from Irish Water and the other documentation as contained in the Section 5 referral the requirement for an AA has been screened out.

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000." N/A

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use, N/A

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, N/A

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way, N/A

(xii) Further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area, N/A

Conclusion

The provisions of Section 4 of the Planning and Development Act 2003, as amended, Class 58 of the Planning and Development Regulations 2003, as amended and Article 9 of the Planning and Development Regulations 2003, as amended which refers to restrictions on exemptions are set out above. I am satisfied having regard to the further information received and the conclusion that AA and/ or an EIAR are not required that the proposed works constitute development which is exempted development.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the construction of a new underground pumping station to grounds to the south of the existing Quay Road pumping station, diversion of existing waste water sewers to a new pumping station, internal revisions to the existing Quay Road pumping station, and the installation of a new rising main connection to the existing Clareabbey Waste water treatment plant is development and if so is exempted development

The Planning Authority in considering this referral had regard to:

a) *Sections 2, 3 and 4(1)(g) and 4(4) of the Planning and Development Act, 2000, as amended.*
b) *Schedule 2, Article 6, Part 1, Class 58 of the Planning and Development Regulations 2001 as amended (Development by Irish Water) and the conditions and limitations of there under.*
c) Article 9 of the Planning and Development Regulations 2001 as amended- Restrictions on Exemptions
d) The details and particulars as submitted with the referral application.

And whereas Clare County Council (Planning Authority) has concluded:

i. The construction of a new underground pumping station to grounds to the south of the existing Quay Road pumping station, at Clarecastle, diversion of existing waste water sewers to a new pumping station, internal revisions to the existing Quay Road pumping station, and the installation of a new rising main connection to the existing Clareabbey Waste water treatment plant, is considered to constitute 'development' having regard to the definition of 'development' as contained in the Planning and Development Act 2000, as amended
ii. The said development is considered to constitute development which is considered exempted development under Class 58 Schedule 2 of Part 1 of the Planning and Development Regulations 2001 as amended
iii. The said exempted development does not require an Appropriate Assessment or an Environmental Impact Assessment
iv. The said development does not constitute "project splitting" having regard to the definition of same as construed in Irish Case Law, namely *O'Grianna and others v. An Bord Pleanala* [2014] IEHC 632

Now therefore
Clare County Council hereby decides the construction of a new underground pumping station to grounds to the south of the existing Quay Road pumping station, at Clarecastle, diversion of existing waste water sewers to a new pumping station, internal revisions to the existing Quay Road pumping station, and the installation of a new rising main connection to the existing Clareabbey Waste water treatment plant constitutes development which is considered to be exempted development.

Fiona Barry
Executive Planner
Date: 18th Nov. 2021

Garreth Ruane
Senior Executive Planner
Date: 18/11/21

Clare County Council
Screening for Appropriate Assessment & Determination

1. Table 1 to be filled in for all development applications.
2. Where proposed development is within a European site(s) site, go directly to table 3.
3. For all other development proposals, fill in table 2, and if required, table 3.
4. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

Table 1: Project Details

Planning File Reference	R21 61
Applicant Name	Irish Water
Development Location	Clareabbey & Clarecastle
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project (To include a site location map):	
As per Section 5 referral	

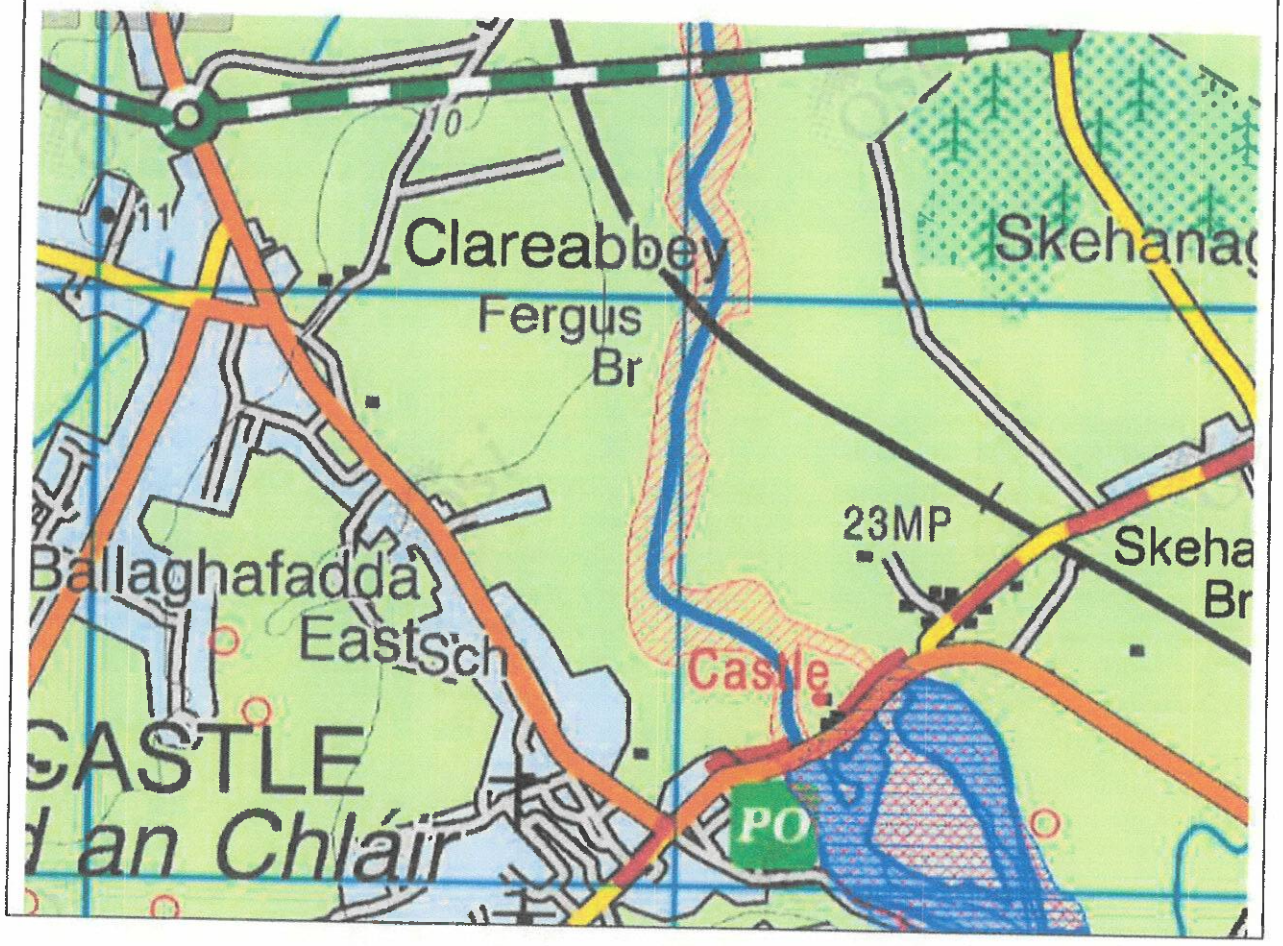


Table 2: Identification of European sites which may be impacted by the proposed development.

Planning File Reference	R21 61
Applicant Name	Irish Water
Development Location	Clarecastle & Clarecastle
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project (To include a site location map):	
As per Section 5 referral	



Table 2: Identification of European sites which may be impacted by the proposed development.

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)[1] is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

Table 2 (a): European Sites within 15km of Applicant Site

European Sites[2]	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
Lower River Shannon SAC	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (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 (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]	Adjacent

[1] European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

[2] European Site details are available on http://webgis.npws.ie/npwsviewer/ or maybe obtained from internal mapping systems.

European Sites[2]	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
River Shannon & River Fergus Estuaries SPA	Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] 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 (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] Wetland and Waterbirds [A999]	Adjacent

1	**Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.**	*Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?*	Yes
2	**Impacts on terrestrial habitats and species.**	*Is the development within 1km of a European site with terrestrial based habitats or species?*	Yes
3	**Impacts on designated marine habitats and species.**	*Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs*	No
4	**Impacts on birds in SPAs**	*Is the development within 1km of a Special Protection Area*	Yes
5	**Indirect effects**	*Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site?*	No

European Sites[2]	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through intranet.	Distance to Applicant Site (km)
River Shannon & River Fergus Estuaries SPA	Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] 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 (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] Wetland and Waterbirds [A999]	Adjacent

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.	Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?	Yes
2	Impacts on terrestrial habitats and species.	Is the development within 1km of a European site with terrestrial based habitats or species?	Yes
3	Impacts on designated marine habitats and species.	Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs	No
4	Impacts on birds in SPAs	Is the development within 1km of a Special Protection Area	Yes
5	Indirect effects	Is the development in combination with other existing or proposed developments likely to impact on an adjacent European site?	No

		Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?	

Conclusion: If the answer to all of the above is no, significant impacts on European sites are unlikely. No further assessmen is required; go directly to the conclusion statement.
If the answer is "unknown" or "yes" proceed to Table 3 and refer to the relevant sections of Table 3.

Table 3:Identification of potential impacts.

1	**Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.** *Please answer the following if the answer to question 1 in table 2 was "yes" or "unknown". Does the development involve any of the following:*	
1.1	Removal of or interference with habitat within a European site. This may include any element of a project liable to interfere with breeding, nesting or roosting sites of birds, bats, water based species	NA
1.2	Discharges either directly (via pipe from the development) or indirectly (via sewer) to surfacewater or groundwater What is the likely volume of the discharge?	NA
1.3	Abstraction from surfacewater or groundwater in or adjacent to a European site, where hydrology is a critical element in the protection of habitat and species at the site? What is the likely volume of the abstraction?	NA
1.4	Is removal of topsoil proposed within 500m of watercourses? What transportation requirements are provided? Does the removal involve reduction in area, population density or fragmentation of area of any habitat or species?	NA
1.5	Infilling or raising of ground levels within 500m of watercourses? What transportation requirements are provided? Does the infilling or raising involve interference with area, population density or fragmentation of area of any habitat or species?	NA
1.6	Construction of drainage ditches - (scale?) Where the run off is directed to? Is the drainage run off directed to a European site where species are identified and whose conservation status may be impacted by this drainage?	NA
1.7	Installation of waste water treatment systems; percolation areas; septic tanks within 500m of watercourses?	NA
1.8	Construction within a floodplain or within an area liable to flood (See www.floodmaps.ie, internal flood risk maps, County Development Plan SFRA and www.cframs.ie)	Portion of the route of the sewer falls within FRZA
1.9	Crossing or culverting of rivers or streams, installation of weirs, temporary watercourse crossings or any interference with a	NA

	watercourse.	
1.10	Storage of chemicals or hydrocarbons (including oils and fuels) within 500m of a watercourse	NA
1.11	Development within catchment of a European site of a scale or type which involves the production of an EIS	NA
1.12	Consideration of effects in combination with existing development?	NA
2	**Impacts on terrestrial habitats and species.** *Please answer the following if the answer to question 2 in table 2 was yes.* *Does the development involve any of the following:*	
2a	Removal of or interference with habitat within the European site. This includes reduction in habitat area or fragmentation of habitat. Is the timing of this interference liable to impact on the nesting or breeding period of any protected species?	NA
2b	Construction of roads or other infrastructure on peat habitats within 1km of bog, marsh, fen or heath habitat within a European site	NA
2c	Is the development liable to impact on water quality in the European site, or liable to give rise to any change in a key indicator of water quality, including salinity. If yes, is the site designated for any bird species or other plant species whose feeding ground or life cycle may be affected by changes in water quality?	NA
2d	Development within 1km of terrestrial European site of a scale or type which involves the production of an EIS.	NA
3	**Impacts on designated marine habitats and species.** *Please answer the following if the answer to question 3 in table 2 was yes.* *Does the development involve any of the following:*	
3a	Removal of or interference with habitat within the European site. This includes timing of the project if there is potential to interfere with nesting or breeding periods, either directly or indirectly (e.g. by noise emission) or any aspect of the life cycle of a protected species. This also includes potential fragmentation, size reduction of habitat, or reduction in species density.	NA
3b	Coastal protection works on intertidal or marine habitats within 5km of a European site supporting coastal or marine habitats or species. This includes any works which may give rise to potential changes in hydrology or salinity of these areas.	NA
3c	Development of piers, slipways, marinas, pontoons or any other infrastructure within 5km of a European site that was designated because it supports marine habitats and/or species.	NA

3d	Dredging within 5km of a European site supporting coastal or marine habitats or species.	NA
3e	Removal of topsoil or infilling within 100m of marine habitats within the designated site.	NA
3f	Land based development within 1km of a European site of a scale or type which involves the production of an EIS.	NA
3g	Marine or intertidal based development within 5km of a European site of a scale or type which involves the production of an EIS.	NA

3d	Dredging within 5km of a European site supporting coastal or marine habitats or species.	NA
3e	Removal of topsoil or infilling within 100m of marine habitats within the designated site.	NA
3f	Land based development within 1km of a European site of a scale or type which involves the production of an EIS.	NA
3g	Marine or intertidal based development within 5km of a European site of a scale or type which involves the production of an EIS.	NA

4	**Impacts on birds in SPAs** *Please answer the following if the answer to question 5 in table 2 was yes.* *Does the development involve any of the following:*	
4a	Removal of or interference with habitats within an SPA. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4b	Erection of wind turbines within 1km of an SPA.	NA
4c	All construction works within 100m of intertidal areas – Coastal SPAs, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4d	Infilling of coastal habitats within 500m of SPA, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4e	Discharges to coastal SPA, including any element of a discharge liable to give rise to disturbance of this habitat, either by direct, indirect, or in combination effects	NA
4f	Development of cycleways or walking routes within 100m of intertidal areas. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4g	Development within 1km of SPA of a scale or type which involves the production of an EIS. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA

Conclusion:

- If the answer to all of the above is *no*, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
- If the answer to any of the above is *yes*, or *unknown* effects on the European sites need to be assessed and a Natura Impact Statement will be required

4	Impact to birds in SPAs Please answer the following y/n the one yes to question 5 in table 2 is yes. Does the development involve any of the following:	
4a	Removal of or interference with habitats within an SPA. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4b	Erection of wind turbines within 1km of an SPA.	NA
4c	All construction works within 100m of Intertidal areas – Coastal SPAs, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4d	Infilling of coastal habitats within 500m of SPA, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4e	Discharges to coastal SPA, including any element of a discharge liable to give rise to disturbance of this habitat, either by direct, indirect, or in combination effects	NA
4f	Development of cycleways or walking routes within 100m of Intertidal areas. This includes consideration of in direct and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4g	Development within 1km of SPA of a scale or type which involves the production of an EIS. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA

Conclusion:

- If the answer to all of the above is no, significant impacts on European sites are unlikely. No further assessment is required, go directly to the conclusion at the end.
- If the answer to any of the above is yes, or unknown, effects on the European site need to be assessed and a Nature Impact Statement will be required

Appropriate Assessment Screening Determination	
Planning File Reference	R21 61
Proposed Development	Section 5 referral
Development Location	Clarecastle and Clareabbey
European sites within impact zone	As above

Description of the project:

As above

Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site

See above

Describe how the project or plan (alone or in combination) is likely to affect the European site(s).

- The construction of a new underground wastewater pumping station on lands to the front of the existing Quay Road pumping station, consisting of a pump sump, valve chamber and meter chamber to pump untreated wastewater to Clareabbey Wastewater Treatment Plan to undergo secondary treatment
- The diversion of the existing combined gravity network to discharge to the new wastewater pumping station
- The construction of new pipework, fitted with a 10mm perforated fixed storm water overflow screen within the new wastewater pump sump, to discharge flows in excess of the new wastewater pumping station capacity to the wet well of the existing Quay Road pumping station, and
- The construction of approx. 1750m of 280mm OD wastewater rising main and associated fittings to connect the new wastewater pumping station to the proposed new inlet works at Clareabbey Wastewater Treatment Plant
- The existing Quay Road pumping station and associated infrastructure will be maintained in situ to operate as a stormwater pumping station to pump stormwater overflow to outfall to the River Fergus.
- There are no above ground structures proposed as part of the works.

If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?

The applicant (Irish Water) has submitted the AA screening report and EIA screening report prepared for proposed development.

No potential negative impacts are envisaged.

Two previous reports were carried out in respect to a broadly similar Section 5 referrals (Ref. R19 39 and R19 62) which advised that:

- The current discharge from the Quay Road pumping station in Clareastle is being discharged untreated with the current WFD status at this location reflecting the impact as it

is currently classified as being at "Poor" status and "at risk" of failing to achieve "good" status in accordance with the WFD Objectives. • The provision of a rising main sewer transporting raw sewage from Clarecastle to Clareabbey WWTP at Clareabbey, Clarecastle, Co.Clare will provide an overall improvement in water quality and therefore provide a direct benefit to the Qualifying Interest Features of the SAC and Special Conservation Interests of the SPA. • While the primary purpose of the provision of the sewer is not for nature conservation management of the Natura 2000 site, it cannot be ignored that the upgrade will benefit water quality in the River Fergus and therefore provide a direct benefit to the associated European Sites and the Special Interest Features and further be seen as a project which is directly connected with and necessary to the management of a European site.
Documentation reviewed for making this statement
- County Development Plan (including Flood Maps, SEA & AA) - NPWS website - Documents received as part of the planning application - EPA Code of Practice

Conclusion of assessment (a, b, c or d)	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s)[3]	
(b) There is no potential for significant effects to European Sites[3]	√
(c) The potential for significant effects to European Site(s) cannot be ruled out[4]	
(d) Significant effects to European sites are certain or likely or where potential for	

[3] Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no material changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

[4] In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document 'Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf
Alternatively, where other planning concerns arise the proposal could be refused planning permission.

(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s)[3]	
(b) There is no potential for significant effects to European Sites[3]	√
(c) The potential for significant effects to European Site(s) cannot be ruled out[3]	
(d) Significant effects to European sites are certain or likely or where potential for	

significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010[5]	
Completed By	Fiona Barry, Executive Planner
Date	18.11.2021

[5] The proposed development must either by refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.

Significant effects to European sites remains following receipt of further information requested under S177D of the Planning and Development (Amendment) Act 2010[4]	
Completed By	Fiona Barry, Executive Planner
Date	18.12.2023

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R19-62
APPLICANT(S):	Brian Barry
REFERENCE:	Whether the development of a sewer to transport wastewater arising in the agglomeration of Clarecastle for treatment in the Clareabbey wastewater treatment plant and which discharges to waters in and/or connected to European Sites in Clarecastle/Clareabbey, Ennis, County Clare, is or is not development and is or is not exempted development?
LOCATION:	Clarecastle/Clareabbey, Ennis, County Clare
DUE DATE:	17th Feb. 2021

I wish to refer to the previous report as prepared for the subject Section 5 referral.

That report considered that having regard to the provisions of Section 4 of the Planning and Development Act 2000, as amended, Class 58 and Article 9 of the Planning and Development Regulations 2001, as amended, which refers to restrictions on exemptions, while the laying or installation of a sewer would generally be considered exempted development, it was not considered clear that the requirement for AA could be screened out at this stage. Similarly the Planners Report considered that it was not clear if the additional loading arising from the works proposed under UTAS would consequently require the plant to be up graded to treat a PE of 10,000 or greater triggering a requirement for a mandatory EIAR or if the upgrade being less than 10,000 PE would trigger a requirement for a sub-threshold EIAR having regard to schedule 7 and 7 (a) of the Planning and Development Regulations 2001 as amended.

As a result the following further information was requested from the applicant;

In accordance with Section 5 (2) (b) of the Planning and Development Act 2000 as amended, and in order for the Planning Authority to make an assessment on this declaration application you are requested to submit a map which defines the extent of the Clarecastle *"agglomeration"* referred to in the application.

In assessing this application, the Planning Authority have sought information from Irish Water in accordance with Section 5 (2) (c) of the Planning and Development Act, 2000, as amended, in order to enable the Planning Authority to issue the declaration on the question.

Upon receipt of the above information requested under Sections 5(2)(b) and 5(2)(c) of the Planning and Development Act 2000, as amended, the Planning Authority will proceed to issue a response to the declaration as sought.

The following correspondence was issued to Irish Water:

The Planning Authority received a request for a declaration with regard to the installation of a rising main from Clarecastle to Clareabbey Wastewater treatment plant in accordance with Section 5 of the Planning and Development Act, 2000, as amended. The specific question asked is as follows:

"Whether the development of a sewer to transport wastewater arising in the agglomeration of Clarecastle for treatment in the Clareabbey wastewater treatment plant and which discharges to waters in and/or connected to European Sites in Clarecastle/Clareabbey, Ennis, County Clare, is or is not development and is or is not exempted development?"

The case as made to the Planning Authority contends that the works do not constitute exempted development due to capacity issues at the plant and also that an Environmental Impact Assessment (EIA) and an Appropriate Assessment (AA) are required, due to the proximity to a European site.

CLARE COUNTY COUNCIL

SECTION 5 DECLARATION OF EXEMPTION APPLICATION

PLANNERS REPORT

FILE REF:	R39-52
APPLICANT(S):	Brian Barry
REFERENCE:	Whether the development of a sewer to transport wastewater arising in the agglomeration of Clarecastle for treatment in the Clareabbey wastewater treatment plant and which discharges to waters in and/or connected to European Sites in Clarecastle/Clareabbey, Ennis, County Clare, is or is not development and is or is not exempted development?
LOCATION:	Clarecastle/Clareabbey, Ennis, County Clare
DUE DATE:	17th Feb 2021

I wish to refer to the previous report as prepared for the subject Section 5 referral.

That report considered that having regard to the provisions of Section 4 of the Planning and Development Act 2000, as amended, Class 58 and Article 9 of the Planning and Development Regulations 2001, as amended, which refers to restrictions on exemptions, while the laying or installation of a sewer would generally be considered exempted development, it was not considered clear that the requirement for AA could be screened out at this stage. Similarly the Planners Report considered that it was not clear if the additional loading arising from the works proposed under U14AS would consequently require the plant to be up graded to treat a PE of 10,000 or greater triggering a requirement for a mandatory EIAR or if the upgrade being less than 10,000 PE would trigger a requirement for a sub-threshold EIAR having regard to schedule 7 and 7 (a) of the Planning and Development Regulations 2001 as amended.

As a result the following further information was requested from the applicant;

In accordance with Section 5 (2) (b) of the Planning and Development Act 2000 as amended, and in order for the Planning Authority to make an assessment on this declaration application you are requested to submit a map which defines the extent of the Clarecastle "agglomeration" referred to in the application.

In assessing this application, the Planning Authority have sought information from Irish Water in accordance with Section 5 (2) (c) of the Planning and Development Act 2000, as amended, in order to enable the planning Authority to issue the declaration on the question.

Upon receipt of the above information requested under Sections 5(2)(b) and 5(2)(c) of the Planning and Development Act 2000, as amended, the Planning Authority will proceed to issue a response to the declaration as sought

The following correspondence was issued to Irish Water:

The Planning Authority received a request for a declaration with regard to the installation of a rising main from Clarecastle to Clareabbey Wastewater treatment plant in accordance with Section 5 of the Planning and Development Act, 2000, as amended. The specific question asked is as follows:

"Whether the development of a sewer to transport wastewater arising in the agglomeration of Clarecastle for treatment in the Clareabbey wastewater treatment plant and which discharges to waters in and/or connected to European Sites in Clarecastle/Clareabbey, Ennis, County Clare, is or is not development and is or is not exempted development?"

The case as made to the Planning Authority contends that the works do not constitute exempted development due to capacity issues at the plant and also that an Environmental Impact Assessment (EIA) and an Appropriate Assessment (AA) are required due to the proximity to a European site.

In accordance with Section 5 (2) (c) of the Planning and Development Act 2000 as amended, and in order for the Planning Authority to make an assessment on this declaration you are requested to submit details of any EIA Screening Reports or AA Screening Reports as carried out in relation to the subject development. If available you might please submit same **within 4 weeks of the date of this** letter. It is advised that said reports should be updated to provide details of the cumulative population equivalent loading on the Clareabbey Wastewater Treatment Plant.

Michael Duffy, on behalf of Brian Barry responded to the further information request on 27th Jan. 2021, in which he stated that he did not have a map of the agglomerations of Clarecastle. However he stated that it is the area defined in the EPA License issued for the Clarecastle WWTP the map of which would have been submitted by CCC in the course of the application. Michael Duffy, on behalf of Brian Barry submitted a further response to the further information request on 28th Jan. 2021, in which he attached a map of the agglomeration as submitted to the EPA in the license application. The FIR also included website links to the EPA licensing site.

On 6th Jan. 2020 a further information response was received from the Project Planning Manager of Irish Water. From same the following is noted:

- Clarecastle has been identified as a coastal agglomeration where there is currently no waste water treatment. Wastewater is collected within the drainage network and gravitates towards the existing Quay Road Pump Station, located to the south of the village. Wastewater is then pumped forward, untreated, to outfall to the River Fergus via an existing outfall pipe.
- Irish Water is committed to providing appropriate treatment for the agglomeration to comply with discharge consents as set out by the Urban Wastewater Treatment Directive.
- The Clareabbey WWTP was constructed in 1981 /82 to serve a PE of 4000. This was upgraded in 2001/2 to provide for treatment for 6000 PE. There is sufficient capacity within the Clareabbey Wastewater Treatment Plant to accommodate the proposed load from Clarecastle. The existing wastewater discharge authorisation license for the Clareabbey agglomeration is for the range 2001 – 10,000 PE.
- The lands to facilitate the construction of the rising main were the subject to a CPO.
- IW has not yet commenced the construction of the rising main, but intends to do so.
- A previous section 5 referral was submitted to Clare County Council by the applicant (reference R 19 39) under which Clare County Council determined that the proposed works were considered to be exempted development.
- An AA screening report submitted by lirhs Water in Aug. 2019 contained detailed information on any potential impacts on nearby European Sites and CCC undertook a robust screening assessment and determined that no AA was required. The later Section 5 referral does not raise any new issues that were not already dealt with and assessed as part of the original Section 5.
- The last sentence of the letter dated 11th Dec. 2019 from CCC states *"It is advised that said reports should be updated to provide details of the cumulative population equivalent loading on the Clareabbey Wastewater Treatment Plant"*. In response IW points to Section 3.2.1 AND 3.2.2 of the AA screening report and Section 2.6 and page 26 of the EIA screening report, where this point is specifically dealt with.
- The applicant did not appeal the previous Section 5 referral to ABP. IW acknowledge the an earlier Section 5 declaration will not preclude a subsequent declaration but Case Law has held that this situation arises where there has been a change in circumstances between the dates of the two declarations. In this instance the circumstances has not changed between CCC's decision on 19th Sept. 2019 and the second referral made in or around 11th Dec. 2019. The latter referral has raised no issues that have not already been addressed by Irish Water and considered by CCC.

Following the receipt of the Further Information responses the following reports were received;
Senior Engineer, Water Services and Environment Section (08.02.2021):

- No comments to make on the submission

It is noted that a report was received from the Environment Assessment Officer (EAO) in respect of the previous Section 5 referral on this site – R19 39. As the fundamentals of the subject Section 5 referral are unchanged from that of the previous Section 5 referral, I consider it reasonable and appropriate to refer to that report. That report was received on 12th Sept. 2019, and it attached to the file pertaining to R19 39. It noted the following:

- The WWDL for the Clarecastle Agglomeration as issued by the EPA is for a population equivalent of 1,001 to 2,000. Clareabbey WWTP has spare capacity of 1,320 PE.
- The WWDL for the Clarecastle Agglomeration requires the provision of primary treatment, this provision is currently not being met or provided for at Clarecastle.
- As per the 2017 Annual Environmental Report (AER) the discharge at Clareabbey WWTP is not having an observable negative impact on the water quality or the WFD status of the River Fergus.
- The current discharge from the Quay Road pumping station in Clareastle is being discharged untreated with the current WFD status at this location reflecting the impact as it is currently classified as being at "Poor" status and "at risk" of failing to achieve "good" status in accordance with the WFD Objectives.
- The provision of a rising main sewer transporting raw sewage from Clarecastle to Clareabbey WWTP at Clareabbey, Clarecastle, Co.Clare will provide an overall improvement in water quality and therefore provide a direct benefit to the Qualifying Interest Features of the SAC and Special Conservation Interests of the SPA.
- While the primary purpose of the provision of the sewer is not for nature conservation management of the Natura 2000 site, it cannot be ignored that the upgrade will benefit water quality in the River Fergus and therefore provide a direct benefit to the associated European Sites and the Special Interest Features and further be seen as a project which is directly connected with and necessary to the management of a European site.
- I am satisfied based on the above points and having reviewed the findings of both the EIA Screening and Screening for Appropriate Assessment that the proposed works either alone or in-combination with other plans/or projects will not have significant effects on any European Site(s) in light of their conservation objectives. As such, the works can be deemed exempted development.

Assessment

Planning Exemption Assessment

Onsite Planning History

18-1004 – Granted – Irish Water – For development consisting of upgrading the existing waste water treatment plant, by demolishing the existing inlet works, construction of a new inlet works, storm tank, ESB substation and all ancillary site works. As stated in the FIR received by the Planning Authority from Irish Water on 06th Jan. 2020, such works have not commenced to date.

The proposed works will not result in an increase in the population equivalent (PE) treatment capacity of the plant. Instead the provision of holding tanks and the upgrade of screens and inlet are being done to prevent excessive hydraulic loading going though the plant at peak times. The works will make the plant run more efficiently, but there is no indication in the nature and description of the works granted under pl 18/ 1004 that the works include for an increase in the PE capacity of the plant which I understand is currently approx 6000 P.E.
In the further information response (received by the PA on 06th Jan. 2020), Irish Water state the following:

> *"The Clareabbey Wastewater Treatment Plant was constructed in 1981 / 1982 to serve a population equivalent (PE) OF 4,000 and was upgraded in 2001 / 2002 to provide treatment for 6,000 PE. There is sufficient capacity within the Clareabbey Wastewater Treatment Plant to accommodate the proposed load from Clarecastle. The existing wastewater discharge authorisation license for the Clareabbey agglomeration is for the range 2,001 – 10,000 p.e. A license review is a matter for the Environmental Protection Agency (EPA)."*

Pre-planning History

PPI-18-246 - Irish Water- Upgrade of waste water treatment plant at Clareabbey.

Recent Section 5 History

R19-39 – Brian Barry – Whether the installation of a rising main sewer transporting raw sewage from Clarecastle to the Clareabbey Wastewater Treatment Plan at Clareabbey Clarecastle, County Clare is or is not development and is or is not exempted development. The Planning Authority deemed that said works constituted development that was considered to be exempted development. In reaching this determination the Planning Authority assessed both the physical works as proposed and also issues pertaining to loading on the Clareabbey Wastewater Treatment Plant.

The Requirement For An Environmental Impact Assessment

Mandatory

Having regard to the nature of the proposed works and the list of projects set out under schedule 5 Development for the purposes of part 10 Article 93, of the Planning and Development Regulations as amended I do not consider that the proposed development falls within the mandatory requirements for an EIA as stated in EU Directive 85/337/EEC (as amended by Directive 97/11/EC, 2003/31/EC and 2009/31/EC).

I note in this regard that the requirement for a sub-threshold EIA was screened out under P18-1004.

Sub Threshold

It is noted that the requirement for AA and for a mandatory EIAR or sub-threshold EIAR has been ruled out as per the EAO report as received by the Planning Authority 12th Sept. 2019 in relation to Section 5 declaration R19 39.. As the fundamentals of the subject Section 5 referral are unchanged from that of the previous Section 5 referral, I consider it reasonable and appropriate to refer to that report.

The Requirement For Appropriate Assessment

See screening report attached.

Test For Project Splitting

The applicant has contended that the works comprise project splitting on a significant scale given the applicant contends that such development requires an EIA and in particular AA as set down in European Directives.

I consider that a waste water treatment plant with a capacity greater than 10,000 population equivalent as defined in Article 2, point 6 of Directive 91/ 271/ EEC, not included part 1 of schedule 5 requires the benefit of a EIA. The Clareabbey plant has a PE of 6000 (as confirmed in correspondence received by the Planning Authority from Irish Water on 06th Jan. 2020). Planning permission was granted to Irish Water in respect of same (pl. ref. No. p18 1004) for the following development;

> for development consisting of upgrading the existing waste water treatment plant, by demolishing the existing inlet works, construction of a new inlet works, storm tank, ESB substation and all ancillary site works

This permitted development was considered to constitute sub threshold development for which the need for EIA was excluded.

The submitted EIA screening in relation to the Clarecastle Sewerage Scheme (received by the Planning Authority from Irish Water on 06th Jan. 2020) states the following:

> "The upgrade to the existing Clareabbey WwTP noted above and permitted under Reg. Ref. 181004 will see it continue to operate as a secondary treatment plant. The upgrade works will not provide any additional

treatment capacity....Whilst this project will require connection to the existing WwTP, the inlet works under Planning Ref: 181004 will be completed in advance of this project and will not result in any significant impacts to the environment in their won right or in combination with this project".

The judgment of Peart J. in *O'Grianna and others v. An Bord Pleanala* [2014] IEHC 632 the High Court upheld the application for judicial review by the Applicants of the decision of An Bord Pleanála to approve the planning permission granted by Cork County Council to Framore Limited to build 12 turbines. The judge was satisfied that the connection to the national grid was an integral part of the overall development of which the construction of the turbines was the first part. The wind farm on its own serves no function if it cannot be connected to the national grid. In that way, the connection to the national grid is fundamental to the entire project, and therefore the cumulative effect of both phases must be assessed by the accompanying EIS in order to comply with the Directive.

Having regard to the legal precedent set by the O'Grianna case, the works as proposed at Clarecastle and the works approved under P18-1004, I am satisfied that each may be considered a *"whole project"* in its own right, both of which are discreet from each other and both of which are not reliant ~~of~~ on each other to be constructed in order to be operational. Each project was considered in both their respective EIA Screening and AA screening report under the cumulative impacts.

Considerations

Is or is not development?

Having regard to section 2 of the Planning and Development Act 2000, as amended, 'works' is defined as 'any act or operation of construction or excavation'. I refer to section 3 of said Act which defines 'development' as 'The carrying out of any works on, over or under land or the making of any material change in the use of any structures or other land'. Having regard to the definition of works, I consider the proposed works being the laying and installation of sewers underground and ancillary works constitutes both 'works' and 'development'.

Is or is not exempted Development?

Section 4 (1) (g) of the Planning and Development Act 2000, as amended, states the following shall be exempted developments for the purposes of the Act: 'Developments consisting of the carrying out by any local authority or statutory undertaker of any works for the purpose of inspection, repairing, renewing, altering or removing any sewer, mains, pipes, cables, over head wires or other apparatus including the excavation of any street, or other land for that purpose'.

Section 4(4) of the Act states 'Notwithstanding paragraphs (a), (i) (ia) and (l) of subsection 1 and any regulations under subsection 2 , development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required. **In this regard it is noted that the EAO report (received by the Planning Authority on 12th Sept. 2019 concludes that neither an EIAR nor an AA is required.**

It is noted that section 4 (1) (g) of the Act does not expressly state the **installation** or laying of a new sewer/ rising main is exempted development, but only refers to inspection, repairing, renewing, altering or removing.

Section 5 (7) of Planning and Development Act 2000, as amended

Under Section 5 (7) of the Act, a planning authority, before making a declaration under this section, shall consider the record forwarded to it in accordance with subsection (6)(c) by An Bord Pleanala.

I have examined similar section 5 declarations as issued by An Bord Pleanala (304236, 305749) however the circumstances in those cases are different to the current section 5 which I am assessing.

Planning and Development Regulations 2001 as amended
Class 58 – Development by Irish Water

Description of Development Conditions and Limitations
Development by Irish Water, for the purpose of the provision of water services, consisting of one or more of the following:
(*a*) the inspection, maintenance, repair, renewal or removal of pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes, kiosks ,intakes, overhead wires, meters and other apparatus, including the excavation of any street or other land for that purpose;
(*b*) **the installation of either or both—**
(i) **underground** pipes, cables, water mains, **sewers,** including associated accessories, service connections, boundary boxes and meters, and,
(ii) above ground kiosks, meters and over head wires including the excavation of any street or other land for that purpose;
Conditions and limitation
The volume above ground level of any such other apparatus and overhead kiosk, meter or other apparatus shall not exceed 13 cubic metres in rural areas (being areas as defined in Article 6(3)) or 2 cubic metres in order areas measured externally.

Restrictions on Exemptions Article 9 of the Planning and Development Regulations
Under Article 9 (1) of the same Regulations, development to which Article 6 relates shall not be exempted development for the purposes of the Act:

(a) if the carrying out of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act. **There are no conditions attaching to pl. 18/ 1004 which would be inconsistent with the proposed development .**

(ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width, ***N/A***

(iii) endanger public safety by reason of traffic hazard or obstruction of road users, ***N/A***

(iv) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan. ***N/A***

*(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,****N/A***

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended, ***N/A***

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site. ***Having regard to the further information AA screening report received from I.W. and the report received from the EAO in relation to the previous Section5 referral as submitted under ref. no. R19 39, and the fundamentals of that Section 5***

referral and the subject Section 5 referral, which are unchanged, the requirement for an AA has been screened out.

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000." ***N/A***

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use, ***N/A***

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, ***N/A***

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way, ***N/A***

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area. ***N/A***

Conclusion

The provisions of Section 4 of the Planning and Development Act 2001, as amended, Class 58 of the Planning and Development Regulations 2001, as amended and Article 9 of the Planning and Development Regulations 2001, as amended which refers to restrictions on exemptions are set out above. I am satisfied having regard to the further information received and the conclusion that and AA and/ or an EIAR are not required that the proposed works constitute development which is exempted development.

Recommendation

The following questions have been referred to the Planning Authority:

> Whether the development of a sewer to transport wastewater arising in the agglomeration of Clarecastle for treatment in the Clareabbey wastewater treatment plant and which discharges to waters in and/or connected to European Sites in Clarecastle/Clareabbey, Ennis, County Clare, is or is not development and is or is not exempted development?

The Planning Authority in considering this referral had regard to:

(a) Sections 2, 3 and 4(1)(g) and 4(4) of the Planning and Development Act, 2000, as amended.

(b) Schedule 2, Article 6, Part 1, Class 58 of the Planning and Development Regulations 2001 as amended (Development by Irish Water) and the conditions and limitations of there under.

(c) Article 9 of the Planning and Development Regulations 2001 as amended- Restrictions on Exemptions

(d) The details and particulars as submitted with the referral application.

(e) The details and particulars as submitted by Irish Water, prescribed body namely the 'Clarecastle Sewerage Scheme Screening for Appropriate Assessment Report' August 2019 and the 'Clarecastle Sewerage Scheme Environmental Impact Assessment Screening Report' August 2019, which were received by the Planning Authority on 06th Jan. 2020.

And whereas Clare County Council (Planning Authority) has concluded:

i. The development of a sewer to transport wastewater arising in the agglomeration of Clarecastle for treatment in the Clareabbey wastewater treatment plant and which discharges to waters in and/or connected to European Sites in Clarecastle/Clareabbey, Ennis, County Clare, is considered to constitute 'development' having regard to the definition of 'development' as contained in the Planning and Development Act 2000, as amended

ii. The said development is considered to constitute development which is considered exempted development under Class 58 Schedule 2 of Part 1 of the Planning and Development Regulations 2001 as amended

iii. The said exempted development does not require an Appropriate Assessment or an Environmental Impact Assessment

iv. The said development does not constitute "project splitting" having regard to the definition of same as construed in Irish Case Law, namely *O'Grianna and others v. An Bord Pleanala* [2014] IEHC 632

Now therefore

Clare County Council hereby decides the development of a sewer to transport wastewater arising in the agglomeration of Clarecastle for treatment in the Clareabbey wastewater treatment plant and which discharges to waters in and/or connected to European Sites in Clarecastle/Clareabbey constitutes development which is considered to be exempted development.

Fiona Barry
Executive Planner
Date: 11th Feb. 2021

Garreth Ruane
A/ Senior Executive Planner
Date: 12/02/21

Clare County Council
Screening for Appropriate Assessment & Determination

1. Table 1 to be filled in for all development applications.
2. Where proposed development is within a European site(s) site, go directly to table 3.
3. For all other development proposals, fill in table 2, and if required, table 3.
4. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

Table 1: Project Details

Planning File Reference	R19-62
Applicant Name	Brian Barry
Development Location	Clareabbey & Clarecastle
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project (To include a site location map):	
As per Section 5 referral	

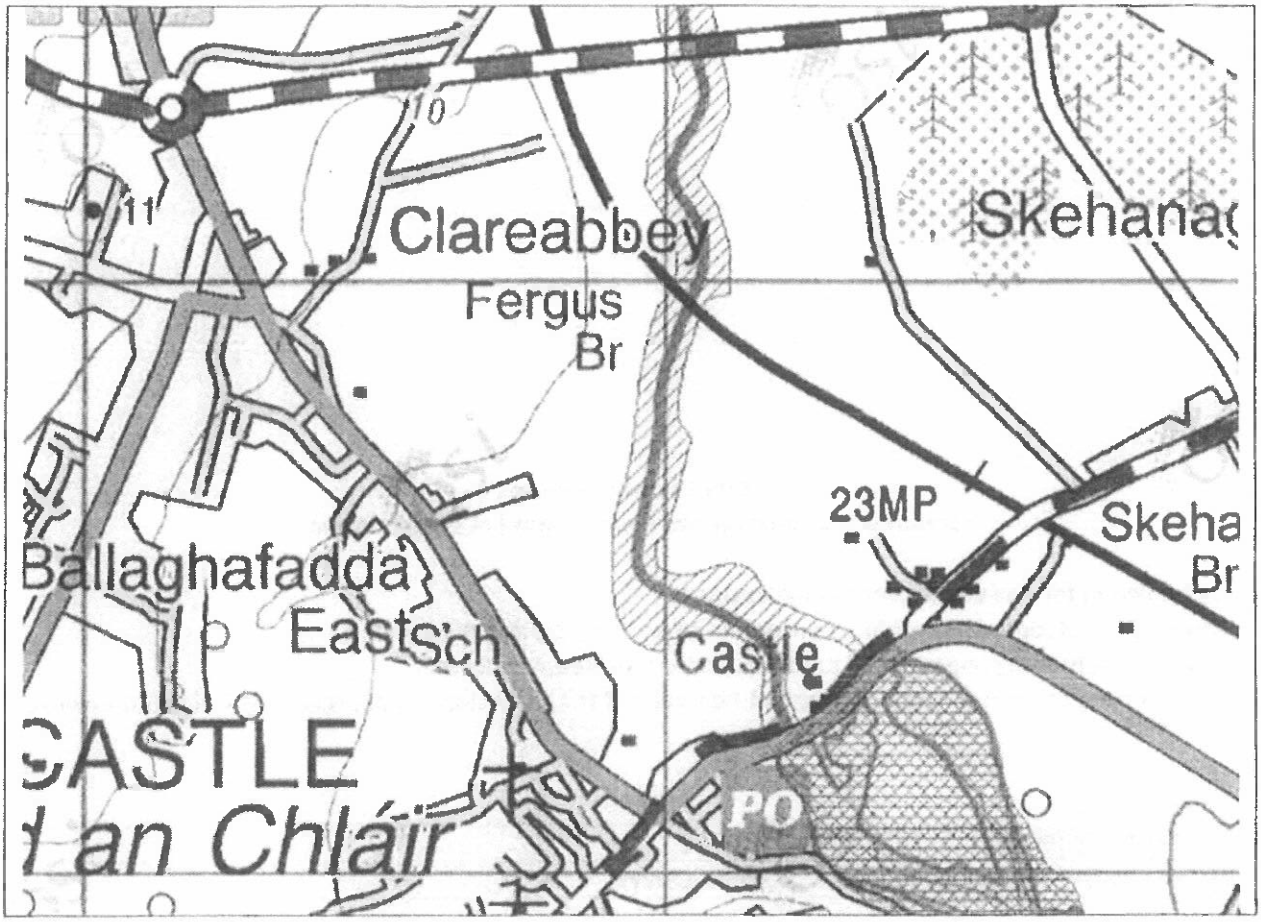


Table 2: Identification of European sites which may be impacted by the proposed development.

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)[1] is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

Table 2 (a): European Sites within 15km of Applicant Site

European Sites[2]	**Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.**	**Distance to Applicant Site (km)**
Lower River Shannon SAC	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]	Adjacent

[1] European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

[2] European Site details are available on http://webgis.npws.ie/npwsviewer/ or maybe obtained from internal mapping systems.

Clareabeg
Fergus
Br
Skehanag
Skehe
Br
Ballaghatadda
EASTLE
I an Chlair

European Sites[2]	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
	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 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 (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]	
River Shannon & River Fergus Estuaries SPA	Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] 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 (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162]	Adjacent

European Sites[4]	Quantifying interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.ruleq.eu/protectedsites) or through Intranet.	Distance to Applicant Site (km)
	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 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 (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]	
	Cormorant (Phalacrocorax carbo) [A017]	
	Whooper Swan (Cygnus cygnus) [A038]	
	Light-bellied Brent Goose (Branta bernicla hrota) [A046]	
	Shelduck (Tadorna tadorna) [A048]	
	Wigeon (Anas penelope) [A050]	
	Teal (Anas crecca) [A052]	
	Pintail (Anas acuta) [A054]	
	Shoveler (Anas clypeata) [A055]	
	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 (Limosa limosa) [A156]	
	Bar-tailed Godwit (Limosa lapponica) [A157]	
	Curlew (Numenius arquata) [A160]	
	Redshank (Tringa totanus) [A162]	

River Shannon & River Fergus Estuaries SPA

European Sites[2]	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
	Greenshank (Tringa nebularia) [A164] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wetland and Waterbirds [A999]	

1	**Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.**	*Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?*	Yes
2	**Impacts on terrestrial habitats and species.**	*Is the development within 1km of a European site with terrestrial based habitats or species?*	Yes
3	**Impacts on designated marine habitats and species.**	*Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs*	No
4	**Impacts on birds in SPAs**	*Is the development within 1km of a Special Protection Area*	Yes
5	**Indirect effects**	*Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?*	No

Conclusion: If the answer to all of the above is no, significant impacts on European sites are unlikely. No further assessme is required; go directly to the conclusion statement.
If the answer is "unknown" or "yes" proceed to Table 3 and refer to the relevant sections of Table 3.

Table 3:Identification of potential impacts.

1	**Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.** *Please answer the following if the answer to question 1 in table 2 was "yes" or "unknown".* *Does the development involve any of the following:*	
1.1	Removal of or interference with habitat within a European site. This may include any element of a project liable to interfere with breeding, nesting or roosting sites of birds, bats, water based species	NA
1.2	Discharges either directly (via pipe from the development) or indirectly (via sewer) to surfacewater or groundwater	NA

European Sites[2]	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.nows.ie/protectedsites) or through Intranet. Greenshank (*Tringa nebularia*) [A164] Black-headed Gull (*Chroicocephalus ridibundus*) [A179] Wetland and Waterbirds [A999]	Distance to Applicant Site (km)
1 Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.		
2 Impacts on terrestrial habitats and species.		
3 Impacts on designated marine habitats and species.		
4 Impacts on birds in SPAs		
5 Indirect effects		

Conclusion:

If the answer to all of the above is **no**, significant impacts on European sites are unlikely. No further assessme is required, go directly to the conclusion statement.

If the answer is "unknown" or "yes" proceed to Table 2 and refer to the relevant sections of Table 3

Table 2 Identification of potential impacts.

	Impacts on designated **rivers, streams, lakes and fresh** water dependant habitats and species. Please answer the following if the answer to question 1 in table 2 was "yes" or "unknown"	
1.1	Removal of or interference with habitat within a European site. This may include any element of a project liable to interfere with breeding, resting or roosting sites of birds, bats, water based species	NA
1.2	Discharges either directly (via pipe from the development) or indirectly (e.g. run-off) to surface water or groundwater	NA

	What is the likely volume of the discharge?	
1.3	Abstraction from surfacewater or groundwater in or adjacent to a European site, where hydrology is a critical element in the protection of habitat and species at the site? What is the likely volume of the abstraction?	NA
1.4	Is removal of topsoil proposed within 500m of watercourses? What transportation requirements are provided? Does the removal involve reduction in area, population density or fragmentation of area of any habitat or species?	NA
1.5	Infilling or raising of ground levels within 500m of watercourses? What transportation requirements are provided? Does the infilling or raising involve interference with area, population density or fragmentation of area of any habitat or species?	NA
1.6	Construction of drainage ditches - (scale?) Where the run off is directed to? Is the drainage run off directed to a European site where species are identified and whose conservation status may be impacted by this drainage?	NA
1.7	Installation of waste water treatment systems; percolation areas; septic tanks within 500m of watercourses?	NA
1.8	Construction within a floodplain or within an area liable to flood (See www.floodmaps.ie, internal flood risk maps, County Development Plan SFRA and www.cframs.ie)	Portion of the route of the sewer falls within FRZA
1.9	Crossing or culverting of rivers or streams, installation of weirs, temporary watercourse crossings or any interference with a watercourse.	NA
1.10	Storage of chemicals or hydrocarbons (including oils and fuels) within 500m of a watercourse	NA
1.11	Development within catchment of a European site of a scale or type which involves the production of an EIS	NA
1.12	Consideration of effects in combination with existing development?	NA
2	**Impacts on terrestrial habitats and species.** *Please answer the following if the answer to question 2 in table 2 was yes.* *Does the development involve any of the following:*	
2a	Removal of or interference with habitat within the European site. This includes reduction in habitat area or fragmentation of habitat. Is the timing of this interference liable to impact on the nesting or breeding period of any protected species?	NA

2b	Construction of roads or other infrastructure on peat habitats within 1km of bog, marsh, fen or heath habitat within a European site	NA
2c	Is the development liable to impact on water quality in the European site, or liable to give rise to any change in a key indicator of water quality, including salinity. If yes, is the site designated for any bird species or other plant species whose feeding ground or life cycle may be affected by changes in water quality?	NA
2d	Development within 1km of terrestrial European site of a scale or type which involves the production of an EIS.	NA
3	**Impacts on designated marine habitats and species.** *Please answer the following if the answer to question 3 in table 2 was yes.* *Does the development involve any of the following:*	
3a	Removal of or interference with habitat within the European site. This includes timing of the project if there is potential to interfere with nesting or breeding periods, either directly or indirectly (e.g. by noise emission) or any aspect of the life cycle of a protected species. This also includes potential fragmentation, size reduction of habitat, or reduction in species density.	NA
3b	Coastal protection works on intertidal or marine habitats within 5km of a European site supporting coastal or marine habitats or species. This includes any works which may give rise to potential changes in hydrology or salinity of these areas.	NA
3c	Development of piers, slipways, marinas, pontoons or any other infrastructure within 5km of a European site that was designated because it supports marine habitats and/or species.	NA
3d	Dredging within 5km of a European site supporting coastal or marine habitats or species.	NA
3e	Removal of topsoil or infilling within 100m of marine habitats within the designated site.	NA
3f	Land based development within 1km of a European site of a scale or type which involves the production of an EIS.	NA
3g	Marine or intertidal based development within 5km of a European site of a scale or type which involves the production of an EIS.	NA

4	**Impacts on birds in SPAs** *Please answer the following if the answer to question 5 in table 2 was yes.* *Does the development involve any of the following:*	
4a	Removal of or interference with habitats within an SPA. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4b	Erection of wind turbines within 1km of an SPA.	NA
4c	All construction works within 100m of intertidal areas – Coastal SPAs, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4d	Infilling of coastal habitats within 500m of SPA, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4e	Discharges to coastal SPA, including any element of a discharge liable to give rise to disturbance of this habitat, either by direct, indirect, or in combination effects	NA
4f	Development of cycleways or walking routes within 100m of intertidal areas. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4g	Development within 1km of SPA of a scale or type which involves the production of an EIS. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA

Conclusion:

- If the answer to all of the above is *no*, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
- If the answer to any of the above is *yes*, or *unknown* effects on the European sites need to be assessed and a Natura Impact Statement will be required

Appropriate Assessment Screening Determination	
Planning File Reference	R19 62
Proposed Development	Section 5 referral
Development Location	Clarecastle and Clareabbey
European sites within impact zone	As above

Description of the project:

As above

Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site

See above

Describe how the project or plan (alone or in combination) is likely to affect the European site(s).

Quay Road Pumping Station

- Upgrade of the existing Quay Road Pumping Station by the installation of new duty / standby pumps to replace the 2 no. existing dry well submersible pumps and MEICA (Mechanical, Electrical, Instrumental, Controls, Automation) plant

Pipelines

- Approx. 2070m of new 255mm ID rising main to convey untreated flow from the upgraded Quay Road Pumping Station to the existing Clareabbey WwTP. The initial 1370m of rising main will be primarily situated along the R258, with the remaining 700m laid through Greenfield lands as it approaches Clareabbey WwTP
- The new rising main to connect to new inlet works at Clareabbey WwTP
- Pipelines will be laid in either road or field / verge

If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?

I .W. has submitted the AA screening report and EIA screening report prepared for proposed development.
No potential negative impacts are envisaged.
A previous report was carried out in respect to a broadly similar Section 5 referral (Ref. R19 39) which advises that:

- The current discharge from the Quay Road pumping station in Clareastle is being discharged untreated with the current WFD status at this location reflecting the impact as it is currently classified as being at "Poor" status and "at risk" of failing to achieve "good" status in accordance with the WFD Objectives.
- The provision of a rising main sewer transporting raw sewage from Clarecastle to Clareabbey WWTP at Clareabbey, Clarecastle, Co.Clare will provide an overall improvement in water quality and therefore provide a direct benefit to the Qualifying Interest Features of

the SAC and Special Conservation Interests of the SPA. • While the primary purpose of the provision of the sewer is not for nature conservation management of the Natura 2000 site, it cannot be ignored that the upgrade will benefit water quality in the River Fergus and therefore provide a direct benefit to the associated European Sites and the Special Interest Features and further be seen as a project which is directly connected with and necessary to the management of a European site.	
Documentation reviewed for making this statement	
- County Development Plan (including Flood Maps, SEA & AA) - NPWS website - Documents received as part of the planning application - EPA Code of Practice	
Conclusion of assessment (a, b, c or d)	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s)[3]	
(b) There is no potential for significant effects to European Sites[3]	√
(c) The potential for significant effects to European Site(s) cannot be ruled out[4]	
(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning	

[3] Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no material changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

[4] In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document 'Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf
Alternatively, where other planning concerns arise the proposal could be refused planning permission.

and Development (Amendment) Act 2010[5]	
Completed By	Fiona Barry, Executive Planner
Date	11th Feb. 2021

[5] The proposed development must either by refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.

and Development (Amendment) Act 2010[5]	
Completed By	Fiona Barry, Executive Planner
Date	11th Feb. 2021

CLARE COUNTY COUNCIL

SECTION 5 REFERRAL

Reference No:	R19/39
Applicant:	Brian Barry
Location:	27 Cluain Alainn
Proposal:	Whether the installation of a rising main sewer transporting raw sewage from Clarecastle to the Clareabbey WWTP at Clareabbey, Clarecastle, Co. Clare is or is not development and is or is not exempted development.

Further information was sought from IW under section 5 (2) (c) of the Planning and Development Act 2000 as amended.

I refer to the EIA screening report and the AA screening reports received 26th August 2019, carried out by Irish Water.

Technical Reports

E.A.O. Email report 12th September 2019 .

'Having reviewed the information submitted as part of the request for declaration on development and exempted development (Section 5 of the Planning and Development Act 2000 as amended) submitted by John Casey and Company Solicitors on behalf of Brian Barry and in particular the additional information submitted by Irish Water I note the following;

- *The WWDL for the Clarecastle Agglomeration as issued by the EPA is for a population equivalent of 1,001 to 2,000. Clareabbey WWTP has spare capacity of 1,320 PE.*
- *The WWDL for the Clarecastle Agglomeration requires the provision of primary treatment, this provision is currently not being met or provided for at Clarecastle.*
- *As per the 2017 Annual Environmental Report (AER) the discharge at Clareabbey WWTP is not having an observable negative impact on the water quality or the WFD status of the River Fergus.*
- *The current discharge from the Quay Road pumping station in Clarecastle is being discharged untreated with the current WFD status at this location reflecting the impact as it is currently classified as being at "Poor" status and "at risk" of failing to achieve "good" status in accordance with the WFD Objectives.*
- *The provision of a rising main sewer transporting raw sewage from Clarecastle to Clareabbey WWTP at Clareabbey, Clarecastle, Co.Clare will provide an overall improvement in water quality and therefore provide a direct benefit to the Qualifying Interest Features of the SAC and Special Conservation Interests of the SPA.*

CLARE COUNTY COUNCIL

SECTION 5 REFERRAL

- *While the primary purpose of the provision of the sewer is not for nature conservation management of the Natura 2000 site, it cannot be ignored that the upgrade will benefit water quality in the River Fergus and therefore provide a direct benefit to the associated European Sites and the Special Interest Features and further be seen as a project which is directly connected with and necessary to the management of a European site.*
- *I am satisfied based on the above points and having reviewed the findings of both the EIA Screening and Screening for Appropriate Assessment that the proposed works either alone or in-combination with other plans/or projects will not have significant effects on any European Site(s) in light of their conservation objectives. As such, the works can be deemed exempted development'.*

Assessment

It is noted that the requirement for AA and for a mandatory EIAR or subtheshold EIAR has been ruled out as per the EAO recommendation set out above.

Considerations

Is or is not development?

Having regard to section 2 I note that works is defined as 'any act or operation of construction or excavation'. I refer to section 3 of the Act which defines "development" as 'The carrying out of any works on, over or under land or the making of any material change in the use of any structures or other land'.

Having regard to the definition of works, I consider the proposed works being the laying and installation of sewers underground and ancillary works constitutes development.

Is or is not exempted Development?

Section 4 (1) (g) states the following shall be exempted developments for the purposes of the Act: 'Developments consisting of the carrying out by any local authority or statutory undertaker of any works for the purpose of inspection , repairing, renewing, altering or removing any sewer, mains , pipes, cables, over head wires or other apparatus including the excavation of any street, or other land for that purpose'.

Section 4(4) of the Act states 'Notwithstanding paragraphs (a), (i) (ia) and (l) of subsection 1 and any regulations under subsection 2 , development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required. **In this regard it is noted that the EAO report concludes that an neither an EIAR or an AA is required.**

It is noted that section 4 (1) (g) does not expressly state the **installation** or laying of a new sewer/ rising main is exempted development , but only refers to inspection , repairing, renewing, altering or removing. The next step is to consider the Planning and Development Regulations 2001 as amended- Exempted Development Regulations below made under subsection 2 of Section 4.

Planning and Development Regulations 2001 as amended

Class 58 – Development by Irish Water

Description of Development Conditions and Limitations
Class 58
Development by Irish Water, for the purpose of the provision of water services, consisting of one or more of the following:
(*a*) the inspection, maintenance, repair, renewal or removal of pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes, kiosks ,intakes, overhead wires, meters and other apparatus, including the excavation of any street or other land for that purpose;
(*b*) **the installation of either or both—**
(i) **underground** pipes, cables, water mains, **sewers,** including associated accessories, service connections, boundary boxes and meters, and,
(ii) above ground kiosks, meters and over head wires including the excavation of any street or other land for that purpose;

Conditions and limitation
The volume above ground level of any such other apparatus and overhead kiosk, meter or other apparatus shall not exceed 13 cubic metres in rural areas (being areas as defined in Article 6(3)) or 2 cubic metres in order areas measured externally.

Restrictions on Exemptions Article 9 of the Planning and Development Regulations

Under Article 9 (1) of the same Regulations, development to which Article 6 relates shall not be exempted development for the purposes of the Act:

(a) if the carrying out of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act. **There are no conditions attaching to pl. 18/ 1004 which would be inconsistent with the proposed development .**

(ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width, ***N/A***

(iii) endanger public safety by reason of traffic hazard or obstruction of road users, ***N/A***

(iv) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan. ***N/A***

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan, ***N/A***

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended, ***N/A***

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site. ***Having regard to the further information AA screening report received from I.W. and the recommendation of the EAO the requirement for an AA has been screened out.***

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000." ***N/A***

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use, ***N/A***

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, ***N/A***

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way, ***N/A***

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area. ***N/A***

(iv) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan. N/A

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan.N/A

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended. N/A

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site. Having regard to the further information AA screening report received from I.W. and the recommendation of the EAO the requirement for an AA has been screened out.

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000. * N/A

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use. N/A

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan. N/A

(x) consist of the fencing or enclosure of any land ordinarily open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility.

(xi) obstruct any public right of way. N/A

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or on one specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area. N/A

Conclusion

The provisions of Section 4 of the Act , Class 58 of the Regulations and Article 9 which refers to restrictions on exemptions are set out above. I am satisfied having regard to the further information received and the conclusion that and AA and/ or an EIAR are not required that the proposed works constitute development which is exempted development .

Recommendation

The following questions have been referred to the Planning Authority:

> **Whether the installation of a rising main sewer transporting raw sewage from Clarecastle to the Clareabbey WWTP at Clareabbey Clarecastle, Co . Clare is or is not development and is or is not exempted development.**

The Planning Authority in considering this referral had regard to:

(a) Sections 2, 3 and 4(1)(g) and 4(4) of the Planning and Development Act, 2000, as amended.
(b) Schedule 2, Article 6, Part 1, Class 58 of the Planning and Development Regulations 2001 as amended (Development by Irish Water) and the conditions and limitations of there under.
(c) Article 9 of the Planning and Development Regulations 2001 as amended- Restrictions on Exemptions
(d) The details and particulars as submitted with the referral application.
(e) The details and particulars as submitted by Irish Water, prescribed body namely the 'Clarecastle Sewerage Scheme Screening for Appropriate Assessment Report' August 2019 and the 'Clarecastle Sewerage Scheme Environmental Impact Assessment Screening Report' August 2019.

And whereas Clare County Council (Planning Authority) has concluded:

(i) The installation of a rising main sewer transporting raw sewerage from Clarecastle to the Clareabbey waste water treatment plant at Clareabbey, Clarecastle is considered to constitute development
(ii) The said development is considered to constitute exempted development under Class 58 Schedule 2 of Part 1 of the Planning and Development Regulations 2001 as amended
(iii) The said exempted development does not require an Appropriate Assessment or an Environmental Impact Assessment .

Now therefore

Clare County Council hereby decides the installation of a rising main sewer transporting raw sewage from Clarecastle to the Clareabbey waste water treatment plant at Clareabbey, Clarecastle constitutes development which is considered to be exempted development.

Signed Ellen Corey

E.P.

Date 17-09-19.

Signed

E.P.

Date

Clare County Council hereby decides the installation of a rising main sewer transporting raw sewage from Clarecastle to the Claresbbey wastewater treatment plant at Claresbbey, Clarecastle constitutes development which is considered to be exempted development.

Signed _____

E.P.

Date _____

Signed _____

E.P.

Date _____

Clare County Council

Screening for Appropriate Assessment & Determination on foot of response to further information request

5. Table 1 to be filled in for all development applications.
6. Where proposed development is within a European site(s) site, go directly to table 3.
7. For all other development proposals, fill in table 2, and if required, table 3.
8. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

Table 1: Project Details

Planning File Reference	R19/39
Applicant Name	Brian Barry
Development Location	Clarecastle and Clareabbey
Application accompanied by an EIS	**No**
Application accompanied by an NIS	**No**
Description of the project (To include a site location map):	
Section 5 referral	

Clare County Council

Screening for Appropriate Assessment & Determination on foot of response to further information request

5. Table 1 to be filled in for all development application.
6. Where proposed development is within a European site(s) site, go directly to table 3.
7. For all other development proposals, fill in table 2, and if required, table 3.
8. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

Table 1: Project Details

Planning File Reference	R19/39
Applicant Name	Brian Barry
Development Location	Clarecastle and Clareabbey
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project (To include a site location map):	

Section 5 referral

Table 2: Identification of European sites which may be impacted by the proposed development.

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)[4] is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

Table 2 (a): European Sites within 15km of Applicant Site

European Sites[5]	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
Lower River Shannon SAC 0012156	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] *Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] *Salicornia* and other annuals colonizing 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* (*Alno-*	273m

[4] European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

[5] European Site details are available on http://webgis.npws.ie/npwsviewer/ or maybe obtained from internal mapping systems.

European Sites[5]	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
	Padion, Alnion incanae, Salicion albae) [91E0] Annex II species: Freshwater Pearl Mussel *Margaritifera margaritifera* [1029 Sea Lamprey *Petromyzon marinus* [1095] Brook Lamprey *Lampetra planeri* [1096] River Lamprey *Lampetra fluviatilis* [1099] Atlantic Salmon *Salmo salar* (only in fresh water) [1106] Bottlenose Dolphin *Tursiops truncates* [1349] Otter *Lutra lutra* [1355]	
River Shannon and River Fergus Estuaries SPA (004077)	Cormorant *Phalacrocorax carbo* [A017] breeding + wintering Whooper Swan *Cygnus cygnus* [A038] wintering Light-bellied Brent Goose *Branta bernicla hrota* [A046] wintering Shelduck *Tadorna tadorna* [A048} wintering Wigeon *Anas penelope* [A050] wintering Teal *Anas crecca* [A052] wintering Pintail *Anas acuta* [A054] wintering Shoveler *Anas clypeata* [A056] wintering Scaup *Aythya marila* [A062] wintering Ringed Plover *Charadrius hiaticula* [A137] wintering Golden Plover *Pluvialis apricaria* [A140] wintering Grey Plover *Pluvialis squatarola* [A141] wintering Lapwing *Vanellus vanellus* [A142] wintering Knot *Calidris canutus* [A143]	1.1km

European Sites[5]	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
	wintering Dunlin *Calidris alpina* [A149] wintering Black-tailed Godwit *Limosa limosa* [A156] wintering Bar-tailed Godwit *Limosa lapponica* [A157] wintering Curlew *Numenius arquata* [A160] wintering Redshank *Tringa totanus* [A162] wintering Greenshank *Tringa nebularia*	

1	**Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.**	*Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?*	**Yes**
2	**Impacts on terrestrial habitats & species.**	*Is the development within 1km of a European site with terrestrial based habitats or species?*	yes
3	**Impacts on designated marine habitats & species.**	*Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs*	no
4	**Impacts on birds in SPAs**	*Is the development within 1km of a Special Protection Area*	yes
5	**Indirect effects**	*Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site?* *Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?*	no

Conclusion:

European Sites[2]	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
	wintering ■ Dunlin *Calidris alpina* [A149] wintering ■ Black-tailed Godwit *Limosa limosa* [A156] wintering ■ Bar-tailed Godwit *Limosa lapponica* [A157] wintering ■ Curlew *Numenius arquata* [A160] wintering ■ Redshank *Tringa totanus* [A162] wintering ■ Greenshank *Tringa nebularia*	

1	**Impacts on designated rivers**, streams, lakes and **fresh water dependant** habitats and species.	Is the development in the catchment of or immediately upstream of a **water**course that has been designated as a European site?	Yes
2	Impacts on terrestrial habitat & species.	Is the **development** within 1km of a European site with terrestrial based **habitats or species?**	yes
3	Impacts **on designated** marine **habitats &** species.	Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, rocky sea cliffs	no
4	Impacts on birds in SPAs	Is the development within 1km of a Special Protection Area	yes
5	Indirect effects	Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?	no

Conclusion:

- If the answer to all of the above is *no*, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
- If the answer is *unknown* or *yes* proceed to Table 3 and refer to the relevant sections of Table 3.

- If the answer to all of the above is no, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
- If the answer is unknown or yes proceed to Table 3 and refer to the relevant sections of Table 3.

Table 3:Identification of potential impacts.

1	**Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.** *Please answer the following if the answer to question 1 in table 2 was "yes" or "unknown".* *Does the development involve any of the following:*	
1.1	Removal of or interference with habitat within a European site. This may include any element of a project liable to interfere with breeding, nesting or roosting sites of birds, bats, water based species	NA
1.2	Discharges either directly (via pipe from the development) or indirectly (via sewer) to surfacewater or groundwater What is the likely volume of the discharge?	NA
1.3	Abstraction from surfacewater or groundwater in or adjacent to a European site, where hydrology is a critical element in the protection of habitat and species at the site? What is the likely volume of the abstraction?	NA
1.4	Is removal of topsoil proposed within 500m of watercourses? What transportation requirements are provided? Does the removal involve reduction in area, population density or fragmentation of area of any habitat or species?	NA
1.5	Infilling or raising of ground levels within 500m of watercourses? What transportation requirements are provided? Does the infilling or raising involve interference with area, population density or fragmentation of area of any habitat or species?	NA
1.6	Construction of drainage ditches - (scale?) Where the run off is directed to? Is the drainage run off directed to a European site where species are identified and whose conservation status may be impacted by this drainage?	NA
1.7	Installation of waste water treatment systems; percolation areas; septic tanks within 500m of watercourses?	NA
1.8	Construction within a floodplain or within an area liable to flood (See www.floodmaps.ie, internal flood risk maps, County Development Plan SFRA and www.cframs.ie)	Portion of the route of the sewer falls within FRZA
1.9	Crossing or culverting of rivers or streams, installation of weirs, temporary watercourse crossings or any interference with a watercourse.	NA

1.10	Storage of chemicals or hydrocarbons (including oils and fuels) within 500m of a watercourse	NA
1.11	Development within catchment of a European site of a scale or type which involves the production of an EIS	NA
1.12	Consideration of effects in combination with existing development?	NA
2	**Impacts on terrestrial habitats and species.** *Please answer the following if the answer to question 2 in table 2 was yes.* *Does the development involve any of the following:*	
2a	Removal of or interference with habitat within the European site. This includes reduction in habitat area or fragmentation of habitat. Is the timing of this interference liable to impact on the nesting or breeding period of any protected species?	NA
2b	Construction of roads or other infrastructure on peat habitats within 1km of bog, marsh, fen or heath habitat within a European site	NA
2c	Is the development liable to impact on water quality in the European site, or liable to give rise to any change in a key indicator of water quality, including salinity. If yes, is the site designated for any bird species or other plant species whose feeding ground or life cycle may be affected by changes in water quality?	NA
2d	Development within 1km of terrestrial European site of a scale or type which involves the production of an EIS.	NA
3	**Impacts on designated marine habitats and species.** *Please answer the following if the answer to question 3 in table 2 was yes.* *Does the development involve any of the following:*	
3a	Removal of or interference with habitat within the European site. This includes timing of the project if there is potential to interfere with nesting or breeding periods, either directly or indirectly (e.g. by noise emission) or any aspect of the life cycle of a protected species. This also includes potential fragmentation, size reduction of habitat, or reduction in species density.	NA
3b	Coastal protection works on intertidal or marine habitats within 5km of a European site supporting coastal or marine habitats or species. This includes any works which may give rise to potential changes in hydrology or salinity of these areas.	NA

3c	Development of piers, slipways, marinas, pontoons or any other infrastructure within 5km of a European site that was designated because it supports marine habitats and/or species.	NA
3d	Dredging within 5km of a European site supporting coastal or marine habitats or species.	NA
3e	Removal of topsoil or infilling within 100m of marine habitats within the designated site.	NA
3f	Land based development within 1km of a European site of a scale or type which involves the production of an EIS.	NA
3g	Marine or intertidal based development within 5km of a European site of a scale or type which involves the production of an EIS.	NA

3c	Development of piers, slipways, marinas, pontoons or any other infrastructure within 5km of a European site that was designated because it supports marine habitats and/or species.	NA
3d	Dredging within 5km of a European site supporting coastal or marine habitats or species.	NA
3e	Removal of topsoil or infilling within 100m of marine habitats within the designated site.	NA
3f	Land based development within 1km of a European site of a scale or type which involves the production of an EIS.	NA
3g	Marine or intertidal based development within 5km of a European site of a scale or type which involves the production of an EIS.	NA

4	**Impacts on birds in SPAs** *Please answer the following if the answer to question 5 in table 2 was yes.* *Does the development involve any of the following:*	
4a	Removal of or interference with habitats within an SPA. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4b	Erection of wind turbines within 1km of an SPA.	NA
4c	All construction works within 100m of intertidal areas – Coastal SPAs, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4d	Infilling of coastal habitats within 500m of SPA, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4e	Discharges to coastal SPA, including any element of a discharge liable to give rise to disturbance of this habitat, either by direct, indirect, or in combination effects	NA
4f	Development of cycleways or walking routes within 100m of intertidal areas. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4g	Development within 1km of SPA of a scale or type which involves the production of an EIS. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA

Conclusion:

- If the answer to all of the above is *no*, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
- If the answer to any of the above is *yes*, or *unknown* effects on the European sites need to be assessed and a Natura Impact Statement will be required

4a	Removal of or interference with habitats within an SPA. This includes consideration of indirect and in combination effects on the feeding, breeding and resting grounds of Annex 1 birds	NA
4b	Erection of wind turbines within 1km of an SPA.	NA
4c	All construction works within 100m of intertidal areas – Coastal SPAs, including indirect and in combination effects on the feeding, breeding and resting grounds of Annex 1 birds	NA
4d	Infilling of coastal habitats within 500m of SPA, including indirect and in combination effects on the feeding, breeding and resting grounds of Annex 1 birds	NA
4e	Discharges to coastal SPA, including any element of a discharge liable to give rise to disturbance of this habitat, either by direct, indirect, or in combination effects	NA
4f	Development of cycleways or walking routes within 100m of intertidal areas. This includes consideration of indirect and in combination effects on the feeding, breeding and resting grounds of Annex 1 birds	NA
4g	Development within 1km of SPA of a scale or type which involves the construction of an EIS. This includes consideration of indirect and in combination effects on the feeding, breeding and resting grounds of Annex 1 birds	NA

Conclusion

- If the answer to all of the above is no, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
- If the answer to any of the above is yes, or unknown, effects on the European sites need to be assessed and a Natura Impact Statement will be required

Appropriate Assessment Screening Determination	
Planning File Reference	R19/ 39
Proposed Development	**Section 5 referral**
Development Location	**Clarecastle and Clareabbey**
European sites within impact zone	
Description of the project:	
As above	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
See above	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
The proposed development comprises the construction of rising main sewer of total length 2070 m extending from the pump station at Quay Rd Clarecastle up to Clareabbey waste water treatment plant.	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
I .W. has submitted the AA screening report and EIA screening report prepared for proposed development. No potential negative impact are envisaged. The report received from the E.A.O. 12th inst. advises that: • The current discharge from the Quay Road pumping station in Clareastle is being discharged untreated with the current WFD status at this location reflecting the impact as it is currently classified as being at "Poor" status and "at risk" of failing to achieve "good" status in accordance with the WFD Objectives. • The provision of a rising main sewer transporting raw sewage from Clarecastle to Clareabbey WWTP at Clareabbey, Clarecastle, Co.Clare will provide an overall improvement in water quality and therefore provide a direct benefit to the Qualifying Interest Features of the SAC and Special Conservation Interests of the SPA. • While the primary purpose of the provision of the sewer is not for nature conservation management of the Natura 2000 site, it cannot be ignored that the upgrade will benefit water quality in the River Fergus and therefore provide a direct benefit to the associated European Sites and the Special Interest Features and further be seen as a project which is directly connected with and necessary to the management of a European site.	
Documentation reviewed for making this statement	

- County Development Plan (including Flood Maps, SEA & AA) - NPWS website - Documents received as part of the planning application - EPA Code of Practice	
Conclusion of assessment (a, b, c or d)	
(e) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s)[6]	No
(f) There is no potential for significant effects to European Sites[3]	There is no significant effects to European sites
(g) The potential for significant effects to European Site(s) cannot be ruled out[4]	The potential for significant effects to European Site(s) can be ruled out at this stage
(h) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010[5]	No further information is required.

[6] Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no material changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

[4] In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document 'Assessment of plans and projects significantly affecting European Sites– Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf Alternatively, where other planning concerns arise the proposal could be refused planning permission.

[5] The proposed development must either by refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an

- County Development Plan (including Flood Maps, SEA & AA) - NPWS website - Documents received as part of the planning application - EPA Code of Practice	
Conclusion of assessment (a, b, c or d)	
(e) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s)[3]	No
(f) There is no potential for significant effects to European Sites[4]	There is no significant effects to European sites
(g) The potential for significant effects to European Site(s) cannot be ruled out[4]	The potential for significant effects to European Site(s) can be ruled out at this stage
(h) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S.177U of the Planning and Development (Amendment) Act 2010[5]	No further information is required.

Completed By	Ellen Carey
Date	13th September 2019

AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.

Completed By	Ellen Carey
Date	13th September 2019

CLARE COUNTY COUNCIL SECTION 5 DECLARATION OF EXEMPTION APPLICATION PLANNERS REPORT	
FILE REF:	R19-62
APPLICANT(S):	Brian Barry
REFERENCE:	Whether the development of a sewer to transport wastewater arising in the agglomeration of Clarecastle for treatment in the Clareabbey wastewater treatment plant and which discharges to waters in and/or connected to European Sites in Clarecastle/Clareabbey, Ennis, County Clare, is or is not development and is or is not exempted development?
LOCATION:	Clarecastle/Clareabbey, Ennis, County Clare
DUE DATE:	12th December 2019

Site Location

The site is between Quay Road in Clarecastle and the Clareabbey Wastewater Treatment Plant. The route of the connecting sewer network is via Clarecastle village, the Clare Road and agricultural lands to the south of the N85 National Road.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Sinead Brennan.

The applicant is seeking a Section 5 Declaration as to whether the development of a sewer to transport wastewater arising in the agglomeration of Clarecastle for treatment in the Clareabbey wastewater treatment plant and which discharges to waters in and/or connected to European Sites in Clarecastle/Clareabbey, Ennis, County Clare, is or is not development and is or is not exempted development?

Statutory Provisions

Planning and Development Act, 2000 (as amended)

In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended*.

> S.3.(1)In this Act, *"development" means, except where the context otherwise requires, **the carrying out of any works on, in, over or under land** or the making of any material change in the use of any structures or other land.*

'Works' are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure

Section 4 (1) (g) states the following shall be exempted developments for the purposes of the act developments consisting of the varying out by any local authority or statutory under taken of any works for the purpose of inspection, repairing, renewing, altering or removing any sewer, mains , pipes, cables, over head wires or other apparatus including the excavation of any street, or other land for that purpose.

Section 4(4) of the Act states that notwithstanding paragraphs (a), (i) (ia) and (l) of subsection 1 and any regulations under subsection 2 , development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required (i.e. amended by the Environment (Miscellaneous Provisions) Act 2011).

Planning and Development Regulations

Class 58 – Development by Irish Water

Description of Development Conditions and Limitations

Class 58

Development by Irish Water, for the purpose of the provision of water services, consisting of one or more of the following:

(a)
the inspection, maintenance, repair, renewal or removal of pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes, kiosks ,intakes, overhead wires, meters and other apparatus, including the excavation of any street or other land for that purpose;

(b)
the installation of either or both—

(i)
underground pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes and meters, and,

mains, pipes, cables, over head wires or other apparatus including the excavation of any street, or other land for that purpose'.

Section 4(4) of the Act states *'Notwithstanding paragraphs (a), (i) (ia) and (l) of subsection 1 and any regulations under subsection 2, development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required".*

It is noted that section 4 (1) (g) does not expressly state the installation or laying of a new sewer/ rising main is exempted development, but only refers to inspection , repairing, renewing, altering or removing. The next step is to consider the Planning and Development Regulations 2001 as amended- Exempted Development Regulations below made under subsection 2 of Section 4.

Planning and Development Regulations 2001 (as amended)

Class 58 – Development by Irish Water

Development by Irish Water, for the purpose of the provision of water services, consisting of one or more of the following:

(a)
the inspection, maintenance, repair, renewal or removal of pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes, kiosks ,intakes, overhead wires, meters and other apparatus, including the excavation of any street or other land for that purpose;

(b)
the installation of either or both—

(i)
underground pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes and meters, and,

(ii)
above ground kiosks, meters and over head wires including the excavation of any street or other land for that purpose;

The works involve the laying of underground rising main (over a distance of 2.07km) and to upgrade equipment at the Clarecastle pump station. Therefore, I consider that the works come within the scope of Class 58.

The Requirement For Appropriate Assessment

See screening report attached.

Test For Project Splitting

The applicant contends that the works comprise project splitting on a significant scale given the applicant contends that such development requires an EIA and in particular AA as set down in European Directives.

I consider that a waste water treatment plant with a capacity greater than 10,000 population equivalent as defined in Article 2, point 6 of Directive 91/ 271/ EEC, not included part 1 of schedule 5 requires the benefit of a EIA. The Clareabbey plant has a PE of 6000. It is not clear if the additional loading arising from the proposed works would result in the plant requiring to have a capacity to treat a PE of 10,000 or greater and as such a mandatory EIAR would be required if this was the case.

Having regard to the legal precedent set by the O'Grianna case 2014, it is not clear the proposed works represent *"project splitting"* or whether the works approved under P18-1004 can be considered a *"whole project"* in its own right or if these works approved under P18-1004 are dependent on a new sewer being provided from Clarecastle to the plant (under the UTAS scheme). Neither is it clear that the works proposed under the UTAS programme will generate a requirement for additional treatment capacity. No information has been received to substantiate the assertion made by applicant. Therefore having regard the information received to date the Planning Authority cannot conclude unequivocally that project splitting is or is not occurring. Further information should be requested in this regard.

Considerations

Is or is not development?

Having regard to section 2 I note that works is defined as *'any act or operation of construction or excavation'*. I refer to section 3 of the Act which defines *"development"* as *'The carrying out of any works on, over or under land or the making of any material change in the use of any structures or other land'*. Having regard to the definition of works, I consider the proposed works being the laying and installation of sewers underground and ancillary works constitutes development.

Is or is not exempted Development?

Section 4 (1) (g) states the following shall be exempted developments for the purposes of the Act: *'Developments consisting of the carrying out by any local authority or statutory undertaker of any works for the purpose of inspection, repairing, renewing, altering or removing any sewer,*

development plan or the draft development plan and the development would materially affect the character of the area.

Assessment

Introduction

In the assessment of this application I note the information received by the applicant and Irish Water for section 5 application R19-39. I also note the report received from the Environmental Assessment Officer at that time. Whilst I note this information, same does not accompany the current application and therefore the following assessment is based on the details received with the application.

Development Details & Specification

The following has been submitted:

- Completed application form.
- Copy of Engineers report submitted by Irish Water at Oral Hearing
- Copy of map entitled *"Route Appraisal Report – Clarecastle – Preferred Route"*.
- Copy of a land registry map of the area to the south of the N85 national road.
- Copy of the compulsory purchase order map.

The applicant contends that *"the significant additional load of wastewater on this plant has the potential to impact on connected European Sites and therefore requires EIA and AA. In such circumstances it is our understanding, as set out in Section 17(4) of the Environment (Miscellaneous Provisions Act) 2011, that any exemption otherwise available is removed by law. Thus it is our belief that such development requires the benefit of planning permission"*.

Planning Exemption Assessment

Onsite Planning History

18-1004 – Granted – Irish Water – For development consisting of upgrading the existing waste water treatment plant, by demolishing the existing inlet works, construction of a new inlet works, storm tank, ESB substation and all ancillary site works.

The proposed works will not result in an increase in the population equivalent (PE) treatment capacity of the plant. Instead the provision of holding tanks and the upgrade of screens and inlet are being done to prevent excessive hydraulic loading going though the plant at peak times. The works will make the plant run more efficiently, but there is no indication in the nature and description of the works granted under pl 18/ 1004 that the works include for an increase in the PE capacity of the plant which I understand is currently approx 6000 P.E. Whilst I

note the section 5 history on the site (i.e. and the information submitted by Irish Water), on the basis of the information received with this current application it is not clear how the additional loading arising from Clarecastle village will be accommodated at the plant or if there is capacity to take this additional loading arising from efficiencies in the operation of the plant pursuant to works under taken under planning permission P18-1004. Further information is required on this issue.

Pre-planning History

PPI-18-246 - Irish Water- Upgrade of waste water treatment plant at Clareabbey.

Recent Section 5 History

R19-39 – Brian Barry – Whether the installation of a rising main sewer transporting raw sewage from Clarecastle to the Clareabbey Wastewater Treatment Plan at Clareabbey Clarecastle, County Clare is or is not development and is or is not exempted development. The Planning Authority deemed that said works constituted development that was considered to be exempted development. In reaching this determination the Planning Authority assessed both the physical works as proposed and also issues pertaining to loading on the Clareabbey Wastewater Treatment Plant.

The Requirement For An Environmental Impact Assessment

Mandatory

Having regard to the nature of the proposed works and the list of projects set out under schedule 5 Development for the purposes of part 10 Article 93, of the Planning and Development Regulations as amended I do not consider that the proposed development falls within the mandatory requirements for an EIA as stated in EU Directive 85/337/EEC (as amended by Directive 97/11/EC, 2003/31/EC and 2009/31/EC).

I note in this regard that the requirement for a sub-threshold EIA was screened out under P18-1004.

Sub Threshold

It is not clear from the details received that the proposed works fall within the sub-threshold criteria having regard to the third schedule to the European Communities Environmental Impact Assessment (Amendment) Regulations 1999 and in Schedule 7 of the Planning and Development Regulations 2001, as amended. This is because the information to be provided by the applicant or developer for the purposes of screening for sub threshold development for EIA has not been provided with the current application. Further information should be requested in this regard.

Conditions and limitations

The volume above ground level of any such other apparatus and overhead kiosk, meter or other apparatus shall not exceed 13 cubic metres in rural areas (being areas as defined in Article 6(3)) or 2 cubic metres in order areas measured externally.

No details have been received in this regard.

Restrictions on Exemptions Article 9 of the Planning and Development Regulations

Under Article 9 (1) of the same Regulations, development to which Article 6 relates shall not be exempted development for the purposes of the Act:

(a) if the carrying out of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

There are no conditions attaching to P18/ 1004 which would be inconsistent with the proposed development.

(ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

Not applicable.

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

Not applicable.

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

Not applicable.

Conditions and limitations

The volume above ground level of any such other apparatus and overhead kiosk, meter or other apparatus shall not exceed 13 cubic metres in rural areas (being areas as defined in Article 6(3)) or 2 cubic metres in other areas measured externally.

No details have been received in this regard.

Restrictions on Exemptions Article 9 of the Planning and Development Regulations

Under Article 9 (1) of the same Regulations, development to which Article 6 relates shall not be exempted development for the purposes of the Act:

(a) if the carrying out of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

There are no conditions attaching to P18/ 1004 which would be inconsistent with the proposed development.

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

Not applicable.

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

Not applicable.

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 3 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

Not applicable.

(v) *consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*

Not applicable.

(vi) *interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.*

Not applicable.

(vii) *consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan*

Not applicable.

(viiA) *consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*

Not applicable.

(viiB) *comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site. It is not clear from the details received to date if an AA is required or if it can be screened out.*

Further information required.

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of part 1 of Schedule 2 applies,

Not applicable.

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.

Not applicable.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan

Not applicable

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the record of Monuments and Places pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

Not applicable.

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site. It is not clear from the details received to date if an AA is required or if it can be screened out

further information required.

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."

Not applicable.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

Not applicable.

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

Not applicable.

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

Not applicable.

(xi) obstruct any public right of way,

Not applicable.

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

Not applicable.

(viii) Not applicable.

(ix) Not applicable.

(x) Not applicable.

(xi) Not applicable.

(xii) Not applicable

Conclusion

Having regard to the provisions of Section 4 of the Act , Class 58 of the Regulations and Article 9 which refers to restrictions on exemptions, while the laying or installation of a sewer would generally be considered exempted development, it is not clear that the requirement for AA can be screened out at this stage. Similarly it is not clear if the additional loading arising from the works proposed under UTAS will consequently require the plant to be up graded to treat a PE of 10,000 or greater triggering a requirement for a mandatory EIAR or if the upgrade is less than 10,000 PE but triggers a requirement for a sub-threshold EIAR having regard to schedule 7 and 7 (a) of the Planning and Development Regulations 2001 as amended. Further information is required from Irish Water with regard to the AA and EIA screening issues.

Recommendation

I recommend that FURTHER INFORMATION is requested from both the applicant and Irish Water.

Recommended correspondence to issue to Referral Party:

In order to proceed with this application you are requested to submit a map which defines the extent of the Clarecastle *"agglomeration"* referred to in the application.

In addition the applicant should be informed of the following:

I refer to your Section 5 referral as received by the Planning Authority on the 15th November 2019. In assessing this application, the Planning Authority have sought information from Irish Water in accordance with Section 5 (2) (c) of the Planning and Development Act, 2000, as amended, in order to enable the Planning Authority to issue the declaration on the question. Upon receipt of such information the Planning Authority will proceed to issue a response to the declaration as sought.

Recommended correspondence to issue to Irish Water:

A Chara,

The Planning Authority received a request for a declaration with regard to the installation of a rising main from Clarecastle to Clareabbey Wastewater treatment plant in accordance with Section 5 of the Planning and Development Act, 2000, as amended. The specific question asked is as follows:

Whether the development of a sewer to transport wastewater arising in the agglomeration of Clarecastle for treatment in the Clareabbey wastewater treatment plant and which discharges to waters in and/or connected to European Sites in Clarecastle/Clareabbey, Ennis, County Clare, is or is not development and is or is not exempted development?

The case as made to the Planning Authority contends that the works do not constitute exempted development due to capacity issues at the plant and also that an Environmental Impact Assessment (EIA) and an Appropriate Assessment (AA) are required, due to the proximity to a European site.

In accordance with Section 5 (2) (c) of the Planning and Development Act 2000 as amended, and in order for the Planning Authority to make an assessment on this declaration you are requested to submit details of any EIA Screening Reports or AA Screening Reports as carried out in relation to the subject development. If available you might please submit same within 4 weeks of the date of this letter. It is advised that said reports should be updated to provide details of the cumulative population equivalent loading on the Clareabbey Wastewater Treatment Plant.

A/Executive Planner
Date: 10th December 2019

A/ Senior Executive Planner
Date: 10/12/19.

A/Executive Planner
Date: 10th December 2019

A/ Senior Executive Planner
Date: 10/12/19

Clare County Council
Screening for Appropriate Assessment & Determination

1. Table 1 to be filled in for all development applications.
2. Where proposed development is within a European site(s) site, go directly to table 3.
3. For all other development proposals, fill in table 2, and if required, table 3.
4. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

Table 1: Project Details

Planning File Reference	R19-62
Applicant Name	Brian Barry
Development Location	Clareabbey & Clarecastle
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project (To include a site location map):	
As per Section 5 referral	

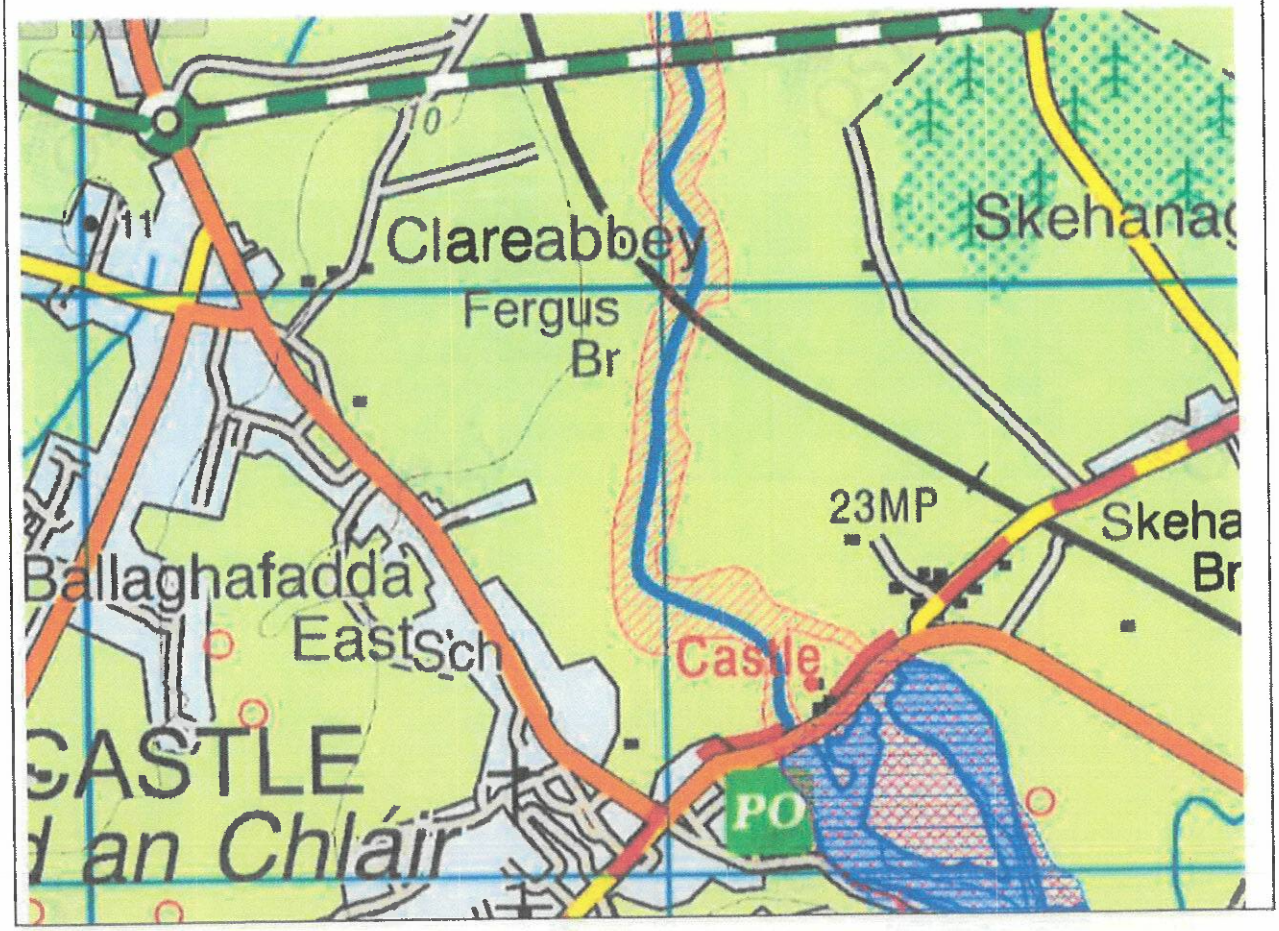


Table 2: Identification of European sites which may be impacted by the proposed development.

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)[1] is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

Table 2 (a): European Sites within 15km of Applicant Site

European Sites[2]	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
Lower River Shannon SAC	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (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 (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]	Adjacent
River Shannon & River Fergus Estuaries	Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038]	Adjacent

[1] European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

[2] European Site details are available on http://webgis.npws.ie/npwsviewer/ or maybe obtained from internal mapping systems.

European Sites[1]	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
Lower River Shannon SAC	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (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 (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]	Adjacent
River Shannon & River Fergus Estuaries	Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038]	Adjacent

[1] European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

[1] European Site details are available on http://www.npws.ie/mapsdata/ or maybe obtained from internal mapping systems.

European Sites[2]	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
SPA	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] 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 (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] Wetland and Waterbirds [A999]	

1	**Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.**	*Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?*	Yes
2	**Impacts on terrestrial habitats and species.**	*Is the development within 1km of a European site with terrestrial based habitats or species?*	Yes
3	**Impacts on designated marine habitats and species.**	*Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs*	No
4	**Impacts on birds in SPAs**	*Is the development within 1km of a Special Protection Area*	Yes
5	**Indirect effects**	*Is the development, in combination with other existing or proposed developments likely to impact*	Further information required.

European Sites[2]	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.MyNatura2000Data.ie) or through Intranet.	Distance to Applicant Site (km)
SPA	Light-bellied Brant Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] 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 (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] Wetland and Waterbirds [A999]	

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.	Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?	Yes
2	Impacts on terrestrial habitats and species.	Is the development within 1km of a European site with terrestrial based habitats or species?	Yes
3	Impacts on designated marine habitats and species.	Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs	No
4	Impacts on birds in SPAs	Is the development within 1km of a Special Protection Area	Yes
5	Indirect effects	Is the development, in combination with other existing or proposed developments likely to impact	Further information required.

(ii)
above ground kiosks, meters and over head wires including the excavation of any street or other land for that purpose;

Conditions and limitation:

The volume above ground level of any such other apparatus and overhead kiosk, meter or other apparatus shall not exceed 13 cubic metres in rural areas (being areas as defined in Article 6(3)) or 2 cubic metres in order areas measured externally.

(c)
The construction or erection of either or both.

(i)
below ground pumping or booster stations and, where appropriate, above ground kiosks, and

(ii)
below ground holding tanks ore reservoirs

Conditions and limitations

1. *The volume above ground level of any (ii) below ground holding tanks or such kiosk, meter or other apparatus shall not exceed 500 cubic metres measured externally*
2. *The volume above ground level of any such kiosk, metre or other apparatus shall not exceed 13 cubic metres in rural areas(being areas as defined in Article 6(3)) or2 cubic metres in other areas, measured externally.*

Article 9 – Restrictions on Exemption

Under Article 9 (1) of the same Regulations, *development to which Article 6 relates shall not be exempted development for the purposes of the Act:*

(a) if the carrying out of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act

(ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

(iv) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a

development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the

		on an adjacent European site? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?	

Conclusion: If the answer to all of the above is no, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
If the answer is "unknown" or "yes" proceed to Table 3 and refer to the relevant sections of Table 3.

Table 3:Identification of potential impacts.

1	**Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.** *Please answer the following if the answer to question 1 in table 2 was "yes" or "unknown".* *Does the development involve any of the following:*	
1.1	Removal of or interference with habitat within a European site. This may include any element of a project liable to interfere with breeding, nesting or roosting sites of birds, bats, water based species	Further information required
1.2	Discharges either directly (via pipe from the development) or indirectly (via sewer) to surfacewater or groundwater What is the likely volume of the discharge?	Yes – Further information required
1.3	Abstraction from surfacewater or groundwater in or adjacent to a European site, where hydrology is a critical element in the protection of habitat and species at the site? What is the likely volume of the abstraction?	No
1.4	Is removal of topsoil proposed within 500m of watercourses? What transportation requirements are provided? Does the removal involve reduction in area, population density or fragmentation of area of any habitat or species?	Limited to extent of the works
1.5	Infilling or raising of ground levels within 500m of watercourses? What transportation requirements are provided? Does the infilling or raising involve interference with area, population density or fragmentation of area of any habitat or species?	No
1.6	Construction of drainage ditches - (scale?) Where the run off is directed to? Is the drainage run off directed to a European site where species are identified and whose conservation status may be impacted by this drainage?	No
1.7	Installation of waste water treatment systems; percolation areas; septic tanks within 500m of watercourses?	No

1.8	Construction within a floodplain or within an area liable to flood (See www.floodmaps.ie, internal flood risk maps, County Development Plan SFRA and www.cframs.ie)	Portion of the route of the sewer falls within FRZA
1.9	Crossing or culverting of rivers or streams, installation of weirs, temporary watercourse crossings or any interference with a watercourse.	No
1.10	Storage of chemicals or hydrocarbons (including oils and fuels) within 500m of a watercourse	Further information required
1.11	Development within catchment of a European site of a scale or type which involves the production of an EIS	Further information required
1.12	Consideration of effects in combination with existing development?	Further information required
2	**Impacts on terrestrial habitats and species.** *Please answer the following if the answer to question 2 in table 2 was yes.* *Does the development involve any of the following:*	
2a	Removal of or interference with habitat within the European site. This includes reduction in habitat area or fragmentation of habitat. Is the timing of this interference liable to impact on the nesting or breeding period of any protected species?	Further information required
2b	Construction of roads or other infrastructure on peat habitats within 1km of bog, marsh, fen or heath habitat within a European site	No
2c	Is the development liable to impact on water quality in the European site, or liable to give rise to any change in a key indicator of water quality, including salinity. If yes, is the site designated for any bird species or other plant species whose feeding ground or life cycle may be affected by changes in water quality?	Further information required
2d	Development within 1km of terrestrial European site of a scale or type which involves the production of an EIS.	Further information required
3	**Impacts on designated marine habitats and species.** *Please answer the following if the answer to question 3 in table 2 was yes.* *Does the development involve any of the following:*	
3a	Removal of or interference with habitat within the European site. This includes timing of the project if there is potential to interfere with nesting or breeding periods, either directly or indirectly (e.g. by noise emission) or any aspect of the life cycle of a protected species. This also includes potential fragmentation, size reduction of habitat, or reduction in species density.	NA
3b	Coastal protection works on intertidal or marine habitats within 5km of a European site supporting coastal or marine habitats or species. This includes any works which may give rise to potential changes in hydrology or salinity of these areas.	NA

3c	Development of piers, slipways, marinas, pontoons or any other infrastructure within 5km of a European site that was designated because it supports marine habitats and/or species.	NA
3d	Dredging within 5km of a European site supporting coastal or marine habitats or species.	NA
3e	Removal of topsoil or infilling within 100m of marine habitats within the designated site.	NA
3f	Land based development within 1km of a European site of a scale or type which involves the production of an EIS.	NA
3g	Marine or intertidal based development within 5km of a European site of a scale or type which involves the production of an EIS.	NA

4	**Impacts on birds in SPAs** *Please answer the following if the answer to question 5 in table 2 was yes.* *Does the development involve any of the following:*	
4a	Removal of or interference with habitats within an SPA. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	Further information required
4b	Erection of wind turbines within 1km of an SPA.	No
4c	All construction works within 100m of intertidal areas – Coastal SPAs, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	No
4d	Infilling of coastal habitats within 500m of SPA, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	No
4e	Discharges to coastal SPA, including any element of a discharge liable to give rise to disturbance of this habitat, either by direct, indirect, or in combination effects	Further information required
4f	Development of cycleways or walking routes within 100m of intertidal areas. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	No
4g	Development within 1km of SPA of a scale or type which involves the production of an EIS. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	Further information required

Conclusion:

- If the answer to all of the above is *no*, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
- If the answer to any of the above is *yes*, or *unknown* effects on the European sites need to be assessed and a Natura Impact Statement will be required

3c	Development of piers, slipways, marines, pontoons or any other infrastructure within 5km of a European site that was designated because it supports marine habitats and/or species.	NA
3d	Dredging within 5km of a European site supporting coastal or marine habitats or species.	NA
3e	Removal of topsoil or infilling within 100m of marine habitats within the designated site.	NA
3f	Land based development within 1km of a European site of a scale or type which involves the production of an EIS.	NA
3g	Marine or intertidal based development within 5km of a European site of a scale or type which involves the production of an EIS.	NA

4	**Impacts on birds in SPAs** Please answer the following if the answer to question 3 in table 2 was yes. Does the development involve any of the following:	
4a	Removal of or interference with habitats within an SPA. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	Further information required
4b	Erection of wind turbines within 1km of an SPA.	No
4c	All construction works within 100m of intertidal areas – Coastal SPAs, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	No
4d	Infilling of coastal habitats within 500m of SPA, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	No
4e	Discharges to coastal SPA, including any element of a discharge liable to give rise to disturbance of this habitat, either by direct, indirect, or in combination effects	Further information required
4f	Development of cycleways or walking routes within 100m of intertidal areas. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	No
4g	Development within 1km of SPA of a scale or type which involves the production of an EIS. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	Further information required

Conclusion:

- If the answer to all of the above is no, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement
- If the answer to any of the above is yes, or unknown, effects on the European sites need to be assessed and a Natura Impact Statement will be required

Appropriate Assessment Screening Determination	
Planning File Reference	R19-62
Proposed Development	As per referral
Development Location	Clareabbey & Clarecastle
European sites within impact zone	Lower River Shannon SAC River Shannon and River Fergus Estuaries SPA
Description of the project	
As per referral	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
As per report	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
Water quality	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
Further information required	
Documentation reviewed for making this statement	
NPWS website Plans and particulars received GIS mapping database	
Conclusion of assessment (a, b, c or d)	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s)[3]	
(b) There is no potential for significant effects to European Sites[3]	Further information required
(c) The potential for significant effects to European Site(s) cannot be ruled out[4]	

[3] Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

[4] In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document 'Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf
Alternatively, where other planning concerns arise the proposal could be refused planning permission.

Planning File Reference	R19-82
Proposed Development	As per referral
Development Location	Clarebbey & Clarecastle
European sites within impact zone	lower River Shannon SAC River Shannon and River Fergus Estuaries SPA
Description of the project	
As per referral	
As per report	
Water quality	
Further information required	
NPWS website Plans and particulars received GIS mapping database	
Conclusion of assessment (a, b, c or d)	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s)[3]	
(b) There is no potential for significant effects to European Site[4]	Further information required
(c) The potential for significant effects to European Site(s) cannot be ruled out[5]	

(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010[5]	
Completed By	John O'Sullivan
Date	10th December 2019

[5] The proposed development must either by refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.

(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further information requested under S177U of the Planning and Development (Amendment) Act 2010[2]	
Completed By	John O'Sullivan
Date	10th December 2019

CLARE COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS 2000 TO 2004 – NOTIFICATION OF DECISION TO GRANT PERMISSION (SUBJECT TO CONDITIONS) UNDER SECTION 34 OF THE PLANNING AND DEVELOPMENT ACT 2000.

TO: Cls Crystal Partners Limited
C/o PH McCarthy Consul Engineers
Glen House
Glenworth Street
Limerick

Planning Register Number: **P06/1754**

Application Received: 31/07/2006

Further Information Received: 04/01/2007

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In pursuance of the powers conferred upon it by the above mentioned Acts the Clare County Council has by order dated 30th January 2007 decided to grant permission for the development of land, namely:

for the construction of a temporary waste water treatement works, a temporary access road off the N18, a temporary connection into the existing outfall from the Clareabbey Treatement Plant, and all associated site works at Clareabbey, Clarecastle, Co. Clare

The reason for the decision is set out in the First Schedule hereto and is SUBJECT to the conditions set out in the Second Schedule hereto. The reason for the imposition of the said conditions are set out in the Second Schedule hereto (13 conditions)

FIRST SCHEDULE-REASON

Having regard to the semi- urban nature of the site, the intended use of the proposed land, the policies of the current Development Plan and the pattern of development in the area, it is considered that, subject to conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and will be in accordance with the proper planning and sustainable development of the area

SECOND SCHEDULE-CONDITIONS

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CLARE COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS 2000 TO 2004 – NOTIFICATION OF DECISION TO GRANT PERMISSION (SUBJECT TO CONDITIONS) UNDER SECTION 34 OF THE PLANNING AND DEVELOPMENT ACT 2000.

TO: Cls Crystal Partners Limited
C/o PH McCarthy Consul Engineers
Glen House
Glenworth Street
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Planning Register Number: P06/1754

Application Received: 31/07/2006

Further Information Received: 04/01/2007

In pursuance of the powers conferred upon it by the above mentioned Acts the Clare County Council has by order dated 30th January 2007 decided to grant permission for the development of land, namely:

for the construction of a temporary waste water treatment works, a temporary access road off the N18, a temporary connection into the existing outfall from the Clarecabby Treatment Plant, and all associated site works at Clarecabby, Clarecastle, Co. Clare

The reason for the decision is set out in the First Schedule hereto and is SUBJECT to the conditions set out in the Second Schedule hereto. The reason for the imposition of the said conditions are set out in the Second Schedule hereto (12 conditions)

FIRST SCHEDULE-REASON

Having regard to the semi- urban nature of the site, the intended use of the proposed land, the policies of the current Development Plan and the pattern of development in the area, it is considered that, subject to conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and will be in accordance with the proper planning and sustainable development of the area

SECOND SCHEDULE-CONDITIONS

1. The development shall be carried out in accordance with plans and particulars submitted on 31/07/06 and further information submitted on 04/01/07 except where conditions hereunder specify otherwise.

Reason: In the interests of proper planning and sustainable development of the area.

2. Prior to the commencement of development, details regarding the ownership, operation, management, decommissioning and transfer to Clare County Council of the temporary treatment plant shall be agreed in writing, in the form of a Legal agreement with the Clare County Council.

Reason: In the interests of proper planning control.

3. The temporary treatment plant shall be decommissioned at the applicant's expense in tandem with the commissioning of the Ennis Main Drainage Plant. All details shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interests of proper planning control.

4. The plant shall be constructed and commissioned for a minimum of 3 months prior any proposed housing development being occupied.

Reason: To ensure a sufficient period to optimise the running of the plant before increasing the loading from the development.

5. Full details of the construction, operation and maintenance of the rising main shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interests of orderly development.

6. Details of a monitoring programme to ensure that the treatment plant is working to the specification stipulated on documents received on the 04/01/07 shall be agreed with the Planning Authority prior to the commencement of development

Reason: In the interests of public health.

7. The treatment plant shall always operate at capacity. Accordingly, Clare County Council shall initially have a greater portion of the treatment plant capacity than the 800p.e. indicated. This ratio will decrease as the proposed housing developments come on line. Details to be agreed with the Planning Authority prior to the commencement of development.

Reason: In the interests of public health and orderly development.

8. A suitable sampling chamber shall be provided on the outlet from the treatment system, and shall be agreed with Planning Authority at time of construction.

Reason: In the interests of ensuring adequate monitoring of the plant.

9. All storage tank areas and drum storage areas shall be rendered impervious to the materials stored therein. In addition, all tank and drum storage areas shall be bunded to a volume of 110% of the largest tank within each individual

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bunded area. Drum storage areas shall be bunded to a volume equal to 110% of the sum of the volumes of the largest five drums likely to be stored therein.

Reason: **In the interests of public health**

10. The integrity and watertightness of all the bunding structures and their resistance to penetration by water or other materials stored therein shall be tested and demonstrated by the applicant to the satisfaction of the Planning Authority. The results of these tests shall be certified by an independent, suitably qualified person. This certification shall be forwarded to the Planning Authority prior to the plant being commissioned.

Reason: **In the interests of public health**

11. The applicant shall liase with Bord Gais Eireann in advance of any excavation on the site and all works on the way leave must be carried out in accordance with the relevant Bord Gais Eireann 'Code of Practice', BGE/WI/48. All works shall be carried out to the satisfaction of Bord Gais Eireann.

Reason: **In the interests of orderly development.**

12. All service lines and cables servicing the proposed development shall be located underground except where otherwise agreed with the Planning Authority.

Reason: **In the interest of orderly development and visual amenity.**

13. The site shall be screened from proposed residential development to the south by suitable fast growing plant species to be agreed in writing with the Planning Authority prior to the commencement of development.

Reason : **In the interests of residential development.**

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C/o Crystal Partners Limited
C/o PH McCarthy Consul Engineers
Glen House
Glenworth Street
Limerick

March, 2007.

RE: Planning Ref No P06/1754

A Chara,

I attach herewith Grant of Permission subject to 13No. Conditions in respect of the above Planning application. This grant of **permission** expires on 1st **March** 2012.

It is important that this Grant of Permission is read carefully as all conditions attached to the grant of permission must be complied with in full.

In the case of Pre-Development Conditions please ensure that Condition No 2, 3, 5, 6, 7 & 13 are complied with before the development commences.

In the event of a condition requiring the developer to lodge a bond, the approved bond format is available from the Clare County Council web site (www.clarecoco.ie) or from the Planning Authority office at Unit 1, Westgate Business Park, Kilrush Road, Ennis, County Clare

Please find attached herewith a Commencement Notice which must be completed and submitted between 14 and 28 days before commencement of the development to the address specified. This requirement is in accordance with the **Building Control** Regulations **1997.**

Mise le meas

Marie O'Neill
Senior Staff Officer
PLANNING SECTION

Clare County Council
Comhairle Chontae an Chláir

CLARE COUNTY COUNCIL
RECEIVED
14 FEB 2008
PLANNING SECTION

Transportation & Infrastructure
New Road
Ennis
Co. Clare

Iompar agus Bonneagar
Bothar Nua
Inis
Contae an Chláir

T: +353 65 682 1616
F: +353 65 682 1915
E: roads@clarecoco.ie
sanoff@clarecoco.ie
W: http://clarecoco.clare.ie

7th February, 2008

Planning Section,
Clare County Council,
New Road,
Ennis.

RE: Planning Application Ref. P08/12

I have no objection to modification of condition No. 3 of planning permission ref. P06/642 as follows "No development shall commence on the site until such time as a contract is in place to the satisfaction of the planning authority to facilitate construction of the temporary treatment plant at Clareabbey granted planning permission under planning ref. P06/1754. Furthermore, no houses shall be occupied until such time as the aforementioned temporary treatment plant is constructed to completion and commissioned and all planning conditions attached to P06/1754 have been complied with in full".

Tom Tiernan
Senior Engineer.

Tom Carey B.E.,C.Eng.,F.I.E.I.
Director of Service &
County Engineer

Caring for Clare's Environment
100% Recycled Paper

7th February, 2008

Planning Section,
Clare County Council,
New Road.
Ennis.

RE: Planning Application Ref. P08\12

I have no objection to modification of condition No. 3 of planning permission ref. P06\642 as follows "No development shall commence on the site until such time as a contract is in place to the satisfaction of the planning authority to facilitate construction of the temporary treatment plant at Clarrabbey granted planning permission under planning ref. P06\1754. Furthermore, no houses shall be occupied until such time as the aforementioned temporary treatment plant is constructed to completion and commissioned and all planning conditions attached to P06\1754 have been complied with in full".

Tom Tiernan
Senior Engineer.

Comhairle Chontae an Chlair
Clare County Council
Ennis Area Office
Drumbiggle,
Ennis
065 6828040

Staff Officer
Planning Department
Westgate Business Park
Ennis

14th February 2008

RE: P08/12 – Crystal Partners Ltd., Clareabbey

A Chara,

The applicant has applied for planning permission to amend a condition of planning register reference number 06/642 at the above address.

The applicant is looking to amend a condition of 06/642 which states that development cannot commence until such time as the temporary wastewater treatment plant permitted under planning register reference number 06/1742 is constructed and commissioned. The contract regarding this temporary treatment plant close to being finalised with anticipated tender dates proposed of early January.
It is reasonable to amend this condition, such that development can commence however NO unit is to be occupied until such time as the temporary wastewater treatment plant is commissioned to the satisfaction of the Area engineer. Evidence of satisfactory commissioning must be attached to planning register reference number 06/1754.

Regards,

Siobhán McNulty.
Executive Engineer
Ennis Area Office



Clare County Council
Planning Section
Planning Only

Comhairle Chontae an Chlair
Clare County Council
Ennis Area Office
Drumbiggle,
Ennis
065 6829040

Staff Officer
Planning Department
Westgate Business Park
Ennis

14th February 2008

RE: P08/12 – Crystal Partners Ltd., Clarrabbey

A Chara,

The applicant has applied for planning permission to amend a condition of planning register reference number 06/642 at the above address.

The applicant is looking to amend a condition of 06/642 which states that development cannot commence until such time as the temporary wastewater treatment plant permitted under planning register reference number 06/1742 is constructed and commissioned. The contract regarding this temporary treatment plant close to being finalised with anticipated tender dates proposed of early January
It is reasonable to amend this condition, such that development can commence however no unit is to be occupied until such time as the temporary wastewater treatment plant is commissioned to the satisfaction of the Area engineer. Evidence of satisfactory commissioning must be attached to planning register reference number 06/1754.

Regards,

Siobhán McNulty
Executive Engineer
Ennis Area Office

CLARE COUNTY COUNCIL
RECEIVED
19 FEB 2008
PLANNING SECTION

Geraldine Corbett

From: Geraldine Corbett
Sent: 11 June 2008 18:49
To: Ann Colleran
Cc: mairead corbett
Subject: CLS Crystal Partners Ltd. P 06 642

Ann/Mairead

219 units at Clareabbey Clarecastle. CLS Crystal partners Ltd. P 06 642. checking to see if you know if development has commenced or if there is any developments on this site. File with J Shaw currently.

Please let me know.

Geraldine

Clare Co. Council - Only
Viewing Purposes

Geraldine Corbett

From: Geraldine Corbett
Sent: 11 June 2008 18:49
To: Ann Colleran
Cc: mairead corbett
Subject: CLS Crystal Partners Ltd P 08 642

Ann/Mairead

219 units at Clareabbey Clarecastle. CLS Crystal partners Ltd. P 08 642. checking to see if you know if development has commenced or if there is any developments on this site. File with J Shaw currently.

Please let me know.

Geraldine

P06/642
CLS Crystal Partners Ltd.
219 houses & Apts and creche at Clareabbey Clarecastle
pp 13.8.07

Condition No.	Cont Type	Unit Rate 2007 (clarecastle SLI)	No units	Total owing per pp 13.8.07		Unit Rate 2008 (clarecastle SLI)	No units	Total owing 1.1.08
42	Water	3564.00	219	780516.00		3680	219	805920.00
	Sew	3564.00	219	780516.00		3680	219	805920.00
	Amenities	126.50	219	27703.50		128	219	28032.00
	Comm & Rec	363.00	219	79497.00		384	219	84096.00
	Rds	126.50	219	27703.50		128	219	28032.00
		7744		**1,695,936.00**				**1,752,000.00**
	Water	1334.74	1	1334.74		1378.79	1	1378.79
	Sew	1980.61	1	1980.61		2045.97	1	2045.97
	Amenities	324.80	1	324.80		335.52	1	335.52
	Comm & Rec	665.37	1	665.37		687.33	1	687.33
	Rds	2324.48	1	2324.48		2401.19	1	2401.19
				6630.00				**6848.79**
				1695936				1752000
	Total owing Cond 42			**1,702,566.00**				**1,758,848.79**
43	Bond	1095000	1	1,095,000.00		1131135.00	1	**1,131,135.00**

11.6.08 No CN recd. to date
Email to A Colleran re. site visit to check possible commencement
File with Co Solicitor

GC

Problem 42

Cris Crystal Partners Ltd.

218 Iron Ives St Apts and Condos at Clarksburg Clarkstown

pp 13.4.07

Condition No.	Unit Type Cust Type	Unit Rate (Estimate) (USD)	No units	Total Selling (Estimate) (USD)	Total Selling 11.1.08
New	2 Bedroom	2584.00	278	718515.00	718515.00
Apartment	2 Bedroom	1258.50	216	271708.50	271708.50
Condominium	2 Bedroom	2584.00	278	718515.00	718515.00
Pets	2 Bedroom	1258.50	216	271708.50	271708.50
New	Water	1534.74	1	1534.74	1534.74
Apartments	Water	1000.81	1	1000.81	1000.81
Condominiums	Water	1534.74	1	1534.74	1534.74
Pets	Water	1000.81	1	1000.81	1000.81
New	Cond #2	1000000.00	1	1,000,000.00	1,000,000.00
Apartments	Cond #2	552.00	1	552.00	552.00
Condominiums	Cond #2	1000000.00	1	1,000,000.00	1,000,000.00
Pets	Cond #2	552.00	1	552.00	552.00

Problem 42

Cris Crystal Partners Ltd.

218 Iron Ives St Apts and Condos at Clarksburg Clarkstown

pp 13.4.07

CLS Crystal Partner Ltd.
c/o Arnold Leahy Architects,
1 Crescent Villas,
O'Connell Avenue,
Limerick.

13 August, 2007.

RE: Planning Ref No P06/642

A Chara,

I attach herewith Grant of Permission subject to 44 No. Conditions in respect of the above Planning application. This grant of permission expires on **12th August, 2012.**

It is important that this Grant of Permission is read carefully as all conditions attached to the grant of permission must be complied with in full.

In the case of Pre-Development Conditions please ensure that Condition No 3, 4, 5, 6, 9(A), (B), 10, 11, 13, 31(E), 34, 35 36(A), 39 and 44 are complied with *before* the development commences.

In the event of a condition requiring the developer to lodge a bond, the approved bond format is available from the Clare County Council web site (www.clarecoco.ie) or from the Planning Authority office at Unit 1, Westgate Business Park, Kilrush Road, Ennis, County Clare

Please also remit the sum of **€1,702,566.00** in respect of the Contribution required by Condition no.42 and the sum of **€1,095,000.00** in respect of the Security required by Condition no. 43. . **Please note that these amounts will increase effective from January 1st next, (unless previously discharged) in accordance with the Council's Development Contribution Scheme.**

Please find attached herewith a Commencement Notice which must be completed and submitted between 14 and 28 days before commencement of the development to the address specified. This requirement is in accordance with the Building Control Regulations 1997.

Mise le meas

Marie O'Neill
Senior Staff Officer
PLANNING SECTION

CLARE COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT 2000 -2002 NOTIFICATION OF GRANT FOR A PERMISSION (SUBJECT TO CONDITIONS) UNDER SECTION 34 OF THE PLANNING AND DEVELOPMENT ACT 2000

TO: CLS Crystal Partner Ltd.
c/o Arnold Leahy Architects,
1 Crescent Villas,
O'Connell Avenue, Limerick

Planning Register Number: P06/642

Application Received on: 28/03/2006

Further Information Received on: 10/11/2006, 17/11/2006, 27/11/2006 and 28/03/2007

Application of CLS Crystal Partner Ltd., c/o Arnold Leahy Architects, 1 Crescent Villas, O'Connell Avenue, Limerick. for (a) construction of an entrance and roundabout and re-alignment of the existing N18, (b) the erection of two ESB masts (c) construction of 22 no. townhouses, 21 no. terraced dwellings, 72 no. semi-detached dwellings, and 104 no. apartments in 3 no. blocks (Block 1 is 2-storey and consists of 32 no. apartments and Blocks 2 and 3 are 3-storey and consist of 36 no. apartments each) (d) 2-storey creche, and (e) all associated site works at Clareabbey, Clarecastle, Co. Clare

Having regard to the nature and scale and intended use of the proposed development, the policies of the current Development Plan and the pattern of development in the area, it is considered that, subject to the conditions in schedule two, that the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would otherwise accord with the proper planning and sustainable development of the area.

A permission has been granted for the development described above subject to the following 44 Conditions.

1. The development shall be in accordance with plans and particulars submitted on 28/3/06, as amended by the additional information submitted on 17/11/06, 23/11/06 and 28/3/07, except where conditions hereunder specify otherwise.

2. The proposed development shall consist of a total of 219 no. residential units, consisting of 115 no. dwellings and 104 no. apartments, together with 1 no. creche facility and shall be in accordance with the site layout plans, drawing no. 1414-100A, received by the Planning Authority on the 17/11/06.

CLARE COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT 2000 -2002 NOTIFICATION OF GRANT FOR A PERMISSION (SUBJECT TO CONDITIONS) UNDER SECTION 34 OF THE PLANNING AND DEVELOPMENT ACT 2000

TO: C.I.S Crystal Partner Ltd.
c/o Arnold Leahy Architects
1 Crescent Villas,
O'Connell Avenue, Limerick.

Planning Register Number: P06/642

Application Received on: 28/03/2006

Further Information Received on: 10/11/2006, 17/11/2006, 23/11/2006 and 28/03/2007

Application of CIS Crystal Partner Ltd., c/o Arnold Leahy Architects, 1 Crescent Villas, O'Connell Avenue, Limerick, **for (a) construction of an entrance and roundabout and re-alignment of the existing N18, (b) the erection of two ESB masts (c) construction of 22 no. townhouses, 21 no. terraced dwellings, 72 no. semi-detached dwellings, and 104 no. apartments in 3 no. blocks (Block 1 is 2-storey and consists of 32 no. apartments and Blocks 2 and 3 are 3-storey and consist of 36 no. apartments each) (d) 2-storey creche, and (e) all associated site works at Tarrababy, Tarrecastle, Co. Clare**

Having regard to the nature and scale and proposed use of the proposed development, the policies of the current Development Plan and the pattern of development in the area, it is considered that, subject to the conditions in schedule two, that the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would otherwise accord with the proper planning and sustainable development of the area.

A permission has been granted for the development described above subject to the following 44 Conditions.

1. The development shall be in accordance with plans and particulars submitted on 28/3/06, as amended by the additional information submitted on 10/11/06, 23/11/06 and 28/3/07, except where conditions hereunder specify otherwise.

2. The proposed development shall consist of a total of 219 no. residential units, consisting of 115 no. dwellings and 104 no. apartments, together with 1 no. creche facility and shall be in accordance with the site layout plans drawing no. 1414-100A, received by the Planning Authority on the 17/11/06

3. No development shall commence on the site until certification from the Area/Town Engineer has been received from the Planning Authority that the temporary treatment plant at Clareabbey, granted permission under planning reference P06/1754, has been constructed and commissioned and all planning conditions attached to P06/1754 have been complied with in full.

4. No development shall commence on the site until certification from the Area/Town Engineer has been received by the Planning Authority that the proposed M&E Contract for the new pumping station on the Kilrush road for Ballybeg Tower has been commissioned.

5. In accordance with Part V of the Planning and Development Act 2000 as amended, no development or any associated works shall take place on foot of this planning permission until an agreement is entered into between the Planning Authority and the person or persons having sufficient interest in the subject land.

6. The development shall be phased. The first phase shall consist of 100 no. units only. The specific unit numbers to be constructed as part of the first phase shall be submitted for the written agreement of the Planning Authority prior to the commencement of development. No houses shall be erected on the second or any additional phase until written confirmation has been received by the Planning Authority from the Area/Town Engineer validating the water flow calculations submitted in support of this application.

7. All works in relation to waste water works/alterations to works and water supplier to be carried out under the supervision and with the agreement of the Water Services Ennis Area Engineering and supervisory staff.

8. (a) All roads, open spaces, landscape works, car parks, sewers, water mains or drains or other public facilities associated with the development shall be completed within 3 years of the commencement of any works.

(b)The proposed development shall be carried out in accordance with the Councils taking in charge of estates policy.

9. (A) Prior to the commencement of development, proposals for a name for the development shall be submitted to the Planning Authority and the Secretary of the Place-names Committee c/o the Planning Department for the written agreement of the Planning Authority. This proposal shall include a 1:10560 O.S map of the area with the site outlined in red and the proposed name and two alternatives and a rationale for their choice (10 copies).

No publicity material or publicity hoarding in association with the development shall be circulated or erected until the above has been agreed.

(B) Street plates shall be of a design and at a location to be agreed in writing with the Planning Authority prior to the commencement of development and shall be in place within 3 months of the completion of the estate and/or each phase and in the case of the main entrance estate name plate within 3 months of the occupation of the first house.

3. No development shall commence on the site until certification from the Area/Town Engineer has been received from the Planning Authority that the temporary treatment plant at Clarebby, granted permission under planning reference P06/1754, has been constructed and commissioned and all planning conditions attached to P06/1754 have been complied with in full.

4. No development shall commence on the site until certification from the Area/Town Engineer has been received by the Planning Authority that the proposed M&E Contract for the new pumping station on the Kilrush road for Ballybog Tower has been commissioned.

5. In accordance with Part V of the Planning and Development Act 2000 as amended, no development or any associated works shall take place on foot of this planning permission until an agreement is entered into between the Planning Authority and the person or persons having sufficient interest in the subject land.

6. The development shall be phased. The first phase shall consist of 100 no. units only. The specific unit numbers to be constructed as part of the first phase shall be submitted for the written agreement of the Planning Authority prior to the commencement of development. No houses shall be erected on the second or any additional phase until written confirmation has been received by the Planning Authority from the Area/Town Engineer validating the water flow calculations submitted in support of this application.

7. All works in relation to waste water works/alterations to works and water supplies to be carried out under the supervision and with the agreement of the Water Services Ennis Area Engineering and supervisory staff.

8. (a) All roads, open spaces, landscape works, car parks, sewers, water mains or drains or other public facilities associated with the development shall be completed within 3 years of the commencement of any works.

(b) The proposed development shall be carried out in accordance with the Councils taking in charge of estates policy.

9. (A) Prior to the commencement of development, proposals for a name for the development shall be submitted to the Planning Authority and the Secretary of the Place-names Committee c/o the Planning Department for the written agreement of the Planning Authority. This proposal shall include a 1:1250 O.S map of the area with the site outlined in red and the proposed name and two alternatives and a rationale for their choice (10 copies).

No publicity material or publicity boarding in association with the development shall be circulated or erected until the above has been agreed.

(B) Street plates shall be of a design and at a location to be agreed in writing with the Planning Authority prior to the commencement of development and shall be in place within 3 months of the completion of the estate and/or each phase and in the case of the main entrance estate name plate within 3 months of the occupation of the first house.

(C) A numbering scheme and associated signage shall be submitted for the written agreement of the planning authority and shall be in place within 3 months of the completion of the estate and/or each phase.

10. The proposed entrance works shall be in accordance with drawing 103/66/103, received on the 17/11/06. All proposed works on the N18 shall be completed prior to any works commencing on the site.

11. All works to be carried out on the N18 shall be certified by and agreed with the Town Engineer prior to commencement. this certification shall to be submitted to the Planning Authority.

12. All roads, footpaths and all associated fixtures, services and site development works shall be completed in accordance with the 1998 Dept. of Environment & Local Government 'Recommendations for Site Development Works for Housing Areas'. A 300mm wide concrete channel shall be provided between footpath kerb and the road carriageway throughout the development.

13. Street lighting shall be provided and made operational and it shall be in accordance with the standards laid down in the current E.S.B. Publication "Public Lighting in Residential Estates". Lanterns shall be of S.O.N. type. The lighting columns for the public lighting system shall be constructed of 3.2mm minimum steel hot dip galvanised. Before the development is commenced the public lighting design shall be submitted to the Planning Authority for agreement.

14. All footpaths shall be concrete bayed, slabbed or tiled. They shall be dished at all road junctions and at all entrances and shall be level with the carriageway at such points.

15. Either a "Yield Right of Way" sign or a "Stop" sign together with appropriate road markings shall be provided by the developer at his own expense at the junction between the public road and the main access road to the proposed development. Details of the sign and road markings to be used shall be to DoE Local Government Traffic Signs Manual standard and shall be agreed with the Planning Authority prior to provision.

16. The developer shall provide and lay underground all telephone, electricity and piped television cables at the time of construction. Details to be agreed with the E.S.B and Eircom.

17. All the main foul, surface water sewers and public water mains shall be laid in roads or public open spaces and no sewers or watermains other than individual house connections shall be laid in any private property other than with the prior written consent of the Planning Authority. All foul sewers other than individual house connections shall be concrete spigot and socket type.

Sewers, watermains and surface water drainage shall be provided in accordance with the "Recommendations for Site Development Works in Housing Areas" of Dept. of Environment (1998) unless otherwise specified in conditions herein subject to the following amendment to table 3:1.

TABLE Pipe sizes and Gradients for Drains and Sewers carrying small flows of Foul Sewage.

No. of Dwellings Contributing	Minimum Pipe Diameter (mm)	Desirable Minimum Gradient	Absolute Minimum Gradient
1 (House connection only)	100	1 in 40	1 in 60
2 or more	150	1 in 100	1 in 130*
	225	1 in 140	1 in 180*
	300	1 in 200	1 in 250*

*Lower gradients may be permitted where the applicant can demonstrate that the volume discharged ensures a self-cleansing velocity of at least 0.8 m/sec. Such considerations only arise when a large number of houses are contributing to the sewer.

NOTE: The minimum gradients for storm water drains shall be as approved by Clare County Council. Hydraulic considerations will be taken into account by the Council. The minimum diameter of storm water sewers shall be 225mm.

18. A proper water distribution system shall be provided with minimum 100m.m. class C watermain throughout the development. Each T. junction shall be provided with 3 sluice valves and each cross-junction shall be provided with 4 sluice valves. Hydrants at 70m in intervals and at end points shall be provided. They shall be BSS type 750 and shall have 75m.m. inlet, round thread outlet and square spindle. All hydrants and sluice valves shall be marked with proper markers. Hydrants and valve covers shall be painted yellow. Hydrant outlets shall be not more than 300mm below ground level. Magnaster bulk water metre(s), or similarly approved, complete with kiosk and transpondor in an adequately sized chamber shall be provided at location(s) to be agreed with the Water Services dept.

19. After completion of the development, the developer shall lodge full plans, drawings and details of the entire development as completed and these shall be certified by a suitable professionally qualified individual. Said drawings and plans shall be in digital format and be compatible with AUTOCAD Release 12 or later.

20. Any watermain and/or sewer extension to the site shall be dedicated to the Council on satisfactory completion of the same extension.

TABLE

Pipe sizes and Gradients for Drains and Sewers carrying small flows of Foul Sewage

No. of Dwellings Contributing	Minimum Pipe Diameter (mm)	Desirable Minimum Gradient	Absolute Minimum Gradient
1 (House connection only)	100	1 in 40	1 in 60
2 or more	150	1 in 100	1 in 130*
	225	1 in 140	1 in 180*
	300	1 in 200	1 in 250*

21. Water supply shall be via public watermain only. A clearly identifiable and properly constructed stop-cock and water meter shall be provided on the water supply. This stop-cock and water meter shall be located outside the curtilage of the building on the public roadway or footpath.

22. The developer shall ensure that the finished floor level of all dwellings are above flood levels and that all low points are filled to ensure that such flooding does not occur.

23. All drains within or bounding the proposed site shall be piped in pipes of a diameter to be agreed with the council and in a manner to permit the continued free flow of water and shall then be backfilled.

24. Heavy duty manhole covers and frames on all roads, footpaths and publicproperty shall be in compliance with European Standard EN 124 Class D400 and shall have third party product certification.

25. No surface water from roads, driveways, roofs, paved areas etc. shall be allowed to discharge to the foul sewerage system. All surface water shall be piped to the agreed surface water system.

26. Manholes and Foul Sewers shall be tested and approved by the Water Services Section of the County Council prior to commissioning and occupancy of the houses.

27. A CCTV Survey, under Council supervision, shall be carried out on sewers on completion and prior to occupancy of houses. A copy of the survey shall be forwarded to the Council for inspection.

28. Watermains shall be looped at end of each spur within the site. Air valves shall be provided at the summit of pipelines.

29. A separate metered water connection application shall be made for the construction phase. Watermains shall be hydraulically tested to pipe specification test pressure and approved by the Planning Authority prior to commissioning and occupancy of units.

30 The boundaries of the site shall be in accordance with the boundary schedule, drawing no. 1414-119, received on the 17/11/06, except for the following:

a) The side and rear boundaries of dwellings units shall be 2 metre high concrete post and timber panel fencing.

b) Walls bounding public open spaces shall be finished in local natural stone only.

c) Bin store walls shall be in accordance with drawings submitted on 17/11/06.

31 The site shall be landscaped in accordance with the landscaping plan, drawing no. 1414-118, received by the Planning Authority on the 17/11/06, in addition:

(a) Native only species of tree and shrub shall be used.

(b) The landscaping shall be implemented not later than the first planting season after the commencement of the development.

Any planting that is diseased, damaged or otherwise fails within 3 years of planting shall be replaced. All landscaping shall be maintained to the satisfaction of the Planning Authority until such time as taken in charge by the Council.

(c) All existing tree/hedgerows on the site/boundaries shall be retained and maintained unless their removal is necessitated by a condition of this permission. The tree/hedgerows and their roots shall be protected during the course of site construction by the erection of a 1m high fence around the tree(s)/hedgerow at a radius of not less than 3M from the trunk of any such tree.

(d) All trees shall be native broadleaf, minimum size: heavy standard 14-16cm girth.

(e) A small playground suitable for children under 10 years old shall also be provided. Details of same to be agreed prior to the commencement of development.

32. The mitigation measures outlined in section 5 of the Ecofact ecological report (received on the 20/11/06) shall be implemented in full.

33. Notwithstanding any drawings submitted, the following schedule of materials/finishes only shall be used in the proposed development:

(a) All external doors of the residential units shall be of solid painted timber. All external windows shall be of painted timber or non-white uPVC/Aluminium.

(b) Roofs shall be finished in slate/slate effect/flat tile black, dark grey or blue/black in colour. The colour of the ridge tile shall match the colour of the roof.

(c) No changes are permitted to the agreed window sizes, materials or designs as . No neo- Georgian style plastic glazing bars or other decorations are permitted.

(d) No changes are permitted to the agreed external wall finishes.

(e) Any facing shall be of natural local stone. All pointing shall be recessed or flush.

(f) The side and front facings of dormer windows shall have a painted plaster finish.

(g) No floodlighting of the proposed development is permitted.

34 Prior to the commencement of development, a detailed colour scheme for the development shall be submitted for the written agreement of the Planning Authority.

35 Prior to the commencement of development, the developer shall submit a formal Project Construction and Demolition Waste Management Plan to the Planning Authority. No development shall commence on the site prior to the written agreement of the Planning Authority to the proposed Construction and Demolition Waste Management Plan. This plan shall, inter alia, include the information recommended in sections 3.2, 3.3 and 3.4 of the document titled 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects' published by the DoEHLG.

36. (a) Prior to commencement of development on Phase One the developer shall submit to the Planning Authority for agreement, for the duration of construction on Phase One of the development, details of proposals for compliance with guidelines as set out under 'BS 5228: "Noise Control on Construction and Open Sites'.
(b) No work shall take place outside the hours of 07.30 to 18.30 hours. Monday - Saturday.
(c) Adequate temporary carparking accommodation shall be provided on the site for the use of employees engaged in construction work on the site.
(d) All on site construction vehicles shall be equipped with silencers - all such vehicles shall be operated and maintained in accordance with the manufacturers instructions.
(e) During the course of construction work the developer shall provide on site a covered skip or other suitable receptacle for the deposit therein of all rubbish, litter, paper, packaging, rubble and other such materials arising from the works and shall ensure that the site and its environs are maintained at all times in a clean and tidy condition.
f) Any damage to the public road network shall be made good by the developer to the satisfaction of the Area Engineer at the developer's own expense.

37. All soiled surface water run-off shall be directed through hydrocarbon interceptors prior to discharge into the main surface water drainage network.

38. (a) Any oil tanks to be kept on site shall be bunded to 110% of its effective volume. Walls and base of bund shall be of water tight construction and impervious to the passage of oil.

(b) Hydraulic oils shall be kept on an impervious hardstand area where in the event of spillage such spillage can be contained and safely disposed of.

39. Refuse bin storage area shall include for recycling facilities, which shall be provided at selected locations around the site. Refuse container compounds shall be screened by means of walls, banks, or fencing. Details shall be agreed with the Planning Authority prior to commencement of development.

40. The applicant shall provide a piece(s) of civic artwork or other artistic embellishment to the development. Details of same shall be agreed in writing with the Planning Authority prior to its provision.

41. No sign/symbol, name plate or advertising shall be erected without the prior written approval of the Planning Authority whether or not such development would otherwise constitute exempted development.

42. Prior to the commencement of development the developer shall pay contribution of €1,702,566 to Clare County Council (Planning Authority) in respect of public infrastructure and facilities benefiting the development.

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st next and annually thereafter (unless previously discharged) in line with the Wholesale Price Index – Building and Construction (published by the Central Statistics Office) unless the scheme is superseded by a further Development Contribution Scheme adopted by the Council.

43. Prior to the commencement of development, the developer shall lodge with the Planning Authority a bond for an insurance company or bank in the **approved bond format which is available on the Councils website (www.clarecoco.ie)** in the sum of €1,095,000 to secure the satisfactory completion of the proposed development (including maintenance until taken in charge by the Local Authority concerned or in the event of the development not being taken in charge until notice in writing has been issued by the Planning Authority stating that the development has been completed to a satisfactory standard, of roads, open spaces, car parks, sewers, watermains or drains, public lighting, footpaths, landscaping and any other services required with the development).

In the event of the non-compliance or maintenance of the services, the Planning Authority shall be empowered to apply the said funds or part thereof for the satisfactory completion of and maintenance as aforesaid of any part of the development.

The bond shall remain in full force and effect until the development is taken in charge by the Planning Authority or in the event of the development not being taken in charge, until notice in writing has been issued by the Planning Authority stating that the development has been completed to a satisfactory standard.

All such security provided shall be increased from January 1st next and annually thereafter (unless previously discharged) in line with the Wholesale Price Index -- Building and Construction (published by the Central Statistics Office).

44. The applicant is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930-1994) to carry out pre-development testing at the site. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.

- The archaeologist is required to notify this Department in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.
- The archaeologists shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.
- Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the Department of Environment, Heritage and Local Government.
- Where archaeological matter is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required. This Department will advise the applicant/developer with regard to these matters.
- No site preparation or construction work shall be carried out until after the archaeologists report has been submitted and permission to proceed has been received in writing from this Department.

Signed on behalf of Clare County Council.

Senior Staff Officer
Planning Department

Dated: 13/08/2007

Clare County Council
Planning Department

Signed on behalf of Clare County Council,

Senior Staff Officer
Planning Department

Dated: 15/08/2017

CLARE COUNTY COUNCIL PLANNING REPORT

File Ref. : P08/1978
Applicant : CLS Crystal Partner Ltd.
Development : Permission for the following amendments to Planning Reference No: 06/642: a) the construction of 31 no. terraced houses in lieu of 72 no. apartments, b) 4 no. terraced houses in lieu of 4 no. semi-detached houses, c) the re-alignment of roads so that all the development roads are outside the proposed Clareabbey wastewater treatment plant buffer zone lands, d) and all associated site works
Location : Clareabbey, Clarecastle
Due Date: 24/2/09

The Site The greenfield site of stated 2.76ha site is located on the R458, adjacent to Clareabbey wastewater treatment plant and to the GAA pitch, and forms part of a larger 6.59ha site for which permission has already been granted for a housing estate of 219 units.

Proposal Permission is sought for the above amendments to the permitted housing scheme on the site ref. P06/642.

Services: **Water:** Public supply
Wastewater: Public foul sewer
Surface water: Surface water drains – outfall to River Fergus
Car parking/public lighting/footpaths: As permitted under P06/642.

Site notice was present on date of inspection 27/1/09 and in accordance with requirements of Article 19 of the 2006 Planning and Development Regulations.

Policy

The site is zoned as residential and open space in the Ennis and Environs Development Plan, 2008.

Policy H17 applies:
'The Council will only consider proposals for residential developments, where there is no significant reduction to the amenity of existing, new or replacement residential accommodation. New residential development must comply with the development control standards outlined in Appendix 1 and compliance with the following conditions:

a) The proposal is within an area zoned for residential uses or as other settlement land;
b) Respects the existing scale and character of the surrounding area; and
c) Conforms with the appropriate development standards established in the Plan; and
d) Provides adequate off-street parking; and
e) Provides satisfactory vehicular, cycle and pedestrian access to the site; and
f) Provides adequate space between proposed and existing buildings to maintain the amenity of neighbouring properties; and
g) Provides an adequate landscape, including the retention where possible of existing trees and hedgerows; and
h) Provides sufficient open space and play facilities.'

Clare County Council - Online Planning Report

CLARE COUNTY COUNCIL PLANNING REPORT

File Ref. : P08\1978
Applicant : CLS Crystal Partner Ltd.
Development : Permission for the following amendments to Planning Reference No: 06\6412: a) the construction of 31 no. terraced houses in lieu of 72 no. apartments, b) 4 no. terraced houses in lieu of 4 no. semi-detached houses, c) the re-alignment of roads so that all the development roads are outside the proposed Claraabbey wastewater treatment plant buffer zone lands, d) and all associated site works
Location : Claraabbey, Clarecastle
Due Date: 24\2\09

The Site The greenfield site of stated 2.76ha site is located on the R458, adjacent to Claraabbey wastewater treatment plant and to the GAA pitch, and forms part of a larger 6.59ha site for which permission has already been granted for a housing estate of 219 units

Proposal Permission is sought for the above amendments to the permitted housing scheme on the site ref. P06\6412

Services: **Water**: Public supply
Wastewater: Public foul sewer
Surface water: Surface water drains - outfall to River Fergus
Car parking\public lighting\footpaths: As permitted under P06\6412.

Site notice was present on date of inspection 27\1\09 and in accordance with requirements of Article 19 of the 2006 Planning and Development Regulations.

Policy

The site is zoned as residential and open space in the Ennis and Environs Development Plan, 2008.

Policy H17 applies:

The Council will only consider proposals for residential developments, where there is no significant reduction in the amenity of existing, new or replacement residential accommodation. New residential development must comply with the development control standards outlined in Appendix 1 and conform with the following conditions:

a) The proposal is within an area zoned for residential use or in other settlement land;
b) Respects the existing scale and character of the surrounding area; and
c) Conforms with the appropriate development standards established in the Plan; and
d) Provides adequate off-street parking; and
e) Provides satisfactory vehicular, cycle and pedestrian access to the site; and
f) Provides adequate open space between proposed and existing buildings to maintain the amenity of neighbouring properties, and
g) Provides an adequate landscape, including the retention where possible of existing trees and hedgerows, and
h) Provides sufficient open space and play facilities.

Policy H18 applies:
'The Council will require that a mixture of house types and sizes be developed in order to reasonably match the requirements of different categories of households within Ennis and Environs, including those groups with particular special needs. The Council will control the mixture of house types and sizes through individual planning applications and will utilise conditions or agreements under Part V in order to secure the appropriate mix as required in terms of their specific housing requirements.'

Site History:

P06/642 – Permission granted to CLS Crystal Partners Ltd. for 217 no. residential units on the site, consisting of 115 no. dwellings and 104 no. apartments, together with 1 no. creche facility – expires 12/8/2012.
(Note: additional information received by applicant on 3/2/09 states that reference to 219 units in condition 2 of P06/642 is an error).

P08/12 – Permission granted to CLS Crystal Partners Ltd. for modification to condition No. 3 of planning permission granted under Clare County Council Reg.Ref. P06/642 on 13.08.07 The modification seeks to amend condition no. 3 of this permission to require the construction of the temporary sewage treatment plant granted permission under Clare County Council Reg.Ref. P06/1754 prior to the occupation of any of the dwelling units granted under Reg.Ref. P06/642.

Pre-Planning

None

Technical Reports received:

Water Services, received 12/2/09 – noted.

Submissions from Prescribed Bodies:

Bord Gais, received 23/1/09 – noted.

3rd Party Observations:

None

Representations

None

Environmental Impact Assessment

I consider an EIS for this development is not required.

Part V

Clare County Council Planning Department

Agreements as per previous permission ref. P06/642.

ASSESSMENT

The main issues involved in the assessment of this planning application are set out below:

Zoning/Principle of development

The site is zoned as 'Residential' and is located within the Clarecastle Residential Development Area and SLI, as designated in the Ennis and Environs Development Plan, 2008.

Permission has already been granted on the overall site for a scheme of 217 residential units and a crèche. This permission, reference P06/642 expires on the 12/8/12. The principle of a housing development on the site has therefore already been conceded. Under the subject application, the applicant is proposing to make amendments to the permitted development within 3 different areas, as set out below:

- At the northern boundary, the construction of 17 no. terraced houses (in block of 11 and block of 6) in lieu of 36 no. apartments granted permission under P06/642.
- At the northern boundary, the construction of 4 no. terraced houses in lieu of 4 no. semi-detached houses.
- At the eastern boundary, the construction of 14 no. terraced houses (in block of 10 and block of 4) in lieu of 36 no. apartments granted permission under P06/642.
- At the southern boundary, the relocation of 21 no. units in a south-westerly direction to increase the size of open space area 4.
- The re-alignment of roads so that all the development roads are outside the proposed Clareabbey wastewater treatment plant buffer zone lands.

Under the existing permission, ref. P06/642, the development encroaches onto the designated buffer area around the Clareabbey wastewater treatment plant (in Clare County Council ownership). The subject application proposes to revise the layout to ensure that all roads, parking and housing are located outside this buffer area.

Bord Gais' comments are noted in relation to the storm water piping crossing the existing wayleave. They state that whilst there is no objection in principle, they request that a condition be attached requiring the developer to liase with Bord Gais in advance of any excavation within the way leave. It is noted that the route of the proposed storm water outfall to the River Fergus has not been amended by the subject application and remains as permitted under ref. P06/642.

Density

A revised total of 175 no. units are proposed on the overall development site of 6.59ha, which equates to a density of approximately 27 units per hectare or 11 units per acre. This is considered acceptable in principle and an appropriate density for residentially zoned lands within the Clarecastle SLI / Residential Development Area.

Services

Foul water – Proposed discharge to Clareabbey treatment plant.
Water – Proposed connection to public water main.
Storm/Surface water – Proposed surface water network, with controlled discharge to the River Fergus.

The proposed services are as per permitted application ref. P06/642. The report received from Water Services is noted – in the event of a grant of permission, it will be conditioned that the drainage layout details be agreed in advance prior to development on the site commencing.

The Water Services report also refers to the temporary treatment plant, which was granted permission under P06/1754. The provision of this temporary treatment plant is required to facilitate residential developments in the Clarecastle area. Under permission P08/12, the applicant applied to modify condition 3 of P06/642 to allow for the units on site to be commenced pending construction and commissioning of the new temporary treatment plant permitted under P06/1754. The following conditions were included in the grant of permission under P08/12:

'4. No development works shall commence on the site until an enforceable contract has been secured between Clareabbey Wastewater Treatment Plant Ltd. and the successful tenderer for construction of the temporary plant, and a copy of this contract has been submitted to and approved by the Planning Authority.

***Reason:** In the interest of proper planning control.*

'5. No occupancy of any dwelling unit on the site is permitted until such time as:
a) Condition 2 above has been complied with in full; and
b) The temporary treatment plant permitted under ref. P06/1754 has been constructed and is fully commissioned; and
c) All conditions attached to planning permission ref. P06/1754 have been complied with in full.

***Reason:** In the interest of proper planning control.'*

It is considered appropriate that, in the event of a grant of permission, these conditions should also be attached to the subject permission to ensure that the temporary treatment plant at Clareabbey has been commissioned prior to the occupancy of any of the units.

The Water Services report also refers to the location of a storm attenuation tank and associated collection system within the buffer zone land, which is outside of the applicant's ownership. In response to this concern, it is noted in the services report submitted by the applicant that *'a 10m wayleave has been secured through third party lands to accommodate the wayleave for the outfall.'* Notwithstanding this, it is considered that, in the event of a grant of permission, a condition should be attached requiring full details of the agreement in relation to the wayleave for the storm outfall, to be submitted for written approval.

Access and movement through estate

The entrance and roundabout onto the R458 are as permitted under ref. P06/642. It is noted that the total number of units within the overall scheme is being reduced to 175 no., as shown on site layout plan drawing no.'s 101 and 102. The applicant is also proposing to realign roads in the northern section of the site, to ensure that they are located outside the Clare County Council buffer area between the development site and the Clareabbey wastewater treatment plant.

Open space

The site layout plan indicates the provision of 15.8% open space for the overall development. Section 4.19 of the *Sustainable Residential Development in Urban Areas Guidelines, 2008*, state that: *'In Greenfield sites or those sites for which a local area plan is appropriate, public open space should be provided at a minimum rate of 15%.'* All areas of open space proposed have passive surveillance.

Parking

302 car parking spaces required for the 145 dwellings and 30 apartments – 342 spaces have been provided on site. The parking provision on site is therefore acceptable and includes for surplus/visitor.

Lighting

Public lighting proposed as per layout drawings 103/66/801 and 103/66/802.

Design and Mix

Mix:

Proposal as revised is for 145 no. dwellings encompassing 12 different house types and the provision of 30 no. apartments.

The proposed mix is considered to be acceptable.

Design:

The design of the 5 no. proposed blocks of terraced units are considered to be acceptable.

Recommendation:

Having regard to the plans and particulars submitted with the application and my inspection of the site I recommend that planning permission be **Granted** subject to the following conditions.

First Schedule

Clare County Council - Planning Section - Office Use Only

Having regard to the permitted use on the site, it is considered that, subject to compliance with the conditions set out below, the proposal is in accordance with the proper planning and sustainable development of the area.

Second Schedule – Conditions

1. This permission is for amendments to the layout of planning permission ref. no. P06/642, granted on the 13/8/07, for the construction of 31 no. terraced houses in lieu of 72 no. apartments, the construction of 4 no. terraced houses in lieu of 4 no. semi-detached houses and the re-alignment of roads so that all the development roads are outside the proposed Clareabbey wastewater treatment plant buffer zone lands. The proposed development shall comply in full with the terms and conditions of planning reference no. P06/642, which governs the overall development of the lands of which this site forms part. The permission shall expire on the 12/8/2012.

Reason: In the interest of proper planning control.

2. Prior to the commencement of any development on the site, the applicant shall submit the following details for the written agreement of the Planning Authority:

a) Full details of the route, design and specifications for the proposed foul drainage layout

b) Full details of the agreement in relation to the way-leave for the storm water outfall.

Reason: In the interests of proper planning control and public health.

3. No development works shall commence on the site until an ~~enforceable~~ contract has been secured between Clareabbey Wastewater Treatment Plant Ltd. and the successful tenderer for construction of the temporary plant, and a copy of this contract has been submitted to and approved by the Planning Authority.

Reason: In the interest of proper planning control.

4. No occupancy of any dwelling unit on the site is permitted until such time as:
a) Condition 3 above has been complied with in full; and
b) The temporary treatment plant permitted under ref. P06/1754 has been constructed and is fully commissioned; and
c) All conditions attached to planning permission ref. P06/1754 have been complied with in full.

Reason: In the interest of proper planning control.

5. In accordance with Part V of the Planning and Development Act 2000 as amended, no development or any associated works shall take place on foot of this planning permission until an agreement is entered into between the Planning Authority and the person or persons having sufficient interest in the subject land.

Reason: To comply with Housing Strategy for Co. Clare, the requirements of Section 96 of Part V of the Planning & Development Act 2000 and in the interest of the proper planning and sustainable development of the area.

6. Prior to the commencement of development the developer shall pay a contribution of **€290,955** to Clare County Council (Planning Authority) in respect of public infrastructure and facilities benefiting the development.

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st next and annually thereafter (unless previously discharged) in line with the Wholesale Price Index – Building and Construction (published by the Central Statistics Office) unless the scheme is superseded by a further Development Contribution Scheme adopted by the Council.

Reason: It is considered appropriate that the developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act 2000, and that the level of contribution payable should increase at a rate in the manner specified in that scheme.

7. Prior to the commencement of development, the developer shall lodge with the Planning Authority a bond for an insurance company or bank in the **approved bond format which is available on the Councils website (www.clarecoco.ie)** in the sum of **€175,000** to secure the satisfactory completion of the proposed development (including maintenance until taken in charge by the Local Authority concerned or in the event of the development not being taken in charge until notice in writing has been issued by the Planning Authority stating that the development has been completed to a satisfactory standard, of roads, open spaces, car parks, sewers, watermains or drains, public lighting, footpaths, landscaping and any other services required with the development).

In the event of the non-compliance or maintenance of the services, the Planning Authority shall be empowered to apply the said funds or part thereof for the satisfactory completion of and maintenance as aforesaid of any part of the development.

The bond shall remain in full force and effect until the development is taken in charge by the Planning Authority or in the event of the development not being taken in charge, until notice in writing has been issued by the Planning Authority stating that the development has been completed to a satisfactory standard.

All such security provided shall be increased from January 1st next and annually thereafter (unless previously discharged) in line with the Wholesale Price Index – Building and Construction (published by the Central Statistics Office).

Reason: In the interest of orderly development and to ensure satisfactory completion of the development.

8. The development hereby permitted shall be carried out and completed at least to the construction standards set out in The planning authority's Taking in Charge Policy and the Recommendations for Site Development Works for Housing Areas 1998. Prior to commencement of development, the developer shall agree with the authority, in writing, the procedures for inspection and monitoring of the development by the authority to ensure compliance with these standards, and shall thereafter comply with the agreed procedures during the construction of the overall development. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable construction standard.

9. The open spaces shall be developed for, and devoted to, public use and shall be kept free of any development. When the development is being taken in charge, the public areas including open spaces that have been designated for taking in charge shall be vested in the planning authority, at no cost to the authority.

Reason: In order to ensure the proper development of the public open space areas, and their continued use for this purpose.

K. Boyle

Name: Kevin Boyle
Position: Executive Planner
Date: 18/2/09

Helen Quinn
SEP
23/02/2009

Clare County Council
Viewing Purposes

8. The development hereby permitted shall be carried out and completed at least to the construction standards set out in The planning authority's Taking in Charge Policy and the Recommendations for Site Development Works for Housing Areas 1998. Prior to commencement of development, the developer shall agree with the authority, in writing, the procedures for inspection and monitoring of the development by the authority to ensure compliance with these standards, and shall thereafter comply with the agreed procedures during the construction of the overall development. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

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Name: Kevin Boyle
Position: Executive Planner
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