

Clare County Council
Aras Contae an Chlair
New Road
Ennis
Co Clare

15/11/2019 14:22:46

Receipt No. : L1CASH/0/295315
REPRINT

BRIAN BARRY
C/O MICHAEL DUFFY
1 CLOS NA HEAGLAISE
KILFENORA
CO. CLARE

SECTION 5 REFERENCES		
GOODS	80.00	80.00
VAT Exempt/Non-vatable		

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

Change : 0.00

Issued By : L1 CASH - DEIRDRE FRENCH
From : MAIN CASH OFFICE LODGEMENT AREA
Vat reg No.0033043E

P07

R19-62

CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DXP2

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



Comhairle Contae an Chláir
Clare County Council

15 NOV 2019

AR

Received
Planning Section

REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))

FEE: €80

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

1. CORRESPONDENCE DETAILS.

(a) Name and Address of person seeking the declaration	Brian Barry
	Main Street, Clarecastle, Co. Clare.
(b) Telephone No.:	
(c) Email Address:	<i>duffycivileng@gmail.com</i>
(d) Agent's Name and address:	Michael Duffy BE CEeng MIEI
	1 Clós na hEaglaise, Kilfenora, Co. Clare.

2. DETAILS REGARDING DECLARATION BEING SOUGHT

(a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT
Note: only works listed and described under this section will be assessed.

Sample Question: *Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?*

Is the 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 exempt development?

(b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.

The significant additional loading 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.

(c) List of plans, drawings etc. submitted with this request for a declaration:
(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)

Irish Water Engineers Report; 3 No. A4 drawings of route.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT

(a) Postal Address of the Property/Site/Building for which the declaration sought:	Clarecastle to Clareabbey, Ennis, Co. Clare.
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	No
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	Brian Barry owns land through which it is proposed to construct this sewer.
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	N/A
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Yes
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	No
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	No
(h) Date on which 'works' in question were completed/are likely to take place:	Not known.

SIGNED: Michael Puffy Agent.DATE: 15th November 2019

GUIDANCE NOTES

This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority

- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

FOR OFFICE USE ONLY

Date Received:	Fee Paid:
Date Acknowledged:	Reference No.:
Date Declaration made:	CEO No.:
Decision:	

COMPULSORY ACQUISITION OF LANDS AND RIGHTS OVER LAND

IRISH WATER COMPULSORY PURCHASE (Clarecastle Sewerage Scheme) ORDER, 2018

ENGINEERS REPORT

To: Managing Director, Irish Water

Date: 10 December 2018

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Purpose of Report and Documents Enclosed

1. The purpose of this report is to recommend to the Managing Director the making of the proposed Irish Water Compulsory Purchase (Clarecastle Sewerage Scheme) Order, 2018.
2. The Order is required for the purposes of Irish Water's advancing the Clarecastle Sewerage Scheme ("the Project") which is included in which is included in the Irish Water's Capital Investment Plan.

The Functions of Irish Water

3. On 1st January 2014 all functions conferred on water services authorities by the Water Services Act 2007 (other than excluded provision and section 22) were transferred to Irish Water by section 7(1) of the Water Services (No 2) Act 2013. Consequently, Irish Water has powers, duties and functions vested in it by the Water Services Act, 2007 to make proper provision for water services as defined in the Water Services Act, 2007. In this regard, Irish Water is responsible for the provision and development of water services, including the collection, treatment and discharge of urban wastewater. I confirm that the transferred functions include all functions necessary to Irish Water's adoption and carrying into effect of the Clarecastle Sewerage Scheme project and to the proposed Compulsory Purchase Order.
4. As a Water Services Authority, Irish Water has under Sections 31 and 32 of the Water Services Act, 2007, powers and function to provide water services including but not limited to the provision, operation or maintenance of sewers and waste water collection and treatment facilities, the construction or maintenance, or arrangement for the construction and maintenance of, water works, or waste water works and the purchasing or obtaining premises or wayleaves that are necessary to fulfil its functions under the Water Services Act, 2007.

The Community Need underlying the Scheme

The Existing Situation & the Need for the Scheme

5. The existing sewer network in Clarecastle, Co Clare mainly comprises of a combined sewerage network which discharges to the Quay Road Pump Station to the south of Clarecastle village. From here, untreated wastewater is pumped to an outfall to the River Fergus.

The EPA Report *Focus on Wastewater Treatment in Ireland 2013*, identified and listed a total of 44no. primarily coastal agglomerations in Ireland as having no or preliminary treatment only. These locations were incorporated by Irish Water into a nationwide UnTreated Agglomeration Study (UTAS) of agglomerations where untreated sewerage is discharged to coastal receiving waters, either directly from sewer network outfalls, or via septic holding tanks where there the level of treatment provided is negligible.

Clarecastle has been identified as a coastal agglomeration in Ireland as having no or preliminary treatment only. Under the umbrella of the UTAS programme, Irish Water is committed to providing appropriate wastewater treatment in the agglomeration, to comply with appropriate discharge consents whilst providing sufficient capacity to cater for the expected growth in population equivalent loading.

Description of the Scheme & Public Interest

6. Generally, the scheme involves the provision of wastewater treatment for the Clarecastle agglomeration through the development of a new rising main connection from the Quay Road Pump Station to the existing Clareabbey WasteWater Treatment Plant, located to the north of Clarecastle. The scheme consists of the following:

- Upgrade existing MEICA equipment to Quay Road Pump Station,
- 2.07km of 203mm dia rising main inclusive of fittings between the existing Quay Road Pump Station and the existing Clareabbey Wastewater Treatment Plant.

7. The main objectives of the project are as follows:

- Provision of sufficient treatment to consistently meet the required discharge standards,
- Provision of adequate capacity to facilitate the planned development and growth of the Clarecastle agglomeration, as forecasted within the Conceptual Design Report.
- Cessation of the current, unacceptable practice of the discharge of untreated wastewater to the River Fergus by:
 - Upgrade the existing Quay Road Pump Station to cater for Formula A flows,
 - Construct new rising main to connect Quay Road Pump Station to Clareabbey Waste Water Treatment Plant

History of Scheme Development and Statutory Processes

8. Clarecastle has currently been identified as a coastal agglomeration in Ireland as having no or preliminary treatment only. Under the UTAS programme, Irish Water is committed to providing appropriate wastewater treatment for the agglomeration, to comply with appropriate discharge consents whilst providing sufficient capacity to cater for the expected growth in population equivalent loading. A Concept Design Report by Aecom Jennings O'Donovan, dated November 2016, identified a proposed solution to provide for wastewater treatment to the Clarecastle agglomeration. The Clarecastle Sewerage Scheme project is required to comply with the Urban Wastewater Treatment Directive. To achieve this objective, it is necessary to discontinue the existing use of the Quay Road Pump Station, which currently discharges untreated wastewater to the River Fergus. New infrastructure is required to connect the Quay Road Pump Station to the existing Clareabbey Wastewater

Treatment Plant, where the wastewater will undergo secondary treatment prior to discharge to the River Fergus.

The Need for these Lands and the Need to acquire them Compulsorily

9. To facilitate the construction of elements of the scheme, namely rising mains. During the preliminary specimen design process a number of pipe route options were identified and assessed with the recommended option requiring the acquisition of permanent wayleaves, temporary working areas and rights of way through lands in both public and private ownership. The route identification, assessment and recommendation process are set out in the attached Route Appraisal Report of RPS Consulting Engineers dated December 2018.

10. The wayleaves, temporary working areas and rights of way required for the Clarecastle Sewerage Scheme to be included in the proposed Compulsory Purchase Order are described in the schedules to the enclosed draft "Irish Water Compulsory Purchase Order (Clarecastle Sewerage Scheme) 2018" and are depicted in the following proposed Compulsory Purchase Order Drawings:

- IW/10015223/CPO/0001

11. Attempts have been made, in the period from April 2018 to date, to acquire permanent wayleaves, temporary working areas and Rights of Ways by agreement. However this proved not to be possible for the following reasons:

- Landowners were unwilling to engage with Clare County Council's/Irish Water's wayleave requests.

12. When it was determined, due to the reasons outlined above, that it would not be possible to acquire these permanent wayleaves, temporary working areas and Rights of Ways by agreement, it was decided to seek a Compulsory Purchase Order.

Planning

13. Planning permission has not been sought for the rising main as these works items are included as exempted development for Irish Water under the Planning and Development (Amendment) (No. 2) Regulations 2017.

Resources and Alternatives Considered

14. I am satisfied that sufficient resources are available to finance the proposed acquisition of these permanent wayleaves, rights of way and temporary working areas and the implementation of the Clarecastle Sewerage Scheme project.

15. An outline of the alternatives includes:

- Alternative Route Option 1 – similar to the proposed route, however the final 0.77km of the rising main connection follows the route of an existing, narrow laneway in multiple third-party ownership. This route would require extensive construction works on this laneway, which would impact directly on the accessibility to properties located along it for all third-party owners, and also for access to the Clareabbey WasteWater Treatment Plant.
- Alternative Route Option 3 – this route option consists of a route corridor for the rising main provided adjacent to the western bank of the River Fergus. This route corridor is located within the Lower River Shannon Special Area of Conservation, which increases environmental risk. It is also adjacent to embankments constructed by the Office of Public Works as part of an Arterial Drainage Scheme, which increases flood risk.

16. I am satisfied that all reasonable alternatives as outlined above and in the attached Route Appraisal Report of RPS Consulting Engineers dated December 2018 have been fully considered and are not demonstrably preferable and that these permanent wayleaves, rights of way and temporary working areas are necessary for the Clarecastle Sewerage Scheme, are suitable for the purpose for which they are required.

Regulatory Compliance

17. Having consulted with the Irish Water Asset Strategy Unit and taking into account all aspects of the Project I am satisfied that in developing the Project and in proposing this Compulsory Purchase Order full account has been taken of:

- Proper Planning and Sustainable Development
- Protection of Human Health and the Environment - The Project serves the objective of the Urban Waste Water Treatment Directive, which is to protect the environment from the adverse effects of wastewater discharges.
- Directive 2000/60/EC (Water Framework Directive). The Project is designed to assist in facilitating the achievement of water body objectives under the Water Framework Directive with respect to wastewater treatment and effluent discharges.
- Directive 91/271/EEC (The Urban Waste Water Treatment Directive). It sets minimum standards for collection systems, wastewater treatment plants and discharge of treated wastewater back to water bodies
- Water Services Acts 2007-2013. These Acts set out the legislative context in which Irish Water operates. Irish Water's powers and objectives are set out under these Acts and the Project has been designed and will be implemented in line with these powers and objectives.
- The Irish Water Services Strategic Plan. The Project advances and/or is consistent with the following objectives of the Plan - which provides for effective management of waste water, protect and enhance the environment, and support social and economic growth:
 - Meet Customer Expectations;
 - Provide Effective Management of Wastewater;
 - Protect and Enhance the Environment;

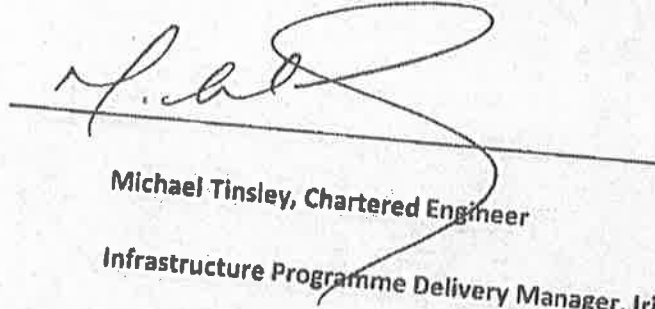
- Support Social and Economic Growth; and
- Invest in Our Future.

Conclusion

18. I am satisfied that all reasonable alternatives have been fully considered and these lands and rights over land are necessary for this scheme and suitable for the purpose for which they are required. I am also satisfied that Irish water requires to invoke the Compulsory Purchase Order procedure for the lands and rights over land required as it is unlikely that all of the foregoing could be required by agreement with the relevant Landowners with full title or otherwise in a timely fashion.
19. Accordingly it is recommended that Irish Water make the Irish Water Compulsory Purchase (Clarecastle Sewerage Scheme) Order, 2018.

Dated this 10th day of December 2018

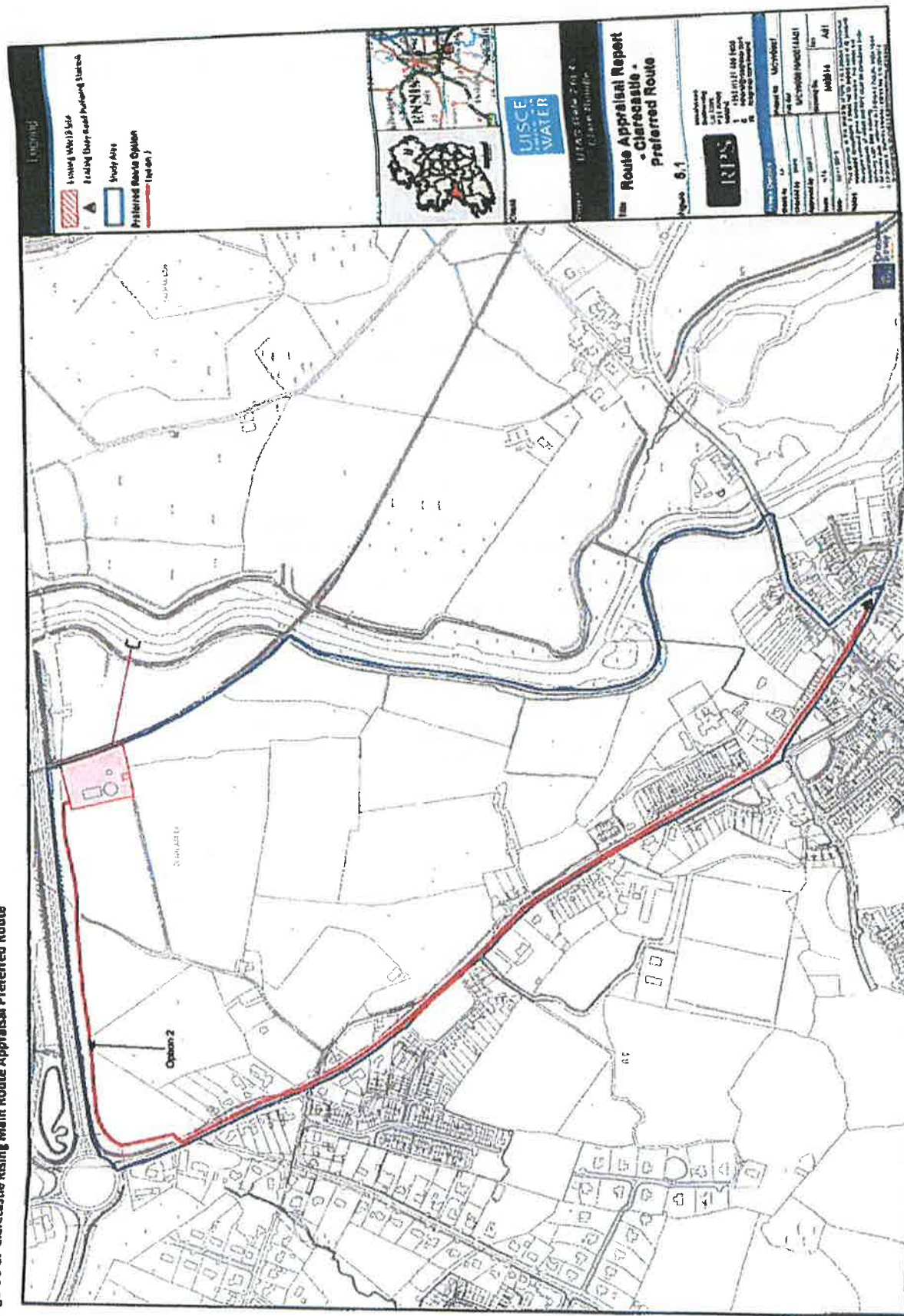
SIGNED:

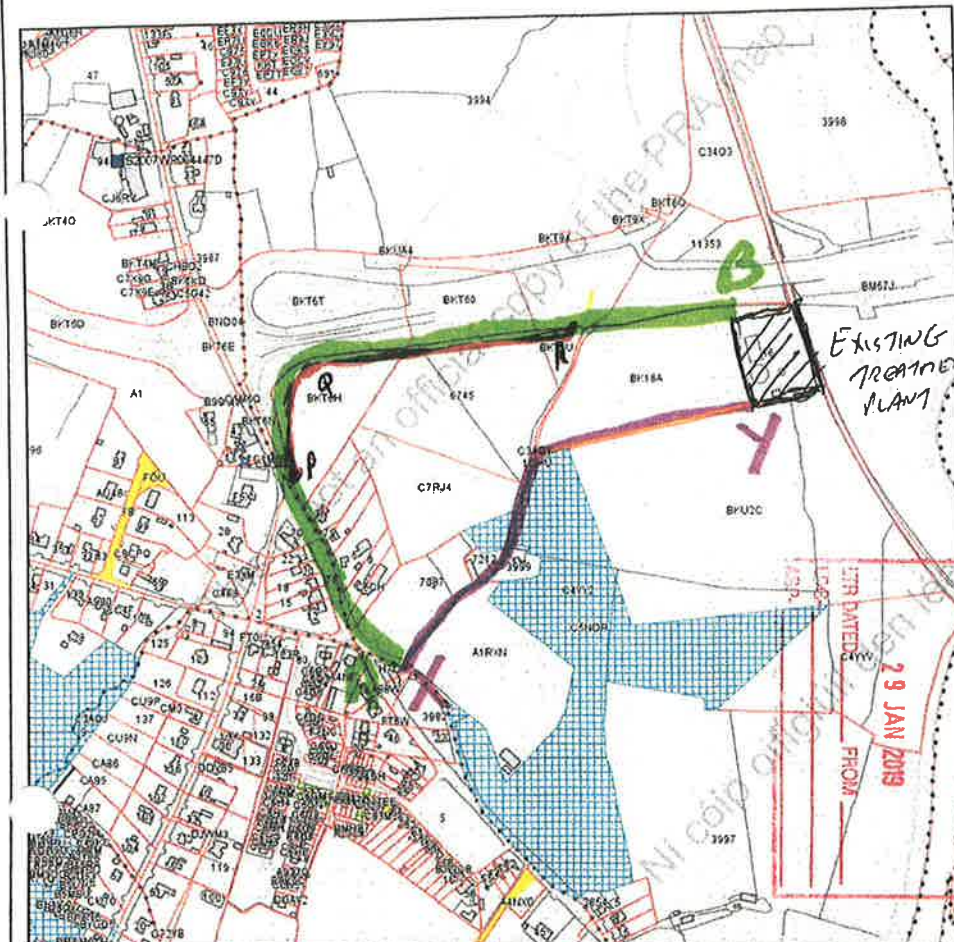


Michael Tinsley, Chartered Engineer

Infrastructure Programme Delivery Manager, Irish Water

Figure 5-1: Clarecastle Rising Main Route Appraisal Preferred Route





The Property Registration Authority An tÚdarás Clárúcháin Maolne



Official Property Registration Map

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale accuracy is limited to that of the original OSI Map Scale.

For details of the terms of use, and limitations as to scale, accuracy and other conditions relating to Land Registry Maps, see www.pra.ie.

This map incorporates Ordnance Survey Ireland (OSI) mapping data under a licence from OSI. Copyright © OSI and Government of Ireland.

(colours/line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold
- 'S' Register

(see Section 8(b)(5) of Registration of Title Act 1964 and Rule 224 & 325 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit

A full list of burdens and their symbology can be found at: www.landtrack.ie

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

Creation Date: 25 January 2019 13:18:49





LEGEND

- PERMANENT ACQUISITION
- PERMANENT RIGHT OF WAY
- PERMANENT EASEMENT
- PERMANENT EASEMENT & PERMANENT RIGHT OF WAY
- TEMPORARY WORKING AREA
- TEMPORARY WORKING AREA & PERMANENT RIGHT OF WAY
- TEMPORARY EASEMENT

SCALE 1:200

Present when the common seal of Irish Water was affixed hereto:

Director
Secretary

Dated this 11th Day of December 2012

Reference	Craneberry Rd	Craneberry Rd
PERMANENT ACQUISITION	100/00152724/0001	100/00152724/0002
PERMANENT RIGHT OF WAY		
PERMANENT EASEMENT		
PERMANENT EASEMENT & PERMANENT RIGHT OF WAY		
TEMPORARY WORKING AREA		
TEMPORARY WORKING AREA & PERMANENT RIGHT OF WAY		
TEMPORARY EASEMENT		

IRISH WATER COMPULSORY PURCHASE (CLARECASTLE SEWERAGE SCHEME) ORDER, 2018

COMPULSORY PURCHASE ORDER

PLAN OF AREA OF WORK

SHEET 1 OF 1

WAYLEAVE DETAILS

Width of Roadway (Yellow) - 10m Min
Width of Permanent Right of Way (Green) - 10m
Temporary Working Strip (Green)



REV	DATE	BY	APP	CHK
1	03/11/18	PS	JMR	CMC





COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

R17131568221E

Registered Post

**Brian Barry
C/o Michael Duffy
1 Clos na hEaglaise
Kilfenora
Co. Clare**

Date: 11th December 2019

**Section 5 referral Reference R19-62 the name of Brian Barry
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.**

A Chara,

I refer to your application received on 15th November 2019 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

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.

Mise, le meas,

**Thomas Hogan
Senior Staff Officer
Planning Department
Economic Development Directorate**

**An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2**

**Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2**





Registered Post

COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Joseph Kennedy
Irish Water HQ Offices
Planning Notifications
Coleville House
24-26 Talbot Street
Dublin 1

R217131568191E

Date: 11th December 2019

**Section 5 referral Reference R19-62 the name of Brian Barry
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.**

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.

Mise, le meas,

Thomas Hogan
Senior Staff Officer
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúirtheoireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



**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:	12 th 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 through 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.

- (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.

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 .

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 (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>) [6410] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349] <i>Lutra lutra</i> (Otter) [1355]	Adjacent
River Shannon & River Fergus Estuaries	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Whooper Swan (<i>Cygnus cygnus</i>) [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 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 (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Scaup (<i>Aythya marila</i>) [A062] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]	

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.	<i>Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?</i>	Yes
2	Impacts on terrestrial habitats and species.	<i>Is the development within 1km of a European site with terrestrial based habitats or species?</i>	Yes
3	Impacts on designated marine habitats and species.	<i>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</i>	No
4	Impacts on birds in SPAs	<i>Is the development within 1km of a Special Protection Area</i>	Yes
5	Indirect effects	<i>Is the development, in combination with other existing or proposed developments likely to impact</i>	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 or 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)) or 2 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?	
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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. <i>Please answer the following if the answer to question 1 in table 2 was "yes" or "unknown".</i> 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 <i>Please answer the following if the answer to question 5 in table 2 was yes.</i> <i>Does the development involve any of the following:</i>	
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.

(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 2010⁵	
Completed By	John O'Sullivan
Date	10 th 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.



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Brian Barry
C/o Michael Duffy
1 Clos na hEaglaise
Kilfenora
Co. Clare

15th November 2019

**Section 5 referral Reference R19-62 the name of Brian Barry
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.**

A Chara,

I refer to your application received on 15th November 2019 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

Annette Ryan
Clerical Officer
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



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**DECLARATION ISSUED UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

Reference No.: R19-39



**Comhairle Contae an Chláir
Clare County Council**

**Section 5 referral Reference R19-39 in the name of Brian Barry
Whether the Installation of a rising main sewer transporting raw sewage from
Clarecastle to Clareabbey WWTP at Clareabbey, Clarecastle, Co. Clare, is or is not
development and is or is not exempted development.**

AND WHEREAS, Brian Barry has requested a declaration from Clare County Council on the said question.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular 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 has concluded that –

- (i) The installation of a rising main sewer transporting raw sewerage from Clarecastle to the Clareabbey waste water treatment plant at Clareabbey, Clarecastle, Co. Clare 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: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

the installation of a rising main sewer transporting raw sewage from Clarecastle to the Clareabbey waste water treatment plant at Clareabbey, Clarecastle, Co. Clare, constitutes development which is exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

Anne Hehir

ff

Thomas Hogan
Senior Staff Officer
Planning Department
Economic Development Directorate

19th September 2019

Valerie O'Brien

R19-62

From: Olwyn James [ojames@water.ie]
Sent: 02 January 2020 16:25
To: planoff
Subject: S5 referral reference R19-62 FAO Thomas Hogan
Attachments: IW response to S5 RefR19-62 020120.docx; MCW096Rp0027P01 Clarecastle AA Screening Report.pdf; MCW0967Rp007P01 Clarecastle EIA Screening Report.pdf; clare county council s5 declaration 0850_001.pdf; R19-39 Planners Report.pdf; Clare County Council S5 letter December 2019.pdf

Good afternoon,

Please find attached Irish Water's response to Clare County Council's letter dated 11th December 2019 in respect of a Section 5 application made by Mr. Brian Barry Reference R19-62.

A hard copy will follow by registered post.

Should you have any further questions please do not hesitate to contact me.

Kind regards,


Olwyn

Olwyn James
Project Planning Manager
Asset Delivery

Irish Water

Colville House| Talbot St.| Dublin 1

T: 01 8925612 M: 087 6284510 E: ojames@water.ie

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Thank you for your attention.

Tá an fhaisnéis á seachadadh dírithe ar an duine nó ar an eintiteas chuig a bhfuil sí seolta amháin agus féadfar ábhar faoi rún, faoi phribhléid nó ábhar atá íogair ó thaobh tráchtála de a bheith mar chuid de. Tá aon athsheachadadh nó scaipeadh den fhaisnéis, aon athbhreithniú ar nó aon úsáid eile a bhaint as, nó aon ghníomh a dhéantar ag brath ar an bhfaisnéis seo ag daoine nó ag eintitis nach dóibh siúd an fhaisnéis seo, toirimisce the agus féadfar é a bheith neamhdhleathach. Níl Uisce Éireann faoi dhliteanas maidir le seachadadh iomlán agus ceart na faisnéise sa chumarsáid seo nó maidir le haon mhoill a bhaineann léi. Ní ghlacann Uisce Éireann le haon dliteanas faoi ghnímh nó faoi iarmhairtí bunaithe ar úsáid thoirmisce the na faisnéise seo. Níl Uisce Éireann faoi dhliteanas maidir le seachadadh ceart agus iomlán na faisnéise sa chumarsáid seo nó maidir le haon mhoill a bhaineann léi. Má fuair tú an teachtaireacht seo in earráid, más é do thoil é, déan teagmháil leis an seoltóir agus scríos an t-ábhar ó gach aon ríomhaire. Féadfar ríomhphost a bheith soghabhálach i leith truaillithe, idircheaptha agus i leith leasaithe neamhúdaraíthe. Ní ghlacann Uisce Éireann le haon fhreagracht as athruithe nó as idircheapadh a rinneadh ar an ríomhphost seo i ndiaidh é a sheoladh nó as aon dochar do chórais na bhfaighteoirí déanta ag an teachtaireacht seo nó ag a ceangaltáin. Más é do thoil é, tabhair faoi deara chomh maith go bhféadfar monatóireacht a dhéanamh ar theachtairachtaí chuig nó ó Uisce Éireann chun comhlíonadh le polasaithe agus le caighdeáin Uisce Éireann a chinntiú agus chun ár ngnó a chosaint. Fochuideachta gníomhaíochta de chuid Ervia is ea Uisce Éireann atá faoi theorainn scaireanna, de bhun fhorálacha an tAcht um Sheirbhísí Uisce 2013, a bhfuil a bpríomh ionad gnó ag 24-26 Teach Colvill, Sráid na Talbóide, BÁC 1.

Go raibh maith agat as d'aird a thabhairt.

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.*

- *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'.*

no lnd - lnd

Assessment

It is noted that the requirement for AA and for a mandatory EIAR or subthreshold 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, overhead 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 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**

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 Coey
E.P.

Date 17-09-19.

Signed [Signature]
E.P. [Signature]

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	

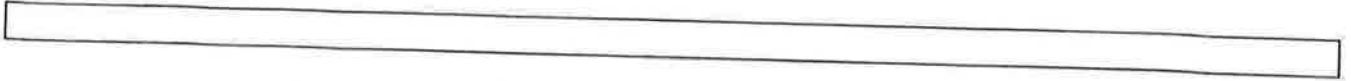


Table 2: Identification of European sites which may be impacted by the proposed development.

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	<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>☐ Estuaries [1130]</p> <p>☐ Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>☐ *Coastal lagoons [1150]</p> <p>☐ Large shallow inlets and bays [1160]</p> <p>☐ Reefs [1170]</p> <p>☐ Perennial vegetation of stony banks [1220]</p> <p>☐ Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>☐ <i>Salicornia</i> and other annuals colonizing mud and sand [1310]</p> <p>☐ Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>☐ Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>☐ <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>☐ *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-</p>	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)
	<p><i>Padion, Alnion incanae, Salicion albae</i> [91E0]</p> <p>Annex II species:</p> <p>☑ Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> [1029]</p> <p>☑ Sea Lamprey <i>Petromyzon marinus</i> [1095]</p> <p>☑ Brook Lamprey <i>Lampetra planeri</i> [1096]</p> <p>☑ River Lamprey <i>Lampetra fluviatilis</i> [1099]</p> <p>☑ Atlantic Salmon <i>Salmo salar</i> (only in fresh water) [1106]</p> <p>☑ Bottlenose Dolphin <i>Tursiops truncatus</i> [1349]</p> <p>☑ Otter <i>Lutra lutra</i> [1355]</p>	
River Shannon and River Fergus Estuaries SPA (004077)	<p>Cormorant <i>Phalacrocorax carbo</i> [A017] breeding + wintering</p> <p>☑ Whooper Swan <i>Cygnus cygnus</i> [A038] wintering</p> <p>☑ Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A046] wintering</p> <p>☑ Shelduck <i>Tadorna tadorna</i> [A048] wintering</p> <p>☑ Wigeon <i>Anas penelope</i> [A050] wintering</p> <p>☑ Teal <i>Anas crecca</i> [A052] wintering</p> <p>☑ Pintail <i>Anas acuta</i> [A054] wintering</p> <p>☑ Shoveler <i>Anas clypeata</i> [A056] wintering</p> <p>☑ Scaup <i>Aythya marila</i> [A062] wintering</p> <p>☑ Ringed Plover <i>Charadrius hiaticula</i> [A137] wintering</p> <p>☑ Golden Plover <i>Pluvialis apricaria</i> [A140] wintering</p> <p>☑ Grey Plover <i>Pluvialis squatarola</i> [A141] wintering</p> <p>☑ Lapwing <i>Vanellus vanellus</i> [A142] wintering</p> <p>☑ Knot <i>Calidris canutus</i> [A143]</p>	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 <input checked="" type="checkbox"/> Dunlin <i>Calidris alpina</i> [A149] wintering <input checked="" type="checkbox"/> Black-tailed Godwit <i>Limosa limosa</i> [A156] wintering <input checked="" type="checkbox"/> Bar-tailed Godwit <i>Limosa lapponica</i> [A157] wintering <input checked="" type="checkbox"/> Curlew <i>Numenius arquata</i> [A160] wintering <input checked="" type="checkbox"/> Redshank <i>Tringa totanus</i> [A162] wintering <input checked="" type="checkbox"/> Greenshank <i>Tringa nebularia</i>	

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:

- 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. <i>Please answer the following if the answer to question 1 in table 2 was "yes" or "unknown".</i> <i>Does the development involve any of the following:</i>	
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.cframes.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. <i>Please answer the following if the answer to question 2 in table 2 was yes.</i> <i>Does the development involve any of the following:</i>	
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. <i>Please answer the following if the answer to question 3 in table 2 was yes.</i> <i>Does the development involve any of the following:</i>	
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 <i>Please answer the following if the answer to question 5 in table 2 was yes.</i> <i>Does the development involve any of the following:</i>	
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/ 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).	
<p>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.</p> <p>If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?</p> <p>I.W. has submitted the AA screening report and EIA screening report prepared for proposed development.</p> <p>No potential negative impact are envisaged.</p> <p>The report received from the E.A.O. 12th inst. advises that:</p> <ul style="list-style-type: none"> • 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. • 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	

<ul style="list-style-type: none"> - 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 Sites³	There is no significant effects to European sites
(g) The potential for significant effects to European Site(s) cannot be ruled out⁴	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 2010⁵	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

Completed By	Ellen Carey
Date	13 th 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.

Thomas Horgan
Senior Staff Officer
Planning Department
Economic Development Directorate
Clare County Council
Áras Contae an Chláir
New Road
Ennis
Co. Clare

Uisce Éireann
Bosca OP 448
Oifig Sheachadta na
Cathrach Theas
Cathair Chorcaí

Irish Water
PO Box 448,
South City
Delivery Office
Cork City.

www.water.ie

02nd January 2020

RE: Section 5 R19-62 Development at Clareabbey, Clarecastle Co. Clare

Dear Mr. Horgan,

Irish Water is in receipt of a request by Clare County Council ("CCC") in a letter dated 11th December 2019 to comment on a Section 5 Declaration on Development and Exempted Development (Ref. R19-62) made by Mr. Brian Barry, Main Street, Clarecastle, Co. Clare.

For background information, please note that Clarecastle has been identified as a coastal agglomeration where there is currently no wastewater 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. Irish Water proposes to construct a c. 2km c.203mm diameter rising main to convey untreated wastewater from Quay Road Pump Station in Clarecastle to the existing Clareabbey Waste Water Treatment Plant.

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 licence for the Clareabbey agglomeration is for the range 2,001 – 10,000 p.e. A licence review is a matter for the Environmental Protection Agency (EPA).

Irish Water published its intention to CPO lands required to construct the rising main on 18th December 2018. An Bord Pleanála held an Oral Hearing on April 9th and confirmed the CPO on 22nd May 2019. Irish Water published notice of the CPO confirmation on 5th July 2019.

To clarify, Irish Water has not yet commenced the construction of the rising main, but does intend to do so.

Two section 5 references have been made by the applicant, Brian Barry, to Clare County Council ("CCC") in relation to the same proposed development, i.e. Irish Water's proposal to install a sewer to transport wastewater from Clarecastle for treatment at the Clareabbey WWTP.

The first section 5 from the applicant (reference R19-39) was made in July 2019. It asked the following question:

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

On 23rd August 2019 Irish Water submitted a robust response to this question including EIA and AA screening reports. CCC and its planner considered the details and particulars submitted with the (i) referral application and (ii) Irish Waters response. It also considered the relevant sections of the Planning and Development Act 2000 – 2019 (the "Planning Act") and the Planning and Development Regulations 2001 – 2019 (the "Planning Regulations") and, on 19th September 2019, determined that the proposed works were considered to be exempted development.

In or around 11th December 2019, the applicant made another section 5 referral (reference R19-62). This section 5 reference asks the following question:

"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."

The applicant has rephrased its original question and added "and which discharges to waters in and/or connected to European Sites from Clarecastle to Clareabbey..". The AA screening report submitted by Irish Water in August 2019 contained detailed information on any potential impacts on nearby European Sites and CCC undertook a robust screening assessment (as per the

planners report) and determined that no AA was required. Therefore, 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 December 2019 from CCC says "*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 to this we would point to sections 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.

In addition, Section 5(3)(a) of the Planning Act provides the right to appeal the decision of the planning authority to An Bord Pleanála (the "Board"). The applicant did not appeal CCC's decision and instead has sought another section 5 declaration for the same development and simply rephrased the question. We acknowledge that 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 have not changed in the period between CCC's decision on 19th September 2019 and the second referral made in or around 11th December 2019. In addition, the latter referral has raised no issues that have not already been addressed by Irish Water and considered by CCC. A section 5 declaration forms part of the planning history of the site and will be included on the planning register. It is fair to take the view that an extant, unchallenged and final determination should be able to stand and not be open to continued question. Irish Water would welcome a level of clarity and finality in this regard. Irish Water submit that it is impractical and unfair to allow continued references for the same development, particularly in circumstances where the applicant failed to follow statutory procedures in appealing the decision in the first instance.

An EIA Screening and AA Screening are attached, together with a copy of Clare County Council's S.5 Declaration (dated 19th September 2019) and Planner's Report (dated 13th September 2019) for your convenience.

Should you require any further information please do not hesitate to contact me.

Kind regards,

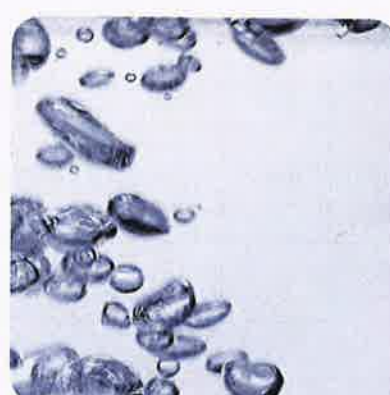
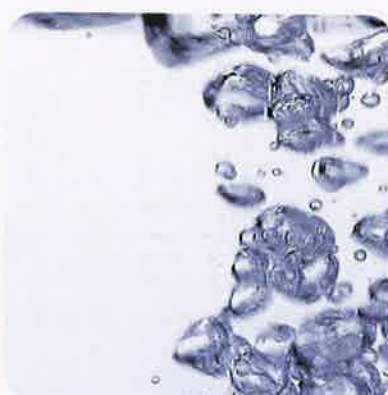
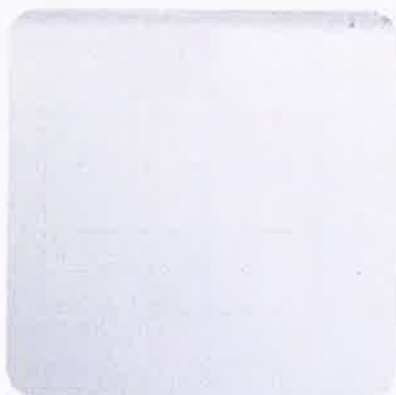
Olwyn James
Olwyn James
Project Planning Manager

RPS

Clarecastle Sewerage Scheme

Environmental Impact Assessment Screening Report

August, 2019










Clarecastle Sewerage Scheme

Environmental Impact Assessment Screening Report

Document Control Sheet

Client:	Irish Water		
Project Title:	Clarecastle Sewerage Scheme		
Document Title:	Environmental Impact Assessment Screening Report		
Document No:	MCW0967Rp007P01		

Text Pages:	28	Appendices:	1
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P01	With Section 5 Referral	23 rd August 2019	KD AF	 	AF MB	 	GMcG	

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1 INTRODUCTION

This Environmental Assessment Screening report has been prepared by RPS on behalf of Irish Water (IW) to determine if EIA is required in respect of proposed works to be undertaken by IW at Clarecastle Co. Clare. The works comprise the upgrading of pumps at an existing pumping station, the laying of a proposed 2,070m wastewater rising main and connection to an existing wastewater treatment plant.

The recommended solution for the Clarecastle agglomeration is described below in **Section 2.2** and depicted in **Figure 2-1** and is the subject of this EIA Screening. Site visits were conducted by RPS on the 26th of September 2017 and the 25th of June 2018.

1.1 PURPOSE OF EIA SCREENING

The EIA screening process ascertains whether a development requires EIA and is determined by reference to mandatory and discretionary provisions as set out within the Planning and Development Act, 2000 (as amended), hereafter referred to as 'the Act', which has transposed relevant provisions of the EU EIA Directive (the codified Directive 2011/92/EU, as amended by Directive 2014/52/EU). The EIA process assesses certain developments for likely environmental effects before planning permission can be granted.

The initial consideration in determining whether a development should be subject to EIA is whether or not it is a class of development specified under Schedule 5 of the Planning and Development Regulations 2001-2019, and if it is of a threshold specified. Thereafter, in the case of a sub-threshold development, consideration must be given to the likelihood that the proposed development would result in significant environmental effects. Significant effects may arise by virtue of the nature of the proposed development, its scale or extent and its location in relation to the characteristics of the receiving area, in particularly sensitive environments.

In interpreting which projects are likely to have significant environmental effects, the EIA Directive lists projects for which an EIA is mandatory (Annex I) and projects for which EIA may be required (Annex II). With regard to Annex II projects, Member States can choose to apply thresholds or use case by case examination or a combination of both to assess whether these projects require EIA. In Ireland, a combination of both is used.

2 EXISTING SITUATION AND PROPOSED DEVELOPMENT

2.1 SITE LOCATION

The village of Clarecastle where the development is proposed is located on the R458 immediately south of the town of Ennis in Co. Clare. The nearest towns other than Ennis are Shannon (12km south east) and Limerick (20km south east). The village of Clarecastle has experienced significant population growth in recent years due to its proximity to the regional service town of Ennis. The location and general extent of this overall study area can be seen in **Figure 2-1** below.

The proposed works are located within the Ennis Settlement Boundary as set out in *Clare County Development Plan 2017-2023: Ennis Municipal District Written Statement & Settlement Plans*.

Legend

- Existing Pumping Station
- Existing Outfalls
- Existing Combined Sewer
- Clonsilla WWTP
- Proposed Rising Main

Study Area

Title

Project Information

Client	Irish Water
Project Name	Clonsilla WWTP New Build
Project No.	10000000000000000000
Project Date	10/10/2020
Project Status	10/10/2020
Project Manager	10/10/2020
Project Engineer	10/10/2020
Project Designer	10/10/2020
Project Checker	10/10/2020
Project Approver	10/10/2020
Project Sign-off	10/10/2020
Project Review	10/10/2020
Project Approval	10/10/2020
Project Completion	10/10/2020

Fig. 1.1

Scale

0 300 600 Metres

North Arrow

Map Information

Map No. 10000000000000000000

Map Date 10/10/2020

Map Status 10/10/2020

Map Manager 10/10/2020

Map Engineer 10/10/2020

Map Designer 10/10/2020

Map Checker 10/10/2020

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Map Legend

- Existing Pumping Station
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- Clonsilla WWTP
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Map Fig. 1.1

Map Scale

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Map North Arrow

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Project Sign-off	10/10/2020
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Project Approval	10/10/2020
Project Completion	10/10/2020

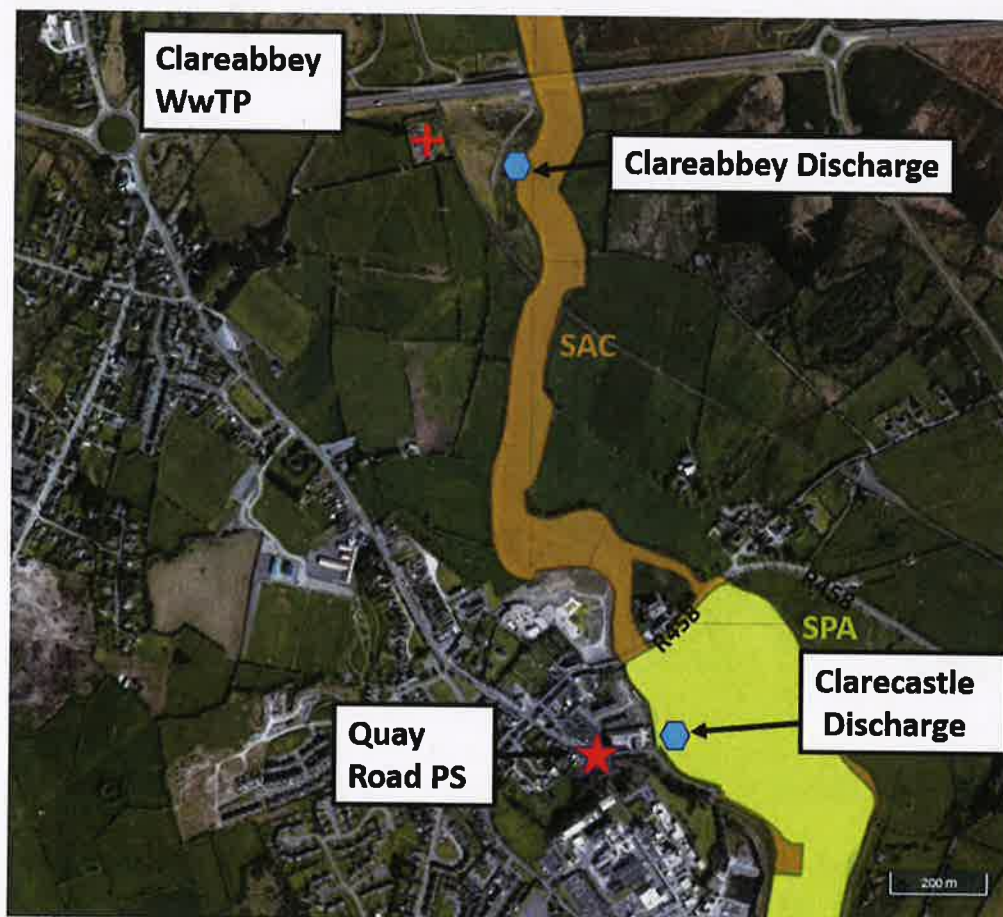
2.2 EXISTING WASTEWATER TREATMENT

Currently, sewage entering the agglomeration network is conveyed to the Quay Road Pumping Station (PS) located in the southeast of the village as seen in **Figure 2-2**, before being discharged without treatment to the middle of the River Fergus, approximately 250m downstream from the PS.

The Quay Road PS receives flow from the combined collection system and discharges to the outfall on the River Fergus. This estuarine part of the River Fergus forms part of the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. The PS currently contains two dry well submersible pumps and two shaft driven pumps. The two shaft driven dry well pumps are in a poor condition and they are currently not in service.

All pipework within the station is generally in fair condition. Some of the valves and fittings are corroded, resulting in minor leakage and a number of pipe support brackets appear to be corroded. A number of non-return valves and gate valves have been recently replaced. The station is equipped with a standby diesel generator; Olympian Model GE75. The casing is in good condition.

Figure 2-2: Existing Infrastructure at Clarecastle Agglomeration and Clareabbey Agglomeration



The Waste Water Discharge Licence (WWDL) (D0322-01) for the Clarecastle Agglomeration as issued by the Environmental Protection Agency (EPA) on the 21st November 2014 is for a Population Equivalent (PE) of 1,001 to 2,000. It stipulates that the following Emission Limit Values (ELVs) be met:

- 20% reduction in Carbonaceous Biochemical Oxygen Demand (cBOD);
- 50% reduction in Total Suspended Solids (SS), and
- 10% reduction in Total Phosphorus (as P).

Another requirement of the licence is the provision of primary treatment by 31st December 2015. Such treatment, as noted above, is not currently provided at Clarecastle. Therefore, the discharge is operating outside of the conditions of the licence.

There is an existing wastewater treatment plant (WwTP), at Clareabbey immediately to the north of Clarecastle as seen in **Figure 2-2**. This WwTP constructed in 1982 currently serves Ennis East and Ennis South and provides secondary treatment. The WWDL D0199-01 as issued on the 17th February 2012 for the Clareabbey WwTP to discharge to the River Fergus is for a 6,000PE. According to figures provided by IW for Clareabbey WwTP, the current connected loading (Organic Capacity) is 4,680PE. The plant therefore currently has a spare capacity of approximately 1,320PE. The WWDL for the Clareabbey WwTP requires the following ELVs in **Table 2-1** below to be met:

Table 2-1: Clareabbey Agglomeration Licence Discharges – Emission Limit Values

Clareabbey	BOD (mg/l)2	COD (mg/l)2	TSS (mg/l)2	Total P (mg/l)
WWDL ELV (Schedule A)	25	125	35	2

2.3 EXISTING ENVIRONMENTAL CONDITIONS OF RECEIVING WATER

The existing Clareabbey WwTP outfall is to the River Fergus just upstream of the Fergus estuary as seen in **Figure 2-2**. A search of the EPA records for water quality indicate that the River Fergus near Clarecastle is of 'Poor' status under the Water Framework Directive (WFD)(2000/60/EC).

The section of the River Fergus in the vicinity of the Clareabbey WwTP outfall discharge is located to the north of the tidal barrage on the River Fergus. The River Fergus in this location is impacted by tidal influences. Accordingly, the EPA classifies the water as a transitional water body for the purposes of the discharge licence for Clareabbey WwTP.

The existing Quay Road PS outfall is to the Fergus Estuary which is classed as 'Moderate' status. Both the River Fergus (upstream of the Fergus Estuary) and the Fergus Estuary are 'At Risk' of failing to achieve 'Good' status.

From the AER prepared in 2017 (latest publicly available AER at the time of preparing this EIA Screening Report) for the Clareabbey WWDL, the following is noted:

- The WwTP was non-compliant with the Phosphorus ELV set in the wastewater discharge licence as detailed in Table 2-1 above.
- The discharge from the WwTP does not have an observable negative impact on the water quality.
- The discharge from the WwTP has no observable negative impact on the WFD status.

2.4 DESCRIPTION OF PROPOSED WORKS

The proposed works for the Clarecastle Agglomeration comprises the following and can be seen in **Figure 2-3**:

Quay Road PS

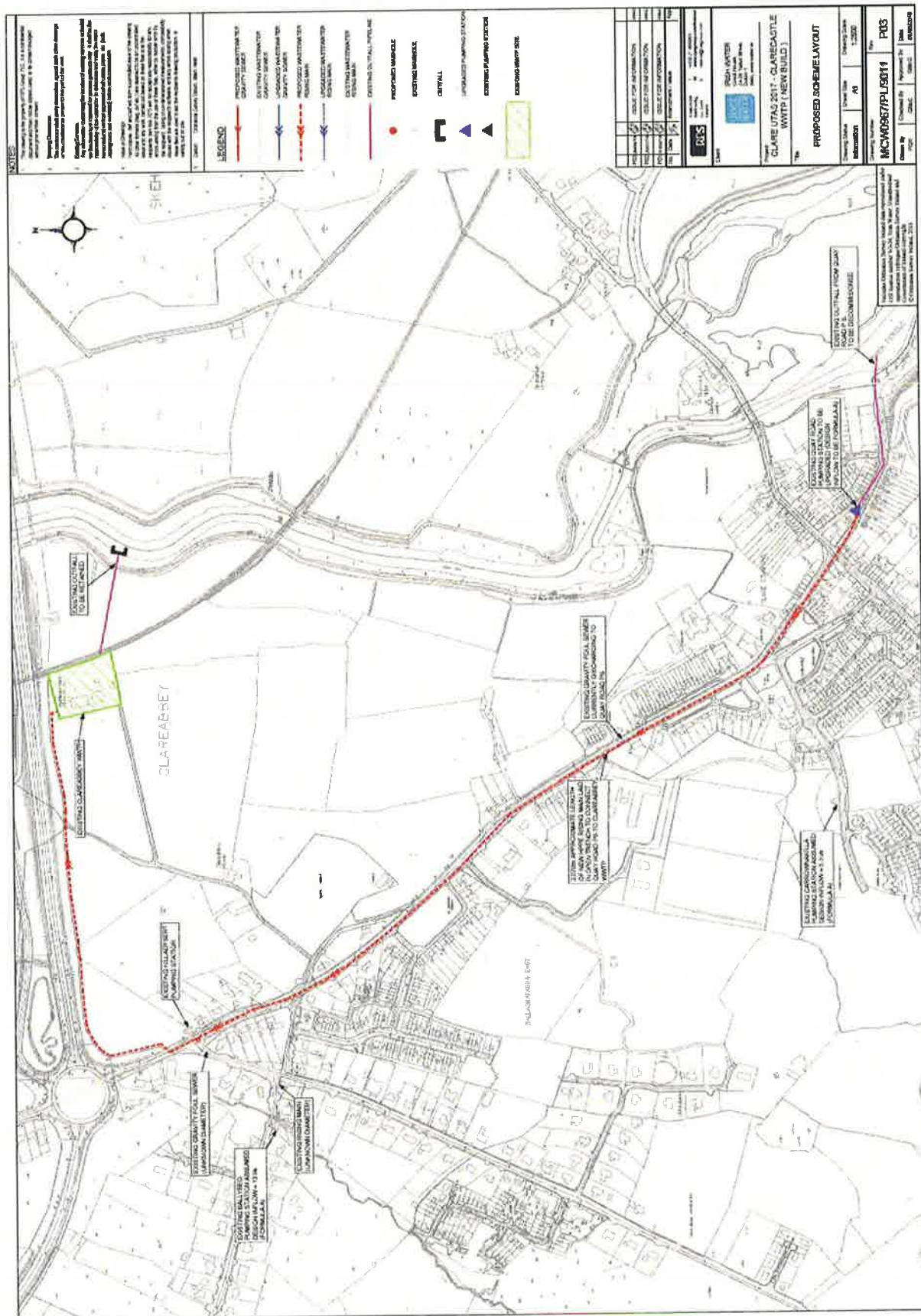
- Upgrade of the existing Quay Road PS by the installation of new duty/standby pumps to replace the 2 No. existing dry well submersible pumps and MEICA (Mechanical, Electrical, Instrumentation, Controls, Automation) plant (if it is possible to upgrade and retain one of the existing pumps, this will be undertaken instead of full replacement); and
- The new pumps will have variable speed drives to allow for the conveyance of the Formula 'A'¹ flows to the existing Clareabbey WwTP as no storage is provided at the PS.

Pipelines

- Approximately 2,070m of new 255mm ID rising main to convey untreated flow from the upgraded Quay Road PS to the existing Clareabbey WwTP. The initial 1,370m 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 will connect to new inlet works at Clareabbey WwTP; and
- Pipelines will be laid in either road or field/verge.

¹ The minimum overflow setting above which overflows might be permitted is defined as that given by "Formula A". This sets the minimum level at which the wastewater is sufficiently diluted by rainwater so as to avoid pollution of the receiving watercourse when overflowed from the sewer.

Figure 2-3: Proposed Scheme Layout



2.5 CONSTRUCTION DETAILS

2.5.1 Quay Road PS

No excavation works are proposed to the pump station to facilitate the upgrade works to same. The new pumps will be connected to the new rising main at the external perimeter of the wet well. The new instrumentation and control panels will be installed within the existing Quay Road PS to allow for the operation of the PS and to provide detailed telemetry of the functioning of the PS to the operator.

2.5.2 Pipelines

Approximately 2,070m of new 255mm ID rising main will be laid from the Quay Road PS to Clareabbey WwTP. The rising main will be laid approximately 1.2m below existing ground level. Most of the rising main will be laid within existing roads. As the rising main approaches, the Clareabbey WwTP it will traverse through greenfield lands.

As the proposed wastewater upgrade works are to be constructed along public roads, it will be possible to maintain a single carriageway open. Therefore, it is envisaged that a road closure will not be required to facilitate pipe-laying and associated works.

It is envisaged that the pipeline works will commence at the Quay Road PS and continue north towards the Clareabbey WwTP though the order and programme of works will be determined by the Contractor

It is proposed that the rising main will be laid using open cut trench techniques. The proposed works will be divided into zones to best facilitate staged construction. It is expected that this zone can be constructed under a number of phases in the range of 50m to 400m in length, with inter-visibility (where practicable) between flagmen and traffic signals. The works areas will be fenced off to prevent uncontrolled access. The Contractors zoning and fencing works will need to be cognisant of all existing accesses, and it will be a requirement that access is maintained to all properties (residential and business) along the pipeline route.

Within each of these zones, it is envisaged that the trenches would be excavated, pipeline laid, backfilled and road surface reinstated prior to the contractor moving forward onto the next zone. All waste material, such as broken up blacktop, will be removed off site to a licensed facility. Any excavated materials that are deemed adequate for re-use as backfill will be sidecast along the open trench within the site boundary. This material would typically be sidecast for less than 2 days prior to its reuse. Backfill material, such as Clause 503 bedding and Clause 804/806 crushed stone will be imported to the site to reinstate the trench within the roadway. The Contractor may decide to backfill the trench with Cement Bound Material (CBM) in lieu of Clause 804/806. Additionally, the Contractor may decide to reinstate the upper section of the trench in the roadway with lean mix concrete. The reinstatement specification would be determined by the Contractor. Materials will be brought onto the site as they are required, with minimal stockpiling of new materials envisaged.

Where existing footways are within the works area and are affected by road works, a safe temporary pedestrian route shall be provided through the works. It is also preferable to keep any temporary pedestrian route off the roadway. This order of work described above is indicative only at this time. The exact order and programme of works can only be determined by the Contractor following

appointment. It will, however, be an objective and a requirement of the Contractor to minimise disruption to traffic, businesses and properties within the town.

2.5.3 Clareabbey Wastewater Treatment Plant

Minimal works are proposed at the WwTP as part of this development. The works occurring in this area will be the connection of the new rising main from Quay Road PS to inlet works at Clareabbey WwTP as described above.

2.6 POPULATION EQUIVALENT ASSESSMENT

Population assessments as undertaken by IW for both the Clareabbey and Clarecastle agglomerations have identified the design loadings as presented in **Table 2.2**.

Clareabbey Agglomeration

The collected load for the Clareabbey agglomeration delivered to Clareabbey WwTP for treatment is 4,680 Population Equivalent (PE).

Clarecastle Agglomeration

In 2018, the total Clarecastle agglomeration had a load of 1,177PE connected to the existing IW sewer network.

Clareabbey + Clarecastle Combined

As the target date for completion of the transfer of the flows from Clarecastle to Clareabbey WwTP is by end of 2020, the combined Clareabbey + Clarecastle loads should be considered as the immediate future load on Clareabbey WwTP.

Based on the loads above the combined existing load is 5,857PE. Connected loads at Clareabbey and Clarecastle are presented **Table 2-2**.

Table 2-2: Connected Loads at Clareabbey and Clarecastle

	Clareabbey Loads (PE)	Clarecastle Loads (PE)	Clareabbey + Clarecastle Loads (PE)
Total Existing Collected Load	4,680	1,177	5,857

2.6.1 Programme and Phasing of Works

It is estimated that the development will take approximately 6-12 months to construct in total. The likely general order of works will be as follows:

- Upgrade to Quay Road PS; and
- New rising mains to be phased to be constructed during off-season for holidays where possible; Road works to be carried out over short lengths with the existing roadway restricted to one-way traffic only.

It is noted that this programme is indicative only at this time. The exact order and programme of works can only be determined by the Contractor following appointment. It will however be an objective and a requirement of the Contractor to minimise disruption to traffic, businesses and properties within the village.

2.6.2 Working Hours

Normal construction working hours for the development and the concurrent works will be:

- 7am - 7pm, Monday to Friday;
- 7am - 2 pm, Saturday; and
- Sunday - no working.

However, as the pipework element of this development runs through public roadways it is likely that some of these works may need to be undertaken outside of normal construction working hours, during night time hours.

2.6.3 Best Practice Construction Methods during Construction

The works requirements will include a contractual obligation for a Construction Method Statement and Construction Environmental Management Plan (CEMP) to be prepared by the Contractor for the project. This plan will outline best practice construction methodologies to be employed during the works in order to protect the environment. The Contractor shall be required to prepare a detailed Construction Waste Management Plan and Construction Traffic Management Plan. These management plans shall be sub-plans of the CEMP. The Construction Traffic Management Plan will include measures to minimise disruption to any commercial properties and amenities in the vicinity of the works.

2.7 OPERATIONAL MONITORING

Clareabbey WwTP is an operational facility and is currently subject to regular monitoring/inspection and maintenance protocols. This monitoring also provides an opportunity to inspect the condition of the surrounding environment proximal to the proposed works study area. This monitoring is as follows:

- Ensure the efficient operating capacity of the WwTP is not exceeded;
- Conduct discharge monitoring in line with that set out in the proposed new WWDL; and
- Conduct ambient monitoring at the receiving water as set out in the proposed new WWDL.

3 ENVIRONMENTAL IMPACT ASSESSMENT SCREENING

EIA requirements derive from EU Directive 85/337/EEC (as amended by Directives 97/11/EC 2003/35/EC and 2009/31/EC and codified under 2011/92/EU) and further amended under 2014/52/EU (referred to hereafter as the EIA Directive(s)). The EIA Directive relates to the assessment of the effects of certain public and private projects on the environment. The primary objective of the EIA Directive is to ensure that projects which are likely to have 'significant effects' on the environment are subject to an assessment of their likely impacts.

The EIA Directives have been transposed into Irish law by reason of a number of statutory provisions. Key enacting legislation is provided in the Planning and Development Act, 2000 as amended and the Planning and Development Regulations 2001 - 2019.

This screening assessment has regard to the up to date requirements of the Directive, the Planning and Development Acts 2000 - 2019 and the Planning and Development Regulations 2001 - 2019.

3.1 EIA SCREENING PROCESS AND GUIDELINES

Screening is the first stage in the EIA process, whereby a decision is made on whether or not EIA is required. This screening assessment was undertaken with regard to the following legislation and guidance:

- EIA Directives;
- The Planning and Development Acts (2000-2019);
- The Planning and Development Regulations (2001-2019);
- *Environmental Impact Assessment of Projects Guidance on Screening*, European Commission (2017);
- *Environmental Impact Assessment (EIA), Guidance for Consent Authorities regarding Sub-threshold Development* (DoECLG, 2003);
- *Guidelines for Planning Authorities and An Bord Pleanála on Carrying out Environmental Impact Assessment* (DoECLG, 2018);
- *Guidelines on the Information to be contained in Environmental Impact Statements* (EPA, 2002);
- *Advice Notes on Current Practice in the preparation of Environmental Impact Statements* (EPA, 2003);
- *Revised Guidelines on the Information to be contained in Environmental Impact Statements*, Draft September 2017 (EPA, 2017); and
- *Advice Notes for Preparing Environmental Impact Statements'* Draft September 2015 (EPA, 2015).

In August 2018, the Department of Housing Planning and Local Government published *Guidelines for Planning Authorities and An Bord Pleanála on Carrying out Environmental Impact Assessment*. The Guidelines note that screening is the *initial stage in the EIA process and determines whether or not developments are likely to have significant effects on the environment and, as such, require EIA to be carried out*.

The Guidelines also note that the EIA screening exercise initially assesses the development for mandatory EIA using classifications of development specified in the relevant legislation. Where no

mandatory requirement is identified, but where the development is of a class of development specified but of a lower threshold, screening advances to evaluate whether the sub-threshold development would be likely to have a significant effect on the environment, with reference to its scale, nature, location and context.

The relevant legislative provisions are set out and considered below.

3.1.1 Requirement for EIA

The Planning and Development Act (Section 172(1)) states that EIA must be carried out by the planning authority and / or An Bord Pleanála as appropriate in the case of either of the following two scenarios:

- "(a) the proposed development would be of a class specified in -*
- (i) Part 1 of Schedule 5 of the Planning and Development Regulations 2001, and either –*
 - (I) Such development would equal or exceed, as the case may be, any relevant quantity, area or other limit specified in that Part, or*
 - (II) No quantity, area or other limit is specified in that Part in respect of the development concerned,*
 - or*
 - (ii) Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and either –*
 - (I) Such development would equal or exceed, as the case may be, any relevant quantity, area or other limit specified in that Part, or*
 - (II) No quantity, area or other limit is specified in that Part in respect of the development concerned.*
 - or*
- (b) (i) the proposed development would be of a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 but does not equal or exceed, as the case may be, the relevant quantity, area or other limit specified in that Part, and*
- (ii) the planning authority or the Board, as the case may be, determines that the proposed development would be likely to have significant effects on the environment."*

In support of this requirement, an EIAR must be submitted by an applicant with an application for consent for same. In the case of sub-section 172(1)(b), the Planning Authority, or An Bord Pleanála as appropriate, is required to undertake EIA for sub-threshold development which would likely have significant effects on the environment.

Where an application is made for a declaration to confirm whether or not a proposed development constitutes development that is exempted development under s5 of the Planning and Development Act 2019, the planning authority is required² to conduct a preliminary examination of, at the least, the nature, size or location of the relevant development, so as to form a conclusion as to whether or not there is a real likelihood of significant effects on the environment arising from that proposal.

² Under Article 132C of the Planning and Development Regulations 2019.

In support of this requirement, where there is realistic and significant doubt regarding the potential for significant effects, the Planning Authority and/or An Bord Pleanála may require the submission of information for the purposes of a screening determination as per Schedule 7A of the Regulations, by an applicant for a declaration. It is also possible for the planning authority or the Board to conclude that an EIAR is required and to declare same by notice in writing to the relevant person.

The various elements of the proposed development have been considered to determine if they fall within a class of development specified in Schedule 5 of the Regulations and for which a mandatory or a discretionary EIA may be required. The works and development as noted above comprises of:

- Rising main pipework;
- Installation of new pumps within an existing PS; and
- Use of and increased treatment volumes at an existing WwTP.

Neither the rising main pipework nor the proposed pumps within the PS are deemed to fall within any class of development specified under either Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001. Therefore, neither mandatory nor discretionary EIA are necessary or potentially required for either of these elements of the development.

As the proposed development will connect into an existing WWTP, we have considered whether this could constitute a change or extension of a development already authorised, such that it could require EIA.

In this regard, it is noted that Schedule 5 of the Planning and Development Regulations does include a class of development comprising of wastewater treatment plants. Part 2 Item 11 (c) is as follows:

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

Accordingly, it falls to be considered whether the proposed development may be deemed to be a change or extension to development which could fall within class 13(a):

"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 WwTP is an existing piece of infrastructure, which is licensed by the EPA. The WwTP has an operational, and licensed, capacity, of 6,000PE, which is below the threshold set out above. The operational and licensed capacity of the WwTP will not be altered by the proposed development. Whilst the volume of throughput will be increased as a result of the proposed development, the proposed increase falls within the current license limits of 6,000PE. Therefore, the proposed development will not result in a change to the threshold value so as to bring the WwTP above the

specified 10,000PE threshold. Furthermore, the proposed development does not result in an increase in size greater than 25 per cent as the proposed development does not propose any increase in the 6,000PE capacity. Therefore, the proposed development does not meet the criteria set out in either class 13 (a) (i) or (ii).

Based on the proposed use of the Clareabbey WwTP within the limits of its existing license then, the development does not require a mandatory or sub threshold EIAR.

However when reviewing the application for the s5 declaration, the local authority may request the information set out in Schedule 7A of the Regulations. Accordingly, a screening for EIA is provided in Section 4 of this report, which should assist the local authority in its determination and screening processes, and ultimately in determining the application for a declaration under s5 of the Planning and Development Act.

4 ENVIRONMENTAL SCREENING

4.1 METHODOLOGY / APPROACH

To assist the planning authority in evaluating the potential for significant effects and making its determination RPS has prepared this EIA Screening Report based on the information as set out in Schedule 7A of the Planning and Development Regulations and are based on Annex IIA of the EIA Directive. This information is presented in this report in both the preceding and following sections.

The Criteria as set out in Schedule 7 for determining whether a project should be subject to EIA as transposed in Irish legislation, are grouped under three headings as follows:

1. Characteristics of the proposed development;
2. Location of the proposed development; and
3. Characteristics of potential impacts.

Each of the above groupings includes a number of criteria for consideration. The assessment of the likelihood of significant environmental effects is based on the overall consideration of all criteria and requires clear and rational judgement.

The DoEHLG Guidance Document Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development states "those responsible for making the decision must exercise their best professional judgement, taking into account of considerations such as the nature and size of the proposed development, the environmental sensitivity of the area and the nature of the potential effects of the development. In general, it is not intended that special studies or technical evaluations will be necessary for the purpose of making a decision".

The Schedule 7 criteria can be reviewed are discussed in more detail, with reference to the proposed development, in the following subsections. The screening questions are based on the criteria listed under each grouped heading in Schedule 7.

A desktop study of archaeological, visual and cultural receptors at the site and adjacent to the proposed works was carried out as part of an Archaeological Screening Report (RPS, 2018). An

Appropriate Assessment (AA) Screening was also prepared by RPS in 2019. Site visits were carried out on 26th September 2017 and 25th June 2018. These have informed the information and assessment presented below. A description of the proposed development is provided in **Section 2** of this report above

4.2 CONSIDERATION OF POTENTIAL FOR CUMULATIVE IMPACTS

The screening assessment also has regard to any potential cumulative impacts that could arise from the proposed development in combination with other projects in the area.

In order to address this matter of cumulative impacts it was necessary to firstly identify any potential ongoing residual impacts of other projects within the area. It is noted that there is a separate project to upgrade Clareabbey WwTP. At the time of writing this report this project has been granted planning permission (14th March 2019). Drawings and details of the proposal, including an Appropriate Assessment and Environmental Impact Assessment Screening prepared for this proposal were examined to inform this report. Other projects of potential relevance were identified by undertaking a desktop review of the Planning Enquiry System for Clare County Council. Those projects identified as of relevance for consideration for potential cumulative impact are listed in **Table 4-1** below.

Table 4-1: Developments Considered for Cumulative Impacts

Project / Works Title	Location	Status
Reg. Ref: 181004 – Irish Water. 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.	Clareabbey, Co. Clare – adjacent to the south of the existing Clareabbey WwTP to which the proposed works will connect into.	Grant Date: 14/03/2019
Reg. Ref: 18714 - John and Justin Bane. Construct a single storey rear extension to the existing dwelling house and a detached garage including all ancillary site works	Clareabbey, Ennis, Co. Clare, 120m south of the proposed rising main (section in the north running parallel to the N85).	Grant Date: 18/11/2018
Reg. Ref: 18373 - Joe Deasy. Retain (a) extension to shop, (b) change of use from part residential use to retail shop and (c) associated signage, all at Centra Supermarket.	Clare Commons, Ennis Road, Clarecastle, Co. Clare. Located on Ennis Road where the proposed rising main is to be laid.	Grant Date: 02/08/2018
Reg. Ref: 17986. Michael & Sarah Jacob. Development which consists of the construction of a dwelling house to the rear of existing dwellings on the street with connection to main public sewer and associated site works.	Patrick Street, Clarecastle, Co. Clare, Approx. 20m to the south west of the Ennis Road where the rising main is to be laid.	Grant Date: 27/07/2018
Reg. Ref: 17551 - Woodhaven Developments Ltd. Meadow View (Phase 2) Construct 17 No. 2 storey dwelling houses incl. ancillary site works & connect to public services.	Meadow View, Creggaunahilla, Clarecastle - 300m west of proposed works.	Grant Date: 13/10/2017 (17 No. houses). To connect in to public sewer.

Project / Works Title	Location	Status
Reg. Ref: 17550 - Woodhaven Developments Ltd. Fort View Construct 20 No.2 storey & 4 No. single storey dwelling houses incl. ancillary site works & connect to public services.	Fort View, Creggaunahilla, Clarecastle - 600m south west of proposed works.	Grant Date: 13/10/2017 (20 No.2 storey & 4 No. Single Storey). To connect in to public sewer.
Reg. Ref: 17329 - Roche Ireland Facility. Extend Planning Permission P11-448: Construct No. 3 storey building & other development works.	Roche Ireland Facility Clarehill, Clarecastle - 200m south of proposed works.	Grant Date: 26/06/2017.
Reg. Ref: 17105 - Clarecastle GAA Camogie Club. Construct Camogie Club changing room facilities & connect to existing services onsite & ancillary site works.	Clarecastle GAA Camogie Club, Ballaghafadda East Clarecastle - 200m west of proposed works.	Grant Date: 06/05/2017. Existing main to be used.
Reg. Ref: 16764 - Maxol Limited. Redevelopment of Maxol Service Station.	Ennis Rd - 300m north of proposed works.	Grant Date: 02/02/2017.
Reg. Ref: 171001 / ABP Ref PL03.301778: Engie Developments Ireland Ltd .Ten year permission to develop a solar farm which comprises the construction and operation of solar PV arrays mounted on metal frames on a 33 Ha site, inclusive of a single electrical control building, onsite substation, up to 8 No. inverter units, up to 1 No. temporary construction areas with ancillary facilities, boundary fencing with CCTV units, use of existing access, an access track and all associated works (inclusive of gross floor space of proposed works up to 207.6 sqm).	Lissan West and Ballaghafaddy West, Clarecastle. Co. Clare.	Grant Date: 06/02/2019. The Planning and Environmental Report lodged with Reg. Ref 171001 assessed the potential environmental issues including archaeology, landscape and visual assessment, flora and fauna, glint and glare, traffic and transportation and water/drainage. A Landscape and Visual Assessment concluded that the development is not considered to give rise to any significant residual visual impacts. The development will be well screened and all visual and landscape impacts are at the lowest end of the spectrum. The impact of the 32 week construction generated traffic will have a slight impact on the R458, increasing traffic flows by a maximum of 2.3% in total and 4.5% in terms of HGV's. The Traffic Impact Assessment concluded that the solar farm does not pose any residual risk in terms of traffic and transportation.
Reg. Ref: 16673 - Woodhaven Developments Ltd. Meadow View Construct of 46 No. 2 storey dwelling houses, incl. ancillary site works & connection to public services.	Meadow View Creggaunahilla, Clarecastle - 400m west of proposed works.	Grant Date: 02/02/17 To connect in to public sewer.

4.2.1 Cumulative Impact of Proposed Development and Clareabbey WwTP Upgrade

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. The Environmental Impact Assessment Screening Report prepared by JB Barry and Partners accompanying Reg. Ref: 181004 notes that upgrading the existing Clareabbey wastewater treatment plant will take place within the existing footprint of the Clareabbey WwTP approx. 0.75ha and that the works are considered minor in terms of magnitude, temporary in duration and localised in extent. It is expected that the operational phase of the works will result in an improvement in the treatment/management of wastewater in the agglomeration and subsequently a long-term positive impact on the local amenity areas, including riparian, coastal and marine environments. An Appropriate Assessment Screening was carried out by McCarthy Keville O'Sullivan Ltd. for the upgrade works and concluded that the development by itself or in combination with other plans or projects in light of the best scientific knowledge in the field, will not, in view of the sites *"qualifying interests and conservation objectives have significant impacts on any European Sites"*. 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 own right or in combination with this project.

4.2.2 Cumulative Impact of Proposed Development and other Plans and Projects

The remaining projects identified in **Table 4-1** above largely relate to additional phases of existing residential developments accessed off the R458 and a petrol station granted permission in 2017. A permitted solar farm was also identified as having potential for cumulative impact. Having reviewed to these proposed and permitted developments including supporting planning and environmental documents, the main residual impacts of these developments which were identified as having potential for cumulative impacts with the current proposed IW works are construction impacts such as traffic, noise and dust. The potential for cumulative impacts in respect of these environmental topics may arise in the event that any of the permitted developments above occur concurrently with the development proposed in this EIA Screening. Having regard to the very limited extent of residual impact on traffic, noise or dust however likely to arise from any of these developments in the first instance; the potential for cumulative impacts with the current proposed development is considered not significant.

4.3 CHARACTERISTICS OF THE PROPOSED DEVELOPMENT

Annex IIA of the EIA Directive requires a description of the physical characteristics of the project as a whole to be provided. Annex III lists specific characteristic criteria of the development which may affect whether the development would or would not be likely to have significant impacts on the environment. The general physical characteristics of the development are described in **Section 2** of this report above. The development is further described and considered below with reference to the criteria of Annex III specifically.

4.3.1 The Size and design of the whole Project

The proposed works as described in **Section 2.5** above are of a modest nature. The upgrade works to the Quay Road PS are internal works to facilitate the provision of the pumps. The proposed rising main is of a modest length 2,070m and will be underground.

At the Clareabbey WwTP, the new rising main connection will be made directly to the inlet works of the WwTP. There will be no additional effluent outfalls proposed as part of the project. The existing

2 no. outfalls from the WwTP will require only an alteration to the nature of their use. The existing outfall at Quay Road PS will be decommissioned.

There will be a requirement for permanent wayleave for the proposed rising main where it is constructed within third party greenfield sites. There will also be temporary working space required for construction purposes of the rising main.

4.3.2 Cumulation with other existing and/or approved projects

As discussed above in **Section 4.2**, there are a number of permitted developments located in proximity to the proposed development as set out in **Table 4-1**.

There is an existing sewerage network in Clarecastle which discharges to an outfall in the Fergus Estuary via the Quay Road PS. The Clareabbey WwTP which the proposed rising main is to connect into is operational and currently serves Ennis South and Ennis East. In parallel to the proposed rising main and upgrade to the existing Quay Road PS, there is a separate proposal to construct a storage tank and new inlet works at the site of the Clareabbey WwTP.

4.3.3 The Nature of any Associated Demolition Works

There are no demolition works planned as part of the proposed works.

4.3.4 The Use of Natural Resources (in particular land, soil, water and biodiversity)

There will be a slight amount of hedgerow (< 50m) removed to facilitate the northern section of the rising main as the route transitions from the road through agricultural fields on approach to the WwTP site. Assessments as set out in an AA Screening (RPS, 2019) undertaken for the proposed development have shown that there will be no significant loss of habitats of significant ecological value. The final 700m section of the rising main to the WwTP runs through agricultural lands. However, the rising main route through this greenfield site will be parallel with and proximate to an embankment and will be reinstated to grassland once the works are completed.

No abstraction of water is proposed as part of the development. Excavated material will be used as backfill, with any excess removed off site to a licensed facility. Sanitary waste and general construction waste will be managed in accordance with the Waste Management Act 1996 (as amended).

4.3.5 The Production of Waste

Soils excavated onsite for the pipeline will be reused onsite as backfill material where possible. Waste where it arises will be source segregated to accommodate re-use and recycling. All waste and recyclable material will be dealt with through a suitably licensed contractor and sent to an appropriately licensed waste facility.

Sanitary waste and general construction waste will be managed in accordance with the Waste Management Act 1996 (as amended).

4.3.6 Pollution and Nuisances

The main potential sources of pollution and nuisance arising from the construction stage of the development relate to temporary air quality (dust) and noise. The main potential receptors will be local residents and wildlife. During the construction stage there is potential for temporary noise and dust impacts to receptors along the proposed pipe laying route from the Quay Road PS to the existing Clareabbey WwTP where there are houses and businesses - concentrated in the built-up area of the village and sporadic outside of the built-up area. The nearest residential property to the proposed Quay Road PS is located 10m to the east and the nearest residential property to the connection to the existing Clareabbey WwTP is located over 300m to the south west. There are also residential and commercial properties with access off the route of the proposed rising main. The possible air quality and noise impacts potentially experienced by these various receptors will be limited to mainly surface works, will be temporary in nature and subject to best management practices as set out in the outline CEMP. The potential for pollution or nuisances will therefore be temporary and not significant.

During the operational stage of the works the rising main will be underground and the Quay Road PS upgrade comprising duty/standby pumps will be enclosed so the potential for noise and odour impacts on receptors in the vicinity of the proposed works is imperceptible and not significant.

Furthermore, any operational noise or odour from the pumps/inlet screen will be within the limits set by any planning conditions, regulations and licence (discharge licence etc). No significant impacts are therefore predicted in this regard.

Elements of the proposed construction works are located in proximity to the Lower River Shannon SAC, particularly those at Quay Road pumping Station and Clareabbey WwTP. In spite of this proximity, the nature and scale of the proposed works at both of these locations will not result in connectivity to the surrounding environment and its component European Sites. Works at Quay Rd pumping station and Clareabbey WwTP do not require excavations or works with potentially deleterious substances. The proposed pipeline excavation works will be localised and completed in short sections along the existing R458 and those pastoral lands located south of the N85. There are no hydrological linkages between the proposed works, the surrounding environment and therefore its component European Sites. Therefore no potential for significant negative effects on receiving waterbodies during the proposed development's construction will occur.

During the operational stage the AA Screening concludes that the proposed works will lead to the cessation/ending of the ongoing release of untreated wastewater entering the River Fergus Estuary from the Clarecastle agglomeration. This will contribute to an overall positive impact on the QIs or SCI of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA.

4.3.7 The Risk of Major Accidents and/or disasters which are relevant to the project concerned including those caused by Climate Change in accordance with scientific knowledge

A major emergency is defined by the EPA as an event which, usually occurs with little or no warning, causes or threatens death or injury, serious disruption of essential services, or damage to property, the environment or infrastructure beyond the normal capabilities of the principal emergency services in the area in which the event occurs and requiring the activation of specific additional procedures to ensure an effective, co-ordinated response.

The proposed development will be constructed in accordance with the Safety and Health at Work Act 2005 and any subsequent regulations or amendments and with the requirements of the Health and

Welfare at Work (Construction) Regulations, (SI 291 of 2013), any subsequent amendments and any other relevant Health and Safety legislation.

The site will be operated in accordance with an agreed HSQE Plan. A Safety File will be kept and updated throughout the development.

Overall the nature of construction works involved is standard and not particularly complex. Best practice measures will be identified in the CEMP and followed. Therefore, the risk of major accidents or disasters arising during construction, having regard to materials and technologies to be used, is not considered to be likely or significant.

A Stage 1 Flood Risk Assessment was carried out by RPS in September 2018 and was based on a review of historic records and predictive flood risk mapping. The assessment concluded that the risk of flooding is low at the site of the proposed works.

4.3.8 Risk to Human Health

As outlined above in **Section 4.3.6** the potential for any air, odour or noise pollution during the construction phase will be temporary and not considered significant.

Therefore, the potential for indirect impacts to human health during the construction phase will not occur.

The EPA Report *Focus on Wastewater Treatment in Ireland 2013* identified 44 no. primarily coastal agglomerations in Ireland as having no or preliminary treatment only. These locations were incorporated by IW into a nationwide UnTreated Agglomeration Study (UTAS) of agglomerations where untreated sewerage is discharged to coastal receiving waters, either directly from sewer network outfalls, or via septic holding tanks where the level of treatment provided is negligible. Clarecastle Agglomeration is one of these agglomerations and the aim of the proposed works is to reduce the risk of contamination of receiving water by providing treatment for wastewaters which are currently discharged untreated to the Fergus Estuary. Reducing the risk of contamination to receiving waters will in turn have a positive benefit for human health during the operational phase.

4.4 LOCATION OF THE PROPOSED PROJECT

According to Schedule 7 of the Planning and Development Act (Annex IIA and III of the EIA Directive), the environmental sensitivity of geographical areas likely to be affected by projects must be described and considered, with particular regard to the following criteria:

- a) The existing and approved land use;
- b) The relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
- c) The absorption capacity of the natural environment, paying particular attention to the following areas:
 - I. wetlands, riparian areas, river mouths;
 - II. coastal zones and the marine environment;
 - III. mountain and forest areas;

- IV. nature reserves and parks;
- V. areas classified or protected under Member States' legislation; Natura 2000 areas designated by Member States pursuant to Directive 92/43/EEC and 2009/147/EC;
- VI. areas in which there has already been a failure to meet the environmental quality standards laid down in Union legislation and relevant to the project, or in which it is considered there is such a failure;
- VII. densely populated areas; and
- VIII. landscapes and sites of historical, cultural or archaeological significance.

The location of the proposed development is described and considered with reference to each of these criteria hereunder.

4.4.1 Existing and Approved Land Use

Pipelines

The majority of the 2070m pipeline will be along existing roads (R458) within a built-up area. The rising main will be laid in the carriageway which is not particularly sensitive to the proposed development works. A section of the rising main approx. 700m on approach to the Clareabbey WwTP will run through greenfield lands. The rising main route will run parallel and in proximity to an embankment and will be returned to grassland once the works are completed.

Pumping Station

The site of the PS is at the existing Quay Road PS.

Wastewater Treatment Plant

The new rising main will connect to the inlet works at Clareabbey WwTP. No works are proposed to the WwTP plant.

4.4.2 The Relative Abundance, Quality and Regenerative Capacity of Natural Resources in the Area

The main natural resource that will be affected by the proposed development is that of the fields through which the last 700m of rising main will traverse from the R458 east to the WwTP. The field located southeast of the Clareabbey roundabout is dominated by hawthorn (*Crataegus monogyna*) scrub (WS1) and a mosaic of wet grassland (GS4) consisting of meadowsweet (*Fillipendula ulmaria*), silverweed (*Potentilla anserina*) and purple loosestrife (*Lythrum salicaria*). The rising main continues east to traverse a series of improved agricultural fields and well established hedgerows dominated by hawthorn (*Crataegus monogyna*), other species present include wild rose (*Rosa* sp.) and brambles (*Rubus fruticosus*). The northern border of the fields is close to an embankment and will be returned to its original use once the works are completed. There will be a slight amount of hedgerow removed to facilitate the northern section of the rising main as the pipe enters agricultural fields near the WwTP site. There will be no significant loss of habitats of significant ecological value.

4.4.3 Absorption Capacity of Natural Environment

In terms of the location of the proposed works and potential environmental sensitivities of the area likely to be affected, it should be noted that the site is not located in the vicinity of mountainous areas or highly densely populated areas. It is however, located close to the River Fergus/Fergus Estuary which forms part of a heritage landscape designation as set out in the Clare County Development Plan (CDP) 2017-2023. Heritage Landscapes are described in the Development Plan as areas within the County where sensitive environmental resources are located. The rising main is to be located within roadways within the built-up area of Clarecastle and fields thereafter. The upgrade works to the Quay Road PS are internal within an existing structure. The proposed works will readily be absorbed into these natural and man-made environments. Further the AA Screening prepared for the proposed development concluded that there will be no direct or indirect impacts to designated sites within the zone of influence of the development.

RPS carried out an *Archaeological Screening Report* in September 2018. No archaeological or architectural features were identified within the footprint of the proposed works or the vicinity of the proposed works.

There is a designated Architectural Conservation Area (ACA) located within the village of Clarecastle. The majority of the proposed rising main are to be laid outside of the town's ACA. The southern part of the works including an approx. 180m section of the rising main and the upgrade to the Quay Road PS lie within the town's ACA.

No direct or indirect construction impacts on known archaeology will arise due to the works. The construction works within the ACA will temporarily impact on the setting and character of the ACA. These works however, comprise only of a trench and pipelaying at ground level and internal PS upgrade works. They will also be for a temporary duration, so the impact is considered not significant. There is potential to discover unknown finds during the excavation works for the proposed rising main. In the event unknown finds are encountered during the works, the Contractor will liaise with the National Monuments Service to agree a suitable approach for recording, excavating or preserving as deemed appropriate. This will ensure no residual significant impacts on archaeology. These relevant measures are included in the *Archaeological Screening Report* (RPS, 2018) and the CEMP will ensure compliance by the Contractor.

No impacts on cultural heritage are predicted due to the operation of the proposed development.

4.4.3.1 Absorption Capacity of Clareabbey WwTP to serve Clareabbey and Clarecastle Requirements

The design capacity of the existing Clareabbey WwTP is 6,000PE. Based on the above assessment, the loading to the Clareabbey WwTP from the combined Clareabbey and Clarecastle agglomerations is 5,857PE, as shown in **Table 2-2** above. Therefore, existing Clareabbey WwTP has capacity to accept the untreated loads from Clarecastle, while still operating within its design organic capacity and within its current discharge licence requirements.

The existing waste water discharge license for Clareabbey WwTP allows for up to 6,000PE to be treated at the plant and discharge to the receiving waters of the Fergus River, and the loading to the treatment plant, as part of these proposed works, is within this limit.

It is noted that the plant is currently not meeting the required ELVs as set out in the Waste Water Discharge Authorisation (WWDA) Standards. The existing Clareabbey WwTP is currently subjected to hydraulic constraints as there is no storm handling facilities provided at the WwTP. The existing inlet works are undersized and currently not suitable for the plant.

Irish Water currently have an action plan to rectify the current ELV exceedances as noted for the plant. Upgrade works proposed as part of Planning Application Ref. No. 181004³ will provide for new inlet works at the treatment plant and a storm handling tank which will allow for the management of excess stormwater arriving at the plant during wet weather and will restrict the flow through the plant to the design flows for the plant. The reduction in the hydraulic loading to the plant coupled with the increased level of screening will result in an increase to the efficiency and effectiveness of the existing treatment capacity of the WwTP, which will allow the plant to meet its target ELVs. These works will be completed in advance of this proposed development.

The Appropriate Assessment Screening (RPS, 2019) concludes that the implementation of secondary treatment of the wastewater from the Clarecastle agglomeration at the existing Clareabbey WwTP will sufficiently improve effluent quality and allow for the treated water to be assimilated within the waters of the River Fergus, as per the current discharge license for Clareabbey WWTP. The provision of the current discharge licence for Clareabbey WwTP signifies that the receiving environment, in particular the River Fergus has sufficient capacity to assimilate wastewater emanating from Clareabbey WwTP when operating at its design capacity of 6,000PE. Therefore, the consolidation of the Clarecastle agglomeration to the Clareabbey WwTP and the treatment of wastewater within Clareabbey WwTP will not result in significant negative effects to the receiving environment and by extension the associated European Sites (Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA).

4.5 DESCRIPTION OF TYPES AND CHARACTERISTICS OF POTENTIAL ENVIRONMENTAL IMPACTS

The potential for significant effects of the proposed development is set out below having regard to the criteria identified in Annex III of the Directive and Schedule 7 of the Planning and Development Regulations as follows:

- a) The magnitude and spatial extent of the impact;
- b) The nature of the impact;
- c) The transboundary nature of the impact;
- d) The intensity and complexity of the impact;
- e) The probability of the impact;
- f) The expected onset, duration, frequency and reversibility of the impact;
- g) The cumulation of the impact with the impact of other existing and/or approved projects; and
- h) The possibility of effectively reducing the impact.

³ Planning application 181004 – Irish water granted planning permission to upgrade the existing Clareabbey wastewater treatment plant, by demolishing the existing inlet works, construction of a new inlet works, storm tank, ESB substation and all ancillary site works.

4.5.1 The magnitude and spatial extent of the impact

The potential impacts will be limited to the existing PS site and along the route of the buried pipeline. Areas affected by construction of the pipeline will be restored to their present use.

4.5.2 The nature of the impact

The proposed construction works are small scale and will be localised to the pipeline and PS.

4.5.3 The transboundary nature of the impact

The development is entirely within County Clare and further assessment is not required.

4.5.4 The intensity and complexity of the impact

The main impacts will result from the construction burying of the pipeline and the provision of the PS. The environmental assessments have predicted the potential impacts from these to be not significant.

4.5.5 The probability of the impact

There will be temporary nuisance to the local environment during the construction stage. There will be no operational impacts.

4.5.6 The expected onset, duration, frequency and reversibility of the impact

The principal impacts will be during the construction phase which will be temporary (6-12 months). The buried pipeline route will be reinstated.

The secondary treatment of the Clarecastle Agglomeration that would ordinarily have discharged untreated to the Fergus Estuary (part of the SAC and SPA) will result in a permanent significant positive impact on the water quality of this waterbody.

4.5.7 The cumulation of the impact with the impact of other existing and/or approved projects

Refer to **Section 4.2** above.

4.5.8 The possibility of effectively reducing the impact.

The principal impacts will be during the construction phase which will be temporary (6-12 months). The buried pipeline route will be reinstated.

The secondary treatment of the Clarecastle Agglomeration that would ordinarily have discharged untreated to the Fergus Estuary (part of the SAC and SPA) will result in a permanent significant positive impact on the water quality of this waterbody.

4.6 SIGNIFICANCE OF IMPACT

In order to inform the screening evaluation, consideration was first given to the potential for impacts on particular aspects of the environment, as set out in **Section 4.3, 4.4 and 4.5** of this report. No significant effects were identified in this regard. However in order to inform the screening evaluation a further assessment of potential impacts of the proposal is undertaken with reference to the various environmental topics set out in Article 3(1) of the EIA Directive and presented in **Table 4-2**. These are:

- Population and human health;
- Biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- Land, soil, water, air and climate;
- Material assets, cultural heritage and the landscape; and
- The interaction between the factors referred to in points (a) to (d).

Table 4-2: Significance of Impact

EIA Topic	Brief Assessment of Impact
Population and Human Health	<p>The potential for impacts are not considered to be significant.</p> <p>It is expected that this proposal will have a positive impact in the wider area by providing improved wastewater treatment.</p> <p>During the construction period there will be an increase in traffic volumes as a result of employees travelling to and from the site and for the delivery and disposal of construction related materials. This will impact on local residents only during working hours but will be temporary in nature. Suitable traffic management measures will be implemented during the construction period to mitigate potential construction related impacts and it is intended that construction related activities will be restricted to normal working hours.</p>
Biodiversity, Flora and Fauna	<p>No biodiversity of ecological significance or sensitivity was recorded on the site of the proposed development.</p> <p>There is no connectivity between the proposed construction works and European Sites and no potential for significant negative effects during the proposed development's construction will occur.</p> <p>The AA Screening concludes that the proposed works will lead to the cessation/ending of the ongoing release of untreated wastewater entering the River Fergus Estuary from the Clarecastle agglomeration. This will contribute to an overall positive impact on the QIs or SCI of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA.</p> <p>There will be a slight amount of hedgerow (< 50m) removed to facilitate the northern section of the rising main as the route transitions from the road through agricultural fields on approach to the WwTP site. There will however be no significant loss of habitats of significant ecological value.</p>

EIA Topic	Brief Assessment of Impact
Land, Soils and Geology	<p>The excavations required for these works are small scale in nature, supporting localised works to an existing PS and facilitating the installation of a small diameter pipeline (255mm) within a local road network and improved agricultural grassland. Excavated material will be reused on site where appropriate with residual material moved off site to a licenced facility. These are standard construction practices and are not occurring within an area of any particular soil, groundwater or geo-heritage sensitivities. No significant potential construction impacts are deemed likely and no requirement for environmental impact assessment is identified.</p> <p>No permanent land take is required for the development, the rising main will be laid in the public road and greenfield. The Quay Road PS works are internal in an existing and operational PS. Maintenance and repair works of the rising main will be required infrequently and be of a brief duration. Therefore, no potential is identified for likely significant impacts on soils and land during the operational phase.</p>
Water	<p>The AA screening concluded that in view of best scientific knowledge, the proposed development, either individually or in combination with other plans or projects, is not likely to have a significant effect on any European Site.</p> <p>During the operational phase, the proposed improvement works will connect directly to the Lower River Shannon SAC with downstream indirect connectivity to the River Shannon & River Fergus Estuaries SPA via treated effluent emissions discharged from the existing Clareabbey WwTP. The implementation of secondary treatment of the wastewater from the Clarecastle agglomeration at the existing Clareabbey WwTP will sufficiently improve effluent quality and allow for the treated water to be assimilated within the waters of the River Fergus, as per the current discharge license for Clareabbey WWTP. The provision of the current discharge licence for Clareabbey WwTP signifies that the receiving environment, in particular the River Fergus has sufficient capacity to assimilate wastewater emanating from Clareabbey WwTP when operating at its design capacity of 6,000PE. Therefore, the consolidation of the Clarecastle agglomeration to the Clareabbey WwTP and the treatment of wastewater within Clareabbey WwTP will not result in significant negative effects to the receiving environment and by extension the associated European Sites (Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA).</p>
Air and Climate & Noise and Vibration	<p>There may be additional noise and possibly an impact on air quality through the generation of dust, during the construction stage. However, any such impacts would be localised and temporary in nature and limited to surface works and machinery travelling to and from the site. No significant impacts are therefore identified.</p> <p>There will be no operational noise, dust or odour from the new buried rising main or the PS.</p>
Material Assets	<p>The existing wastewater services will continue to operate as existing during the course of the works. The final connection from the PS to the new rising main will be made when all other works are complete. This will result in a brief interruption to of a number of hours duration only and is considered not significant.</p> <p>Construction of the rising main which runs in the public roadway for much of its length will require a reduction in road width available to traffic and</p>

EIA Topic	Brief Assessment of Impact
	<p>stop/go system to be introduced. This has potential to cause delays to drivers and potentially disrupt access to properties located along it. There are a modest number of properties/housing estates with access onto the roadway which is to accommodate the rising main so the construction works will be organised to ensure access is maintained at all times. Due to the limited length of the route and the relatively minor nature of the works this will be a slight temporary inconvenience only and is deemed not significant.</p>
Cultural Heritage and Landscape	<p>No significant impacts on cultural heritage are predicted due to the construction or operation of the proposed development. Refer to Section 4.4.3 above.</p> <p>There will be a temporary visual impact during the construction phase (6-12 months) of the works associated with the presence of construction machinery, construction traffic, and construction workers within the local landscape. The visual impacts of the construction activity within the town will be comparable with other typical urban development and is not considered significant.</p> <p>There will be no impacts during the operational stage given that the rising main will be underground and the PS upgrade is enclosed within the existing Quay Road PS.</p>
Interaction of the Foregoing	<p>No impact - On the basis of the assessment of the above it is not considered that any environmental impacts resulting from the cumulative interaction of the above assessment impacts would be significant.</p>

5 CONCLUSION

The development, namely that of the proposed rising main and the upgrade to the existing Quay Road PS at Clarecastle has been screened to determine if an Environmental Impact Assessment (EIA) is required. The potential for cumulative impacts were also assessed. The development is not a project for which EIA is mandatory. The proposed development is not sub threshold that requires an EIA as it is unlikely to have significant effects on the environment.

An EIA Screening exercise was however carried out to determine the potential for the proposed development to have significant environmental impacts or not to facilitate the local authority in making its determination. This exercise has been informed by the AA Screening (RPS, 2019) in conjunction with other surveys and desktop studies.

The nature and characteristics of the proposed development are not considered likely to have significant effects on the environment. The geographical extent of the proposed development is small and there will be no impacts during the operational stage.

The AA Screening concludes that the proposed works will lead to the cessation of the ongoing release of untreated wastewater entering the River Fergus Estuary from the Clarecastle agglomeration. This will contribute to an overall positive impact on the QIs or SCI of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA.

The overall conclusion of this screening exercise is that there is no requirement for an Environmental Impact Assessment of the proposed development.

APPENDIX A

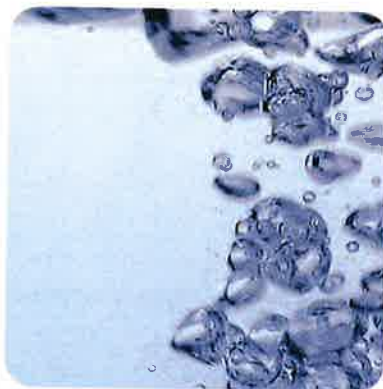
INVASIVE SPECIES REPORT

RPS

Clarecastle Sewerage Scheme

Screening for Appropriate Assessment

August 2019



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Clarecastle Sewerage Scheme

Screening for Appropriate Assessment

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1 INTRODUCTION

RPS was commissioned by Irish Water (IW) to prepare a Screening for Appropriate Assessment (AA) for the proposed Clarecastle Sewerage Scheme in Clarecastle, Co. Clare (see **Figure 1-1**).

This report comprises information in support of screening for AA to be undertaken by the competent authority in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora; the Planning and Development Act 2000-2019, and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011) as amended.

1.1 LEGISLATIVE CONTEXT FOR APPROPRIATE ASSESSMENT

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as “The Habitats Directive”, provides legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000.

The Habitats Directive has been transposed into Irish law by Part XAB of the Planning and Development Act, 2000 - 2019 and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477/2011) as amended. In the context of the proposed development, the governing legislation is the Birds and Habitats Regulations. This Screening has been prepared on behalf of IW. – Clare County Council are the Competent Authority responsible for undertaking the Screening for AA for this development.

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to adversely affect the integrity of European sites (Annex 1.1). Article 6(3) establishes the requirement for AA:

Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

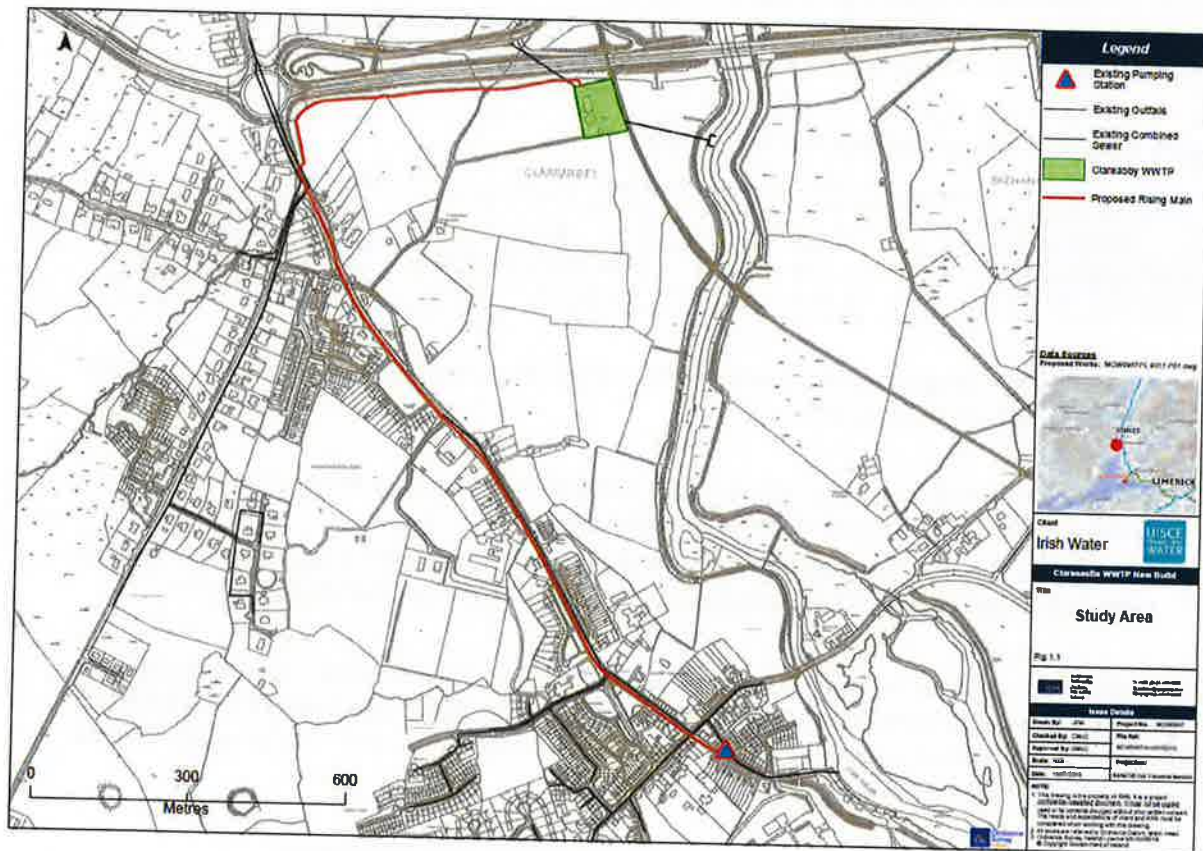
Article 6(4) states:

If, in spite of a negative assessment of the implications for the [Natura 2000] site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, Member States shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Natura 2000 sites are defined under the Habitats Directive (Article 3) as a coherent European ecological network of special areas of conservation, composed of sites hosting the natural habitat types listed in Annex I and habitats of the species listed in Annex II, shall enable the natural habitat types and the species' habitats concerned to be maintained or, where appropriate, restored at a favourable conservation status in their natural range. In Ireland, these sites are designated as European sites and include Special Protection Areas (SPAs), established under the EU Birds Directive (79/409/EEC, as codified by 2009/147/EC) for birds and Special Areas of Conservation (SACs), established under the Habitats Directive 92/43/EEC for habitats and species.

The competent authority (Clare County Council) is obliged to consider, in view of best scientific knowledge, whether the proposed works are likely to have a significant effect either individually or in combination with other plans and projects. If screening determines that there is likely to be significant effects on a European site, then AA must be carried out for the proposed works at Clarecastle, including the compilation of a Natura Impact Statement (NIS) to inform the decision making.

Figure 1-1: Study Area – Site Location



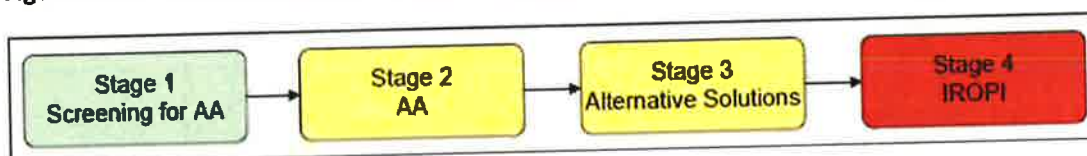
2 METHODOLOGY

2.1 STAGES OF APPROPRIATE ASSESSMENT

The Department of the Environment, Heritage and Local Government guidelines (DELHG, 2009, rev. 2010) outlines the European Commission's methodological guidance (EC, 2002) promoting a four-stage process to complete the AA and outlines the issues and tests at each stage. An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required.

The four stages are summarised diagrammatically in **Figure 2-1** Error! Reference source not found.. Stages 1-2 deal with the main requirements for assessment under Article 6(3), and Regulation 42 of the Birds and Habitats Regulations. Stage 3 may be part of the Article 6(3) Assessment or may be a necessary precursor to Stage 4. Stage 4 is the main derogation step of Article 6(4).

Figure 2-1: Four Stages of Appropriate Assessment



Stage 1 - Screening is the process that addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3):

- i. whether a plan or project (in this instance the proposed works) is directly connected to or necessary for the management of the European sites, and
- ii. whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on the European sites in view of their conservation objectives.

If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA). This report fulfils the information necessary to enable the competent authority to screen the proposal for the requirement to prepare an AA.

This report forms Stage 1 of the AA process and sets out the following information:

- Description of the proposed works;
- Characteristics of the proximal European sites; and
- Assessment of significance of the proposed works on the European sites in question.

The methodology followed in relation to this assessment has had regard to the following guidance and legislation:

- European Union Habitats Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora 92/43/EEC;

- Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (DOEHLG 2009, rev 2010);
- The Planning and Development Act 2000-2019;
- Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg (EC, 2018);
- Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg (EC, 2002);
- Interpretation Manual of European Union Habitats. Version EUR 28. European Commission 2013;
- The European Union (Environmental Impact Assessment and Habitats) Regulations 2011; and
- The European Communities (Birds and Natural Habitats) Regulations, S.I. No. 477 of 2011 (as amended).

2.2 INFORMATION CONSULTED FOR THIS REPORT

The Screening assessment had regard to the following sources of data and information:

- Information on the location, nature and design of the proposed project;
- Department of Housing, Planning, and Local Government – online land use mapping www.myplan.ie/en/index.html;
- Environmental Protection Agency (EPA) – Water Quality www.epa.ie, <http://gis.epa.ie/Envision>;
- ESRI Ireland - Mapping Themes www.esri-ireland.ie;
- Geological Survey of Ireland – Geology, soils and Hydrogeology www.gsi.ie;
- Water Framework Directive website – www.catchments.ie;
- Inland Fisheries Ireland website and www.wfdfish.ie;
- National Parks and Wildlife Service – online European site network information, including site conservation objectives www.npws.ie;
- National Parks and Wildlife Service – Information on the status of EU protected habitats in Ireland (NPWS 2013a, 2013b);
- National Biodiversity Data Centre – www.biodiversityireland.ie; and
- Ordnance Survey of Ireland – Mapping and Aerial photography www.osi.ie.

2.3 SCREENING PROTOCOL

The sequence of events when completing the AA Screening process is provided below.

2.3.1 Screening Sequence

- Definition of the zone of influence for the proposed works;
- Identification of the European sites that are situated (in their entirety or partially or downstream) within the zone of influence of the proposed works;
- Identification of the most up-to-date QIs and SCIs for each European site within the zone of influence;

- Identification of the environmental conditions that maintain the QIs/SCIs at the desired target of Favourable Conservation Status;
- Identification of the threats/impacts – actual or potential that could negatively impact the environmental conditions of the QIs/SCIs within the European sites;
- Highlighting the activities of the proposed works that could give rise to significant negative impacts; and
- Identification of other plans or projects, for which in-combination impacts would likely have significant effects.

2.3.2 Screening Determination

In accordance with Regulation 42(7) of the Birds and Natural Habitats Regulations 2011 (S.I. No. 477/2011) as amended, the competent authority (Clare County Council), shall:

“determine that an Appropriate Assessment of a plan or project is not required where the plan or project is not directly connected with or necessary to the management of the site as a European site and if it can be excluded on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site”.

Further, under Regulation 42(8) (a):

Where, in relation to a plan or project for which an application for consent has been received, a public authority makes a determination that an Appropriate Assessment is required, the public authority shall give notice of the determination, including reasons for the determination of the public authority, to the following—

the applicant,

if appropriate, any person who made submissions or observations in relation to the application to the public authority, or

if appropriate, any party to an appeal or referral.

(b) Where a public authority has determined that an Appropriate Assessment is required in respect of a proposed development it may direct in the notice issued under subparagraph (a) that a Natura Impact Statement is required.

3 PROJECT DESCRIPTION

3.1 EXISTING WASTEWATER TREATMENT

Currently, sewage entering the agglomeration network is conveyed to the Quay Road Pumping Station (PS) located in the southeast of the village, before being discharged without treatment to the middle of the River Fergus, approximately 250m downstream from the PS.

The Quay Road PS receives flow from the combined collection system and discharges to the outfall on the River Fergus. The pumping station currently contains two dry well submersible pumps and two shaft driven pumps. The two shaft driven dry well pumps are in a poor condition and they are currently not in service.

All pipework within the station is generally in fair condition. Some of the valves and fittings are corroded, resulting in minor leakage and a number of pipe support brackets appear to be corroded. A number of non-return valves and gate valves have been recently replaced. The station is equipped with a standby diesel generator; Olympian Model GE75. The casing is in good condition.

The nearest EPA water quality monitoring location to the discharge point is defined as 'the bridge near Clonroad House', which is approximately 4.7km upstream of Clarecastle.

3.2 DESCRIPTION OF PROPOSED WORKS

The proposed works for the Clarecastle Agglomeration comprises the following:

Quay Road PS

- Upgrade of the existing Quay Road PS by the installation of new duty/standby pumps to replace the 2 no. existing dry well submersible pumps and MEICA (Mechanical, Electrical, Instrumentation, Controls, Automation) plant (if possible, to upgrade and retain one of the existing pumps, this will be undertaken instead of full replacement); and
- The new pumps will have variable speed drives to allow for the conveyance of the Formula 'A'¹ flows to the existing Clareabbey WwTP as no storage is provided at the PS.

Pipelines

- Approximately 2,070m of new 255mm ID rising main to convey untreated flow from the upgraded Quay Road PS to the existing Clareabbey WwTP. The initial 1,370m 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 will connect to new inlet works at Clareabbey WwTP; and
- Pipelines will be laid in either road or field/verge.

¹ The minimum overflow setting above which overflows might be permitted is defined as that given by "Formula A". This sets the minimum level at which the wastewater is sufficiently diluted by rainwater so as to avoid pollution of the receiving watercourse when overflowed from the sewer.

Construction Details

Quay Road PS

No excavation works are proposed to the pump station to facilitate the upgrade works to same.

The new pumps will be connected to the new rising main at the external perimeter of the wet well. The new instrumentation and control panels will be installed within the existing Quay Road PS to allow for the operation of the PS and to provide detailed telemetry of the functioning of the PS to the operator.

Pipelines

Approximately 2,070m of new 255mm ID rising main will be laid from the Quay Road PS to Clareabbey WwTP. The rising main will be laid approximately 1.2m below existing ground level. Most of the rising main will be laid within existing roads. As the rising main approaches, the Clareabbey WwTP it will traverse through greenfield lands.

As the proposed wastewater upgrade works are to be constructed along public roads, it will be possible to maintain a single carriageway open. Therefore, it is envisaged that a road closure will not be required to facilitate pipe-laying and associated works.

It is envisaged that the pipeline works will commence at the Quay Road PS and continue north towards the Clareabbey WwTP though the order and programme of works will be determined by the Contractor.

It is proposed that the rising main will be laid using open cut trench techniques. The proposed works will be divided into zones to best facilitate staged construction. It is expected that each zone / phase will be in the range of 50m to 400m in length, with inter-visibility (where practicable) between flagmen and traffic signals. The works areas will be fenced off to prevent uncontrolled access. The Contractors zoning and fencing works will need to be cognisant of all existing accesses, and it will be a requirement that access is maintained to all properties (residential and business) along the pipeline route.

Within each of these zones, it is envisaged that the trenches would be excavated, pipeline laid, backfilled and road surface reinstated prior to the contractor moving forward onto the next zone. All waste material, such as broken up blacktop, will be removed off site to a licensed facility. Any excavated materials that are deemed adequate for re-use as backfill will be sidecast along the open trench within the site boundary. This material would typically be sidecast for less than 2 days prior to its reuse. Backfill material, such as Clause 503 bedding and Clause 804/806 crushed stone will be imported to the site to reinstate the trench within the roadway. The Contractor may decide to backfill the trench with Cement Bound Material (CBM) in lieu of Clause 804/806. Additionally, the Contractor may decide to reinstate the upper section of the trench in the roadway with lean mix concrete. The reinstatement specification would be determined by the Contractor. Materials will be brought onto the site as they are required, with minimal stockpiling of new materials envisaged.

Where existing footways are within the works area and are affected by road works, a safe temporary pedestrian route shall be provided through the works. It is also preferable to keep any temporary pedestrian route off the roadway. This order of work described above is indicative only at this time. The exact order and programme of works can only be determined by the Contractor following

appointment. It will, however, be an objective and a requirement of the Contractor to minimise disruption to traffic, businesses and properties within the town.

Nature: The development will involve the laying of 2,070m of rising main to a typical depth of 1.2m.

Scale and Extent: The development will cover a distance of 2,070m. The pump replacement works at the pumping station will be take place within the interior of the PS.

Duration of Works and Timing: It is estimated the development will take approx. 6-12 months to construct in total. While the exact order and phasing of works will be determined by the Contractor the likely general order of works will be as follows:

- Upgrading of Quay Road Pump Station; and
- New rising main to be phased to be constructed during off-season for holidays where possible; road works to be carried out over short lengths with the existing roadway restricted to one-way traffic only.

It is noted that this programme is indicative only at this time. The exact order and programme of works can only be determined by the Contractor following appointment. It will however be an objective and a requirement of the Contractor to minimise disruption to traffic, businesses and properties within the town.

Air and Dust: Construction: Given the size of the site, the duration of construction (6-12 months) and the nature of the works, this is considered a small/moderate scale construction development with limited potential for dust generation.

Noise: Construction: Like dust, construction phase noise will depend on the nature of the works, the number of plants employed by the Contractor and the proximity to the nearest noise sensitive receptor. The nature of the works involved will be limited to mainly surface works.

Noise: Operation: Operational phase noise effects will be associated with sewerage being pumped to Clareabbey WwTP. These positioning of these pipes underground will ensure that there will be no emanation or release of noise to the wider environment.

Water Quality: The outfall for the agglomeration will be the existing outfall from Clareabbey WwTP, which is directly to the River Fergus. The River Fergus is within a range of 0.2km and 0.8km of the proposed works. The proposed works will discontinue ongoing discharge of untreated wastewater from the Clarecastle agglomeration via Quay Road PS to the Fergus Estuary. The proposed upgrade works will result in wastewater being redirected to Clareabbey WwTP where it will undergo secondary treatment, prior to discharge to the River Fergus. This proposal will have a positive significant impact on the water quality in the receiving environment, particularly the Fergus Estuary.

Clareabbey Wastewater Treatment Plant

Minimal works are proposed at the WwTP in this development. The works occurring in this area will be the connection of the new rising main from Quay Road PS to new inlet works at Clareabbey WwTP as described above.

3.2.1 Population Equivalent Assessment

Clareabbey Agglomeration

The collected load for the Clareabbey agglomeration delivered to Clareabbey WwTP for treatment is 4,680 P.E.

Clarecastle Agglomeration

In 2018, the total Clarecastle agglomeration had a load of 1,177PE connected to the existing IW sewer network.

Clareabbey + Clarecastle Combined

As the target date for completion of the transfer of the flows from Clarecastle to Clareabbey WWTP is by end of 2020, the combined Clareabbey + Clarecastle loads should be considered as the immediate future load on Clareabbey WWTP.

Based on the loads above the combined existing load is 5,857 PE. Connected loads at Clareabbey and Clarecastle are presented in **Table 3-1**.

Table 3-1: Connected Loads at Clareabbey and Clarecastle

	Clareabbey Loads (PE)	Clarecastle Loads (PE)	Clareabbey + Clarecastle Loads (PE)
Total Existing Collected Load	4,680	1,177	5,857

3.2.2 Clareabbey WwTP

The design capacity of the existing Clareabbey WWTP is 6,000PE. Based on the above assessment, the loading to the Clareabbey WWTP from the combined Clareabbey and Clarecastle agglomerations is 5,857PE, as shown in **Table 3-1** above. Therefore, existing Clareabbey WWTP has capacity to accept the untreated loads from Clarecastle, while still operating within its design organic capacity and within its current discharge license requirements.

The existing waste water discharge license for Clareabbey WWTP allows for up to 6,000PE to be treated at the plant and discharge to the receiving waters of the Fergus River, and the loading to the treatment plant, as part of these proposed works, is within this limit.

It is noted that the plant is currently not meeting the required ELVs as set out in the Waste Water Discharge Authorisation (WWDA) Standards. The existing Clareabbey WwTP is currently subjected to hydraulic constraints as there is no storm handling facilities provided at the WwTP. The existing inlet works are undersized and currently not suitable for the plant.

Irish Water currently have an action plan to rectify the current Emission Limit Value (ELV) exceedances as noted for the plant. Upgrade works proposed as part of Planning Application Ref. No. 181004² will provide for new inlet works at the treatment plant and a storm handling tank which will allow for the management of excess stormwater arriving at the plant during wet weather and will restrict the flow through the plant to the design flows for the plant. The reduction in the hydraulic loading to the plant coupled with the increased level of screening will result in an increase to the efficiency and effectiveness of the existing treatment capacity of the WwTP, which will allow the plant to meet its target ELVs.

3.2.3 Invasive Species in Proximity to the Proposed Works

A site survey for Invasive Alien Species (IAS) was conducted on the 26th September 2017 and 25th June 2018. Invasive alien plant species were not recorded within the footprint of the proposed works areas. The following IAS were identified in the wider environs (primarily along the R458 within residential gardens or adjacent to public paths) of the study area; Butterfly bush (*Buddleja davidii*), Snowberry (*Symphoricarpos albus*) and Traveller's joy (*Clematis vitalba*).

See **Appendix B** for Clarecastle Invasive Alien Species Report which provides further details in relation to the IAS locations and recommendations for undertaking works in relation to IAS.

3.3 EXISTING ENVIRONMENT

3.3.1 Site Description

Clarecastle is a predominately urban environment, dominated by buildings and artificial surfaces (BL3)³, amenity grassland (GA2) and residential housing. The existing Clareabbey WwTP is accessed from the west via a narrow by-road lined with a hawthorn (*Crataegus monogyna*) and blackthorn (*Prunus spinosa*) treeline (WL2) on the south and a low bramble (*Rubus fruticosus*) hedgerow (WL1) on the north. The south boundary of the WwTP is bound by a semi-mature beech (*Fagus sylvatica*) treeline with a grassy verge dominated by cock's foot (*Dactylis glomerata*), false oat grass (*Arrhenatherum elatius*), creeping bent grass (*Agrostis stolonifera*), curled dock (*Rumex crispus*), creeping buttercup (*Ranunculus repens*) and nettle (*Urtica dioica*). There is a beech treeline to the north also, fronted by a grassy area and dominated by creeping buttercup and nettles. The eastern section of the site consists of a larger area of rough improved grassland (GA1), with a low scrubby hedge of brambles to the rear. The southern boundary of the site is bordered by a mature hawthorn dominated treeline on an earthen bank.

The proposed wastewater rising main will commence at the existing Quay Road PS, cross Main St. and continue northwards along the R458. The Quay Road PS is surrounded by built and artificial surfaces (BL3). The R458 (Ennis Road) is bordered by agricultural fields, residential houses and gardens supporting ornamental species and hedgerows. The route diverts eastwards prior to the Clareabbey roundabout. The field located southeast of the Clareabbey roundabout is dominated by hawthorn

² Planning application 181004 – Irish water granted planning permission to upgrade the existing Clareabbey wastewater treatment plant, by demolishing the existing inlet works, construction of a new inlet works, storm tank, ESB substation and all ancillary site works.





³ Following the classification determined in 'A Guide to Habitats in Ireland' (Fossitt, 2000)

(*Crataegus monogyna*) scrub (WS1) and a mosaic of wet grassland (GS4) consisting of meadowsweet (*Filipendula ulmaria*), silverweed (*Potentilla anserina*) and purple loosestrife (*Lythrum salicaria*).

The rising main continues to traverse a series of improved agricultural fields and well-established hedgerows dominated by hawthorn (*Crataegus monogyna*), other species present include wild rose (*Rosa sp.*) and brambles (*Rubus fruticosus*). The proposed mains will terminate at Clareabbey WwTP.

No Third Schedule IAPS were recorded during the site surveys and records of other IAPS recorded are detailed in **Appendix B** and include the following species; Butterfly bush (*Buddleja davidii*), Snowberry (*Symphoricarpos albus*) and Traveller's joy (*Clematis vitalba*). The IAPS are primarily located along the R458 within residential gardens or adjacent to public paths.

Image 3-1 to Image 3-4 below, show the existing environment and locations surveyed in Clarecastle.

	
<p>Image 3-1: Quay Road Pumping Station located within Clarecastle Village.</p>	<p>Image 3-2: Improved agricultural grassland along proposed mains route.</p>
	
<p>Image 3-3: Scrub and wet grassland east of the roundabout at R458 junction.</p>	<p>Image 3-4: Clareabbey WwTP with grassy area and beech treelines.</p>

3.3.2 Surface Water

The River Fergus is a significant watercourse located east of Clarecastle village. It flows southwards to the Fergus Estuary which joins the Shannon Estuary. The discharge from Clareabbey WwTP is located approximately 2.1km upstream of the Clarecastle discharge point.

The section of the River Fergus in the vicinity of the outfall discharges is located to the north of the tidal barrage on the River Fergus. The River Fergus in this location is impacted by tidal influences. Accordingly, the EPA classifies the water the location of the outfall as a transitional water body for the purposes of the discharge license for Clareabbey WWTP.

The Clarecastle agglomeration currently discharges from the existing Quay Road PS outfall to the River Fergus estuary, a transitional waterbody. The proposed agglomeration upgrade will cease the unacceptable practice of discharging untreated wastewater via the existing Quay Road outfall. Instead, it will convey the wastewater generated at the Clarecastle agglomeration to the Clareabbey WwTP, where it will undergo secondary treatment before discharging into the River Fergus at the Clareabbey discharge point.

A search of the EPA records for water quality indicated that the River Fergus near Clarecastle is of 'Poor' status under the Water Framework Directive (WFD)(2000/60/EC) (Table 3-2). The Fergus and Lower Shannon estuaries are both of 'Moderate' status. Each of the waterbodies are 'At Risk' of failing to achieve 'Good' status.

Table 3-2: EPA Surface Water Quality 2010-2015

Waterbody	Status	Risk
FERGUS_070	Poor	At Risk
Fergus Estuary	Moderate	At Risk
Lower Shannon Estuary	Moderate	At Risk

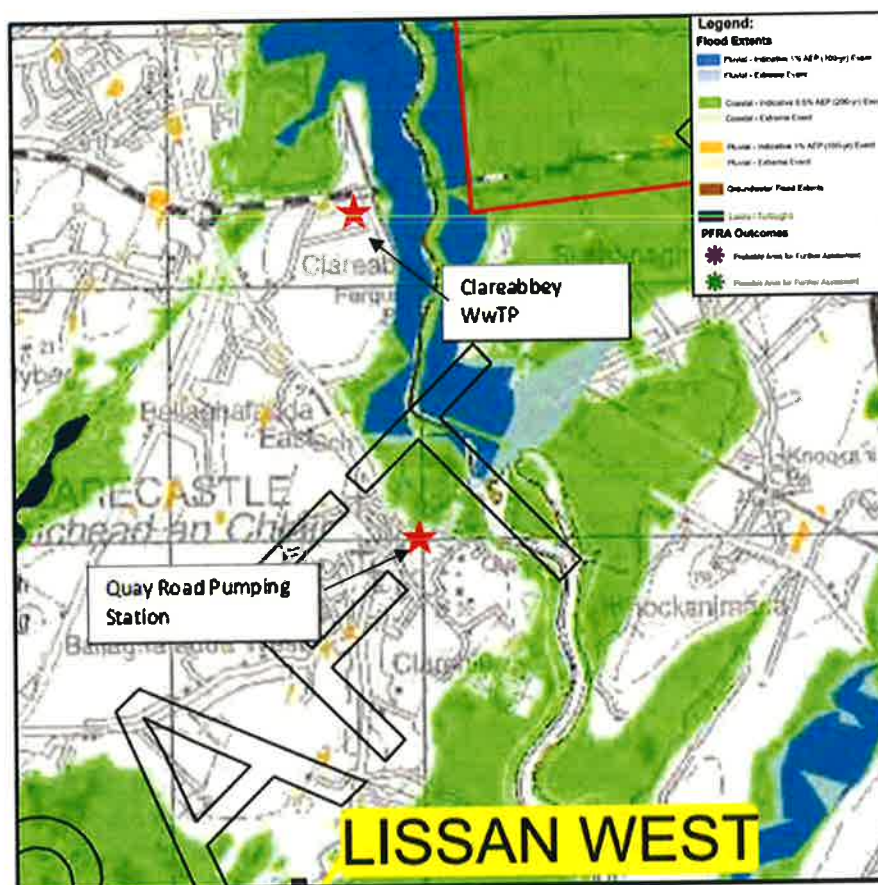
The existing Clareabbey WWTP is currently licensed to treat wastewater for incoming flows of up to 6,000PE, and discharge to the River Fergus via the existing outfall. As the proposed works will not result in the 6,000PE design capacity being exceeded, the existing outfall to the River Fergus will be maintained for discharging the treated wastewater to the River Fergus, in compliance with the existing discharge license.

3.3.3 Flooding

Figure 3-1 highlights the Preliminary Flood Risk Assessment (PFRA) areas near the proposed works. A Flood Risk Assessment prepared by RPS identifies the flood risks at the site of the proposed works to the Quay Road PS and Clareabbey WwTP in Clarecastle.

Both sites of the Quay Road PS and Clareabbey WwTP are located outside of the predicted 1 in 1000 (0.1% Annual Exceedance Probability (AEP)) year fluvial and coastal flood extents and are therefore located within Flood Zone C. The route of the proposed rising main from the pumping station to the treatment plant is also typically located in Flood Zone C. A section of the greenfield lands through which the rising main passes, adjacent to Clarecastle Roundabout, is within an area of Flood Zone A for tidal flooding. However, this pipe is compatible with such flood events and will be hydraulically sealed, which will prevent ingress of water. The inclusion of an underground piece of infrastructure in this location will not increase flood risk on adjacent areas. Therefore, the risk of flooding at the sites in question is low and there will be no impact on flooding elsewhere.

Figure 3-1: PFRA of the Study Area



3.3.4 Soil, Geology and Hydrogeology

The Geological Survey of Ireland (GSI) online database (www.gsi.ie) was consulted for available edaphic, geological and hydrological information of the site and its environs. The dominant bedrock geology underlying the Clarecastle region is limestone of various formations. The four dominant limestone bedrock formations are as follows:-

1. Burren Formation – the formation comprises of pale grey clean skeletal limestone;
2. Aillwee & Maumcaha Members – this is a massive to thick bedded clean limestone;
3. Visean Limestone – this bedrock consists of (undifferentiated) limestone; and
4. Slievenaglascha Formation – this formation comprises of cherty limestone with crinoidal intervals.

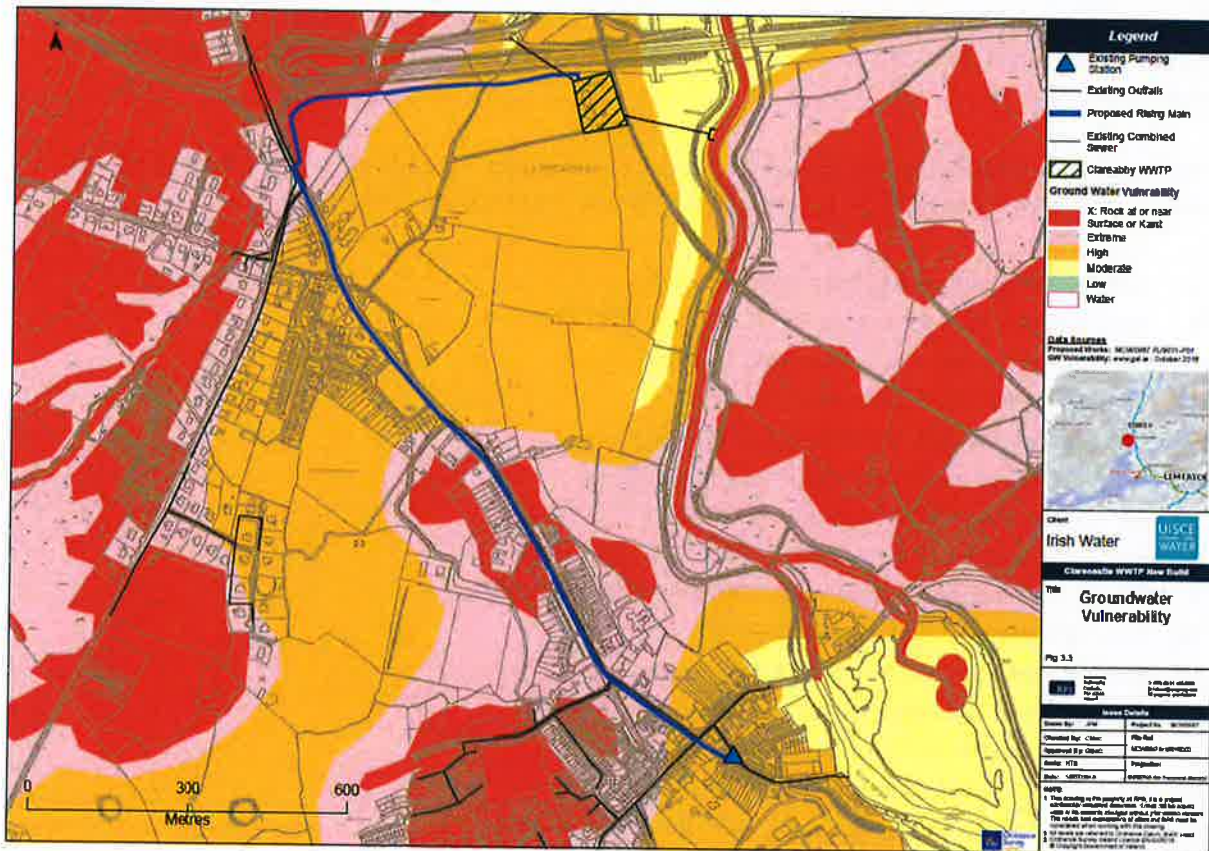
There are two karst features located in the vicinity of the proposed works they include; a swallow hole in the townland of Ballybeg and a spring located in Clareabbey. The bedrock geology of the study area is shown in **Figure 3-2**.

Groundwater vulnerability is a term used to represent the intrinsic geological and hydrogeological characteristics that determine the ease at which groundwater may be contaminated. The study area comprises of a mixture of '*rock at or near surface or karst*', '*Extreme*' and '*High*' groundwater vulnerability. The area west of the R473 supports predominately '*rock at or near surface or karst*' and '*Extreme*' groundwater vulnerability. The village of Clarecastle is also dominated by this groundwater vulnerability type. However, the townlands of Clareabbey, Ballaghfadda West and Clarehill mainly support '*High*' groundwater vulnerability. The underlying groundwater aquifer of the study area is a regionally important aquifer – karstified (conduit) (Rkc). See **Figure 3-3** for Groundwater Vulnerability.

Figure 3-2: Bedrock Geology



Figure 3-3: Groundwater Vulnerability



3.4 DESCRIPTION OF EUROPEAN SITES

This stage of the screening for AA process describes European sites within a 15km radius of the works. A 15km buffer zone has been chosen as a precautionary measure, to ensure that all potentially affected European sites are included in the screening process, which is in line with *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities* (DoEHLG, 2009, rev. 2010). While there may be scientifically appropriate reasons for extending this Zone of Influence (Zoi) further afield depending on the source, pathway and receptors specific to the development, with regard to the current proposed works. Given the nature, scale and location of these proposed works at the Clarecastle agglomeration, the 15km distance is considered acceptable to screen all likely significant effects that might impact upon the European sites.

The integrity of a European site (referred to in *Article 6.3* of the EU Habitats Directive) is determined based on the conservation status of the QIs of the SAC or SCIs of the SPA. The QIs/SCIs for each site have been obtained through a review of the Conservation Objectives available from the NPWS website www.npws.ie.

The European sites located within 15km of the proposed works are outlined in **Table 3-3** and **Figure 3-4**. There are 24 European sites located within 15km of the proposed works:

1. Lower River Shannon SAC (Site Code: 002165)
2. River Shannon & River Fergus SPA (Site Code: 004077)
3. East Burren Complex SAC (Site Code: 001926)
4. Ballyogan Lough SAC (Site Code: 000019)
5. Moyree River System SAC (Site Code: 000057)
6. Dromore Woods & Loughs SAC (Site Code: 000032)
7. Ballycullinan Lake SAC (Site Code: 000016)
8. Ballycullinan Old Domestic Building SAC (Site Code: 002246)
9. Old Farm Buildings, Ballymacrogan SAC (Site Code: 002245)
10. Toonagh Estate SAC (Site Code: 002247)
11. Ballyallia Lake SAC (Site Code: 000014)
12. Old Domestic Buildings, Rylane SAC (Site Code: 002314)
13. Newgrove House SAC (Site Code: 002157)
14. Pouladatig Cave SAC (Site Code: 000037)
15. Old Domestic Buildings (Keevagh) SAC (Site Code: 002010)
16. Newhall & Edenvale Complex SAC (Site Code: 002091)
17. Poulmagordan Cave (Quin) SAC (Site Code: 000064)
18. Kilkishen House SAC (Site Code: 002319)
19. Ratty River Cave SAC (Site Code: 002316)
20. Lough Gash Turlough SAC (Site Code: 000051)
21. Knockanira House SAC (Site Code: 002318)
22. Corofin Wetlands SPA (Site Code: 004220)
23. Ballyallia Lough SPA (Site Code: 004041)
24. Slieve Aughty Mountains SPA (Site Code: 004168)

Connectivity between the sites and the proposed works has been reviewed. Connectivity is identified via the potential source-pathway-receptor model which identifies the potential impact pathways such as land, air, hydrological, hydrogeological pathways etc. which may support direct or indirect connectivity of the proposed works to European sites and/or their qualifying features.

Source – pathway – receptor dynamics were assessed for European Sites 3-24 and it was determined that there is no connectivity (via surface water, groundwater, air or other environmental vectors) between the proposed works and these sites. As a result, these sites will not be further considered as part of this screening for AA.

Sites 1 (Lower River Shannon SAC) and 2 (River Shannon & River Fergus SPA) support proximity (and therefore potential indirect connectivity) to elements of the project's construction phase and direct connectivity with the proposed operational works. Therefore these sites will be considered further in the below impact assessment.

A zoomed in map indicating the European sites within close proximity to the proposed works are shown in **Figure 3-5**.

Figure 3-4: European Sites Located within 15km of the Proposed Works

Legend

- Clarecastle Indicative Location of Works
- 15km Buffer on Proposed Works
- Special Protection Area (SPA)
- Special Area of Conservation (SAC)

European Sites Located within 15km Buffer Zone of the Proposed Works

RPS

Irish Water

LIJSC WATER

LIJSC Gate 2 to 4 - Clare Bundie

Figure 3-4

Notes:

- This drawing is the property of RPS. It is a confidential document and its use is restricted to the project for which it was prepared. It is not to be used for any other purpose without the written consent of RPS.
- All works are subject to a detailed design and construction phase. The design and construction phase will be subject to a detailed design and construction phase. The design and construction phase will be subject to a detailed design and construction phase.
- All works are subject to a detailed design and construction phase. The design and construction phase will be subject to a detailed design and construction phase. The design and construction phase will be subject to a detailed design and construction phase.

Figure 3-5: European Sites Located within Close Proximity to the Proposed Works

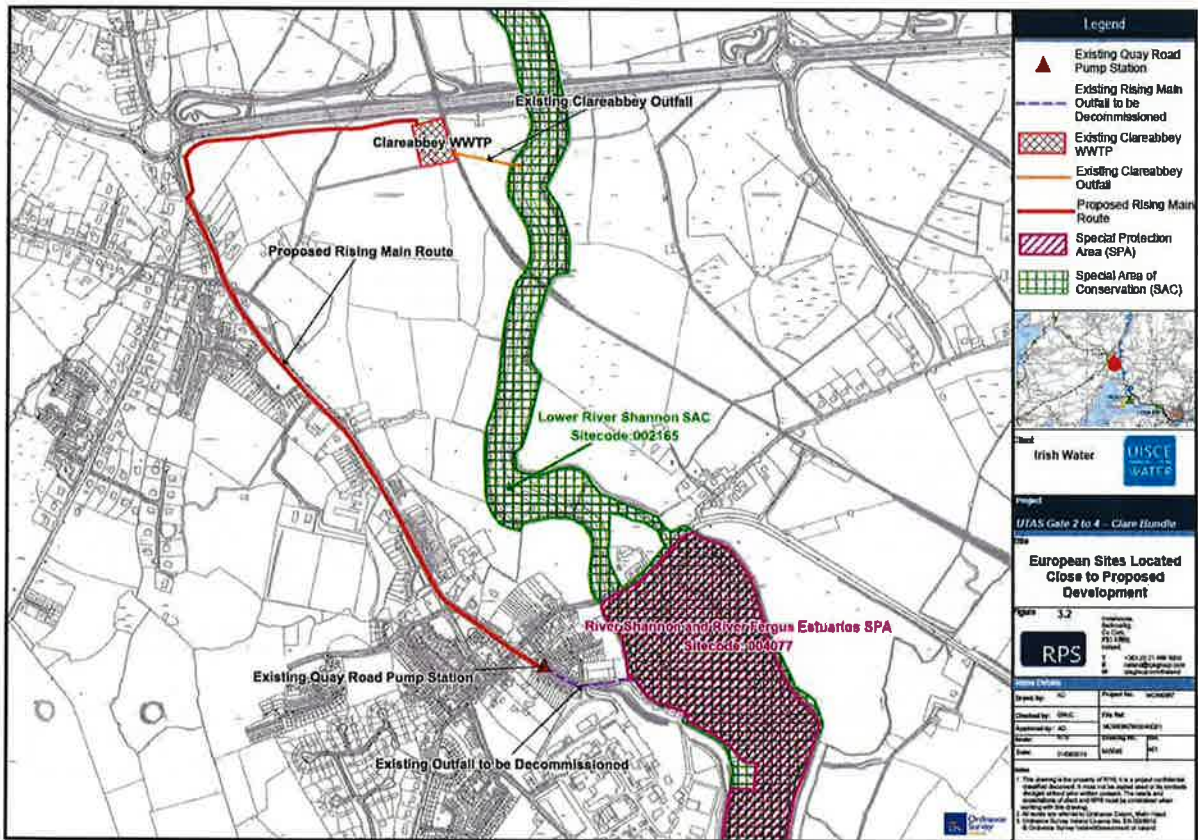


Table 3-3: European Sites within 15km of the Proposed Works

Site Name	Site Code	Qualifying Features (Annex I Habitats/Annex II Species)	Distance from proposed works	Connectivity
Lower River Shannon SAC	002165	<p>Annex I Habitats Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] *Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation [3260] <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p>Annex II Species <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Atlantic Salmon) [1106] <i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349] <i>Lutra lutra</i> (Otter) [1355]</p>	<p>The most proximal elements of the proposed scheme include Clareabbey WwTP and Quay Road pumping station. Clareabbey WwTP is located 0.14km west of the SAC.</p> <p>The Quay Road pumping station is located 0.2km west of the SAC.</p> <p>The operational phase will discharge to the Lower River Shannon SAC.</p>	<p>Elements of the proposed construction works are located in proximity to the Lower River Shannon SAC, particularly those at Quay Road pumping Station and Clareabbey WwTP. In spite of this proximity, the nature and scale of the proposed works at both of these locations will not result in connectivity to the surrounding environment and its component European Sites. Works at Quay Rd pumping station and Clareabbey WwTP do not require excavations or works with potentially deleterious substances. The proposed pipeline excavation works will be localised and completed in short sections along the existing R458 and those pastoral lands located south of the N85. There are no hydrological linkages between the proposed works, the surrounding environment and therefore its component European Sites.</p> <p>There is direct connectivity to the SAC via the operational phase outfall pipeline.</p>

Site Name	Site Code	Qualifying Features (Annex I Habitats/Annex II Species)	Distance from proposed works	Connectivity
River Shannon & River Fergus SPA	004077	Annex II Species Cormorant (<i>Phalacrocorax carbo</i>) [A017] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Scaup (<i>Aythya marila</i>) [A062] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetlands[A999]	<p>Clareabbey WwTP is located 1.2km north of the SPA.</p> <p>The Quay Road proposed construction works are located 0.2km west of the SPA.</p> <p>The operational phase is not located within the SPA.</p>	<p>Elements of the proposed construction works are located in proximity to the Lower River Shannon SAC, particularly those at Quay Road pumping Station and Clareabbey WwTP. In spite of this proximity, the nature and scale of the proposed works at both of these locations will not result in connectivity to the surrounding environment and its component European Sites. Works at Quay Rd pumping station and Clareabbey WwTP do not require excavations or works with potentially deleterious substances. The proposed pipeline excavation works will be localised and completed in short sections along the existing R458 and those pastoral lands located south of the N85. There are no hydrological linkages between the proposed works, the surrounding environment and therefore its component European Sites.</p> <p>There is indirect connectivity to the SPA via the operational phase outfall pipeline.</p>

* Indicates a priority habitat under the Habitats Directive

3.4.1 Site Description

3.4.1.1 Lower River Shannon SAC

The Lower River Shannon SAC is a very large site that stretches along the Shannon valley from Killaloe in Co. Clare to Loop Head/ Kerry Head, a distance of some 120km. The site encompasses the Shannon, Feale, Mulkear and Fergus estuaries, the freshwater lower reaches of the River Shannon (between Killaloe and Limerick), the freshwater stretches of much of the Feale and Mulkear catchments and the marine area between Loop Head and Kerry Head.

This site is of great ecological interest as it contains a high number of habitats and species listed on Annexes I and II of the E.U. Habitats Directive, including the priority habitats lagoon and alluvial woodland, the only known resident population of Bottle-nosed Dolphin in Ireland and all three Irish lamprey species. A good number of Red Data Book species are also present, perhaps most notably the thriving populations of Triangular Club-rush. The Shannon and Fergus Estuaries form the largest estuarine complex in Ireland. The site supports an excellent example of a large shallow inlet and bay. Other coastal habitats that occur within the site include stony beaches and bedrock shores.

A number of species listed on Annex I of the E.U. Birds Directive are also present. Most of the estuarine part of the site has been designated a SPA under the E.U. Birds Directive, primarily to protect the large numbers of migratory birds present in winter (NPWS 2013). Qualifying habitats and qualifying species for the Lower River Shannon are presented in Table 3-4 and

Table 3-5 below.

Table 3-4: Lower River Shannon SAC Annex I (Qualifying) Habitats

Habitat Code	Habitat Name (SAC Qualifying Feature)	Cover (approx.) ha	Representativity ⁴
1110	Sandbanks which are slightly covered by sea water all the time	1353.27	B
1130	Estuaries	24385.51	A
1140	Mudflats and sandflats not covered by seawater at low tide	8808.30	A
1150	Coastal lagoons	33.37	A
1160	Large shallow inlets and bays	35288.21	A
1170	Reefs	21421.30	B
1220	Perennial vegetation of stony banks	683.3	A
1230	Vegetated sea cliffs of the Atlantic and Baltic coasts	683.3	A
1310	<i>Salicornia</i> and other annuals colonising mud and sand	0.2214	C
1330	Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)	495.43	A
1410	Mediterranean salt meadows (<i>Juncetalia maritimi</i>)	24.67	A
3260	Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation	683.3	C

⁴ The degree of representativity of the natural habitat type on the site: A : excellent representativity, B : good representativity, C : significant representativity and D: non-significant presence

Habitat Code	Habitat Name (SAC Qualifying Feature)	Cover (approx.) ha	Representativity ⁴
6410	<i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)	683.3	B
91E0	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)	15.56	B

Table 3-5: Lower River Shannon SAC Annex II (Qualifying) Species

Species Code	Species Name	Population Significance ⁵
1029	<i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel)	C
1095	<i>Petromyzon marinus</i> (Sea Lamprey)	C
1096	<i>Lampetra planeri</i> (Brook Lamprey)	C
1099	<i>Lampetra fluviatilis</i> (River Lamprey)	C
1106	<i>Salmo salar</i> (Salmon)	C
1349	<i>Tursiops truncatus</i> (Common Bottlenose Dolphin)	C
1355	<i>Lutra lutra</i> (Otter)	C

Site specific conservation objectives are available for the Lower River Shannon SAC. The conservation objectives for the site are provided in the Conservation Objectives document available on the NPWS website, as follows;

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002165.pdf

3.4.1.2 River Shannon & River Fergus SPA

The estuaries of the River Shannon and River Fergus form the largest estuarine complex in Ireland. The site comprises the entire estuarine habitat from Limerick City westwards as far as Doonaha in Co. Clare and Dooneen Point in Co. Kerry.

The River Shannon and River Fergus Estuaries SPA is an internationally important site that supports an assemblage of over 20,000 wintering waterbirds. It holds internationally important populations of four species, i.e. Light-bellied Brent Goose, Dunlin, Black-tailed Godwit and Redshank. In addition, there are 17 species that have wintering populations of national importance. The site also supports a nationally important breeding population of Cormorant. Of particular note is that three of the species which occur regularly are listed on Annex I of the E.U. Birds Directive, i.e. Whooper Swan, Golden Plover and Bar-tailed Godwit. Parts of the River Shannon and River Fergus Estuaries SPA are Wildfowl Sanctuaries (NPWS 2015⁶). Special Conservation Interests for the River Shannon and River Fergus Estuaries SPA are presented in **Table 3-6** below.

⁵ Size and density of the population of the species present on the site in relation to the populations present within national territory. A: 100% >= p > 15% B: 15% >= p > 2% C: 2% >= p > 0% D: non-significant population

⁶ Site Synopsis - River Shannon and River Fergus Estuaries SPA [004077]. Available at: <https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY004077.pdf>. Accessed: 13/10/2017.

Table 3-6: Special Conservation Interests (SCIs) for the River Shannon and River Fergus SPA

Species Code	Species Name	Population Significance ⁷
A017	Cormorant (<i>Phalacrocorax carbo</i>)	C
A038	Whooper Swan (<i>Cygnus cygnus</i>)	C
A046	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)	C
A048	Shelduck (<i>Tadorna tadorna</i>)	B
A050	Wigeon (<i>Anas penelope</i>)	B
A052	Teal (<i>Anas crecca</i>)	B
A054	Pintail (<i>Anas acuta</i>)	B
A056	Shoveler (<i>Anas clypeata</i>)	C
A062	Scaup (<i>Aythya marila</i>)	C
A137	Ringed Plover (<i>Charadrius hiaticula</i>)	C
A140	Golden Plover (<i>Pluvialis apricaria</i>)	B
A141	Grey Plover (<i>Pluvialis squatarola</i>)	B
A142	Lapwing (<i>Vanellus vanellus</i>)	B
A143	Knot (<i>Calidris canutus</i>)	B
A149	Dunlin (<i>Calidris alpina</i>)	B
A156	Black-tailed Godwit (<i>Limosa limosa</i>)	B
A157	Bar-tailed Godwit (<i>Limosa lapponica</i>)	B
A160	Curlew (<i>Numenius arquata</i>)	C
A162	Redshank (<i>Tringa totanus</i>)	B
A164	Greenshank (<i>Tringa nebularia</i>)	C
A179	Black-headed Gull (<i>Chroicocephalus ridibundus</i>)	C
A999	Wetlands	

Site specific conservation objectives are available for the River Shannon and River Fergus SPA. The conservation objectives for the site are provided in the Conservation Objectives document available on the NPWS website, as follows; https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004077.pdf

3.4.2 Conservation Objectives of European Sites

The integrity of a European site (referred to in Article 6.3 of the EU Habitats Directive) involves its ecological functions. The decision as to whether it is adversely affected therefore focuses on and is limited to conservation objectives set for a particular site (EC, 2018).

⁷ Size and density of the population of the species present on the site in relation to the populations present within national territory. A: 100% >= p > 15% B: 15% >= p > 2% C: 2% >= p > 0% D: non-significant population

European and national legislation places a collective obligation on Ireland and its citizens to maintain at favourable conservation status areas designated as SAC and SPA. The Government and its agencies are responsible for the implementation and enforcement of regulations that will ensure the ecological integrity of these sites.

Favourable conservation status of a habitat is achieved when:

- Its natural range, and area it covers within that range, are stable or increasing, and
- The specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- The conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- Population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

3.4.3 Potential Pressures and Threats to European Sites

Table 3-7 to Table 3-8 present threats, pressures and impacts quoted on the Natura 2000 Data Form for the Lower River Shannon SAC and River Shannon and River Fergus SPA.

Table 3-7: Threats, Pressures and Impact Activities to Lower River Shannon SAC

European Site	Threat Code ⁸	Threat Type	Rank ⁹	i (inside) / o (outside) / b (both) ¹⁰
Lower River Shannon SAC	J02.10	Management of aquatic and bank vegetation for drainage purposes	L	i
	G01.01	Nautical sports	L	i
	D01.01	Paths, tracks, cycling tracks	L	i
	E03	Discharges	M	o
	B	Sylviculture, forestry	L	i
	J02.12.01	Sea defence or coast protection works, tidal barrages	L	i
	F01	Marine and Freshwater Aquaculture	L	i
	C01.01.02	Removal of beach materials	L	i
	A08	Fertilisation	M	o
	A08	Fertilisation	M	i
	E01	Urbanised areas, human habitation	M	o

⁸ Threat code follows reference list provided on threats, pressures and activities for European sites

⁹ Threat, pressure and impact ranking H – High, M – Medium, L – Low

¹⁰ Inside (i), outside (o) or both (b) of European site

European Site	Threat Code ⁸	Threat Type	Rank ⁹	i (inside) / o (outside) / b (both) ¹⁰
	A04	Grazing	M	i
	J02.01.01	Polderisation	M	i
	J02.01.02	Estuarine and coastal dredging	M	o
	E03	Discharges	M	i
	K02.03	Eutrophication (natural)	M	o
	I01	Invasive non-native species	L	i
	H04	Air pollution, air-borne pollutants	M	o
	C01.03.01	Hand cutting of peat	L	i
	F03.01	Hunting	L	i

Table 3-8: Threats, Pressures and Impact Activities to River Shannon and River Fergus SPA

European Site	Threat Code	Threat Type	Rank	i (inside) / o (outside) / b (both)
River Shannon & River Fergus SPA	F01	Marine and Freshwater Aquaculture	M	i
	E02	Industrial or commercial areas	H	o
	A08	Fertilisation	H	o
	G01.01	Nautical sports	M	i
	E01	Urbanised areas, human habitation	H	o
	E03	Discharges	H	i
	D03.02	Shipping lanes	M	i

4 SCREENING ASSESSMENT CRITERIA

4.1.1 Describe the Individual Elements of the Project Likely to Give Rise to Impacts on the European Sites

The proposed construction phase works for the Clarecastle Sewerage Scheme are small scale in nature. Those works located in proximity with the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA are associated with Quay Rd pumping station and Clareabbey WwTP. These works are small scale in nature and will be localised to both sites. There will be no excavations associated with works at either location. The pipeline works will be located along the existing R458, in addition to pastoral lands located south of the N85. Pipeline excavations will be undertaken in short sections along the existing road network. There will be no stockpiling of material during pipeline excavations therefore greatly reducing the potential of run-off from this area to the surrounding environment. Therefore, there is no connectivity between the proposed construction works and European Sites and no potential for significant negative effects during the proposed development's construction.

During the operational phase, the proposed improvement works will connect directly to the Lower River Shannon SAC with downstream indirect connectivity to the River Shannon & River Fergus Estuaries SPA via treated effluent emissions discharged from the existing Clareabbey WwTP. The implementation of secondary treatment of the wastewater from the Clarecastle agglomeration at the existing Clareabbey WwTP will sufficiently improve effluent quality and allow for the treated water to be assimilated within the waters of the River Fergus, as per the current discharge license for Clareabbey WWTP. The provision of the current discharge licence for Clareabbey WwTP signifies that the receiving environment, in particular the River Fergus has sufficient capacity to assimilate wastewater emanating from Clareabbey WwTP when operating at its design capacity of 6,000PE. Therefore, the consolidation of the Clarecastle agglomeration to the Clareabbey WwTP and the treatment of wastewater within Clareabbey WwTP will not result in significant negative effects to the receiving environment and by extension the associated European Sites (Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA).

4.1.2 Describe Any Likely Direct, Indirect or Secondary Impacts of the Project on the European Sites

The proposed construction phase works are located outside the boundary of the Lower River Shannon SAC and River Shannon and River Fergus SPA. The proposed works at Clareabbey WwTP are located approximately 0.14km west of the Lower River Shannon SAC, with works at Quay Road pumping station located approximately 0.2km west of the Lower River Shannon SAC and River Shannon and River Fergus SPA.

The proposed construction phase works for the Clarecastle Sewerage Scheme are small scale in nature. Those works located in proximity with the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA are associated with Quay Rd pumping station and Clareabbey WwTP. These works are small scale in nature and will be localised to both sites. There will be no excavations associated with works at either location. The pipeline works will be located along the existing R458, in addition to pastoral lands located south of the N85. Pipeline excavations will be undertaken in short sections along the existing road network. There will be no stockpiling of material during pipeline excavations therefore greatly reducing the potential of run-off from this area to the surrounding environment and consequently retaining the works process to the development footprint. Therefore,

there is no connectivity between the proposed construction works and European Sites and no potential for significant negative effects during the proposed development's construction.

The operational phase will consist of direct discharge of treated wastewater effluent (undergoing secondary treatment) into the Lower River Shannon SAC. The outfall location is situated approximately 3.6km upstream of the Lower River Shannon SAC qualifying interest; mudflats & sandflats not covered [1140]. It is also approximately 0.8km upstream of identified otter commuting buffer areas as per the SAC Conservation Objectives¹¹. The outfall location is situated approximately 1km upstream of the River Shannon and River Fergus SPA, therefore the SPA will not be directly impacted. As the effluent will undergo secondary treatment prior to release, this will allow for sufficient assimilation capacity within the River Fergus and its constituent European Sites, as per the current discharge license.

4.1.2.1 Size and Scale

The Lower River Shannon SAC and the River Shannon and River Fergus SPA are large sites consisting of 68,329ha and 32,252ha, respectively. The proposed construction works are minor in size in comparison to the European sites area. The proposed construction works will not directly impact upon the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA.

The proposed construction phase works for the Clarecastle Sewerage Scheme are small scale in nature. Those works located in proximity with the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA are associated with Quay Rd pumping station and Clareabbey WwTP. These works are small scale in nature and will be localised to both sites. There will be no excavations associated with works at either location. The pipeline works will be located along the existing R458, in addition to pastoral lands located south of the N85. Pipeline excavations will be undertaken in short sections along the existing road network. There will be no stockpiling of material during pipeline excavations therefore greatly reducing the potential of run-off from this area to the surrounding environment and consequently retaining the works process to the development footprint. Therefore, there is no connectivity between the proposed construction works and European Sites and no potential for significant negative effects during the proposed development's construction.

As part of the proposed works, all wastewater generated within the Clarecastle agglomeration will be conveyed to the existing Clareabbey WwTP for secondary treatment prior to discharge to the River Fergus. In accordance with the current discharge license for the treatment plant, the River Fergus has sufficient assimilative capacity for wastewater generated within the agglomeration. Therefore, the operational phase of the proposed development will not result in significant negative effects to the receiving environment or its constituent European Sites.

4.1.2.2 Land Take

The proposed works will not require any land take from any European Site.

¹¹ https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002165.pdf

4.1.2.3 Distance from European Sites or key features of the site

The proposed works at Clareabbey WwTP are located approximately 0.14km west of the Lower River Shannon SAC, with works at Quay Road pumping station located approximately 0.2km west of the Lower River Shannon SAC and River Shannon and River Fergus SPA. The proposed construction phase works are small scale in nature and will be localised to the works footprint.

The operational phase of the proposed works supports direct connectivity to the Lower River Shannon SAC and indirect connectivity to the River Shannon and River Fergus Estuaries SPA. The treated wastewater effluent from Clareabbey WwTP directly discharges into to River Fergus which is designated as part of the Lower River Shannon SAC. The River Fergus has sufficient assimilative capacity (as per the discharge licence for Clareabbey WwTP) to accept the outfall of treated wastewater, therefore avoiding the risk of impacting upon these European Sites.

4.1.2.4 Resource Requirements

The construction of the proposed works will involve various earthworks including cutting and filling. Material excavated onsite will be reused where possible. As the proposed construction works are not located within a European site there is no potential for direct impacts to SACs/ SPAs as a result of this resource requirement. Fuel will be consumed by construction equipment while water will be required for various construction practices. Given the relatively small scale of the proposed works this resource requirement is not likely to be significant. No abstraction from the River Fergus or estuary is anticipated as a result of the proposed works.

Regarding resource requirement, no impacts to the Lower River Shannon SAC and the River Shannon and River Fergus SPA and their associated QIs are anticipated as a result of the proposed works.

4.1.2.5 Emissions

There is potential for emissions associated with the proposed works affecting air. Emissions to air will include fine particulate matter associated with ongoing excavations and other construction practices. Dust pollution will also arise from a range of construction practices including excavations, backfilling and concreting, hauling and dumping of earth materials and construction spoils. Such emissions will not impact negatively on the qualifying features of the Lower River Shannon SAC or River Shannon and River Fergus Estuaries SPA because of the minor scale of the works.

The proposed works will involve the excavation of road surface, soil and subsoil during the construction phase, primarily to facilitate the pipeline works. It will also involve the use of hydrocarbons in construction machinery and at compound facilities. There is no hydrological connectivity between the proposed works and the surrounding environment. During the construction phase, the proposed works and associated emissions will be localised to the development footprint given their nature and scale.

There will be no significant impact on the qualifying interests of the European sites due to the minor scale of the construction works.

The operational phase will consist of treated wastewater effluent directly discharged from the Clareabbey WwTP into the River Fergus, designated as part of the Lower River Shannon SAC. The wastewater effluent will undergo secondary treatment at Clareabbey WwTP prior to discharge to the River Fergus, and as a result ensuring sufficient assimilation capacity within the watercourse.

4.1.2.6 Excavation Requirements

The construction phase of the proposed works will require various earthworks for aspects of the development including the installation of a proposed wastewater gravity sewer, wastewater rising main in Clarecastle village and storm storage facilities at the Clareabbey WwTP. All of the excavations required for these works are small scale in nature, supporting localised works to an existing pumping station and facilitating the installation of a small diameter pipeline (255mm) within a local road network and improved agricultural grassland. Given the nature and scale of these works and their remote location from European site bounds, there is no potential for direct or indirect impacts to SACs/ SPAs as a result of excavation requirements.

4.1.2.7 Transport Requirements

The construction phase of the proposed works will require the transportation of materials, equipment and personnel. Accidental spillage and release of chemical and hydrocarbons associated with transportation to watercourses such as the River Fergus and Fergus Estuary has the potential to impact the QI of the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. The combustion of fuel from the use of vehicles also has the potential to cause air pollution. Given the minor scale of the works as outlined in the **Section 3.2**, it is not anticipated that transportation requirements will impact negatively on the SAC or SPA.

4.1.2.8 Duration of Construction, Operation and Decommissioning

The duration of the construction works will be 6-12 months followed by a 12-month defect period during which contractors will remedy and defect to the permanent works.

4.1.2.9 Cumulative Impacts with Other Plans and Projects in the Area

As part of the screening for an AA, in addition to the proposed works, other relevant projects and plans in the region must also be considered at this stage and assessed in the context of potential for in-combination effects. These plans and projects are outlined and assessed in **Table 4-1** below.

It is concluded that there will be no negative in-combination effects between the proposed works and plans or project in the area. There will be a positive in combination effect for projects in the area as the proposed works will lead to greater efficiency in wastewater collection, conveyance and treatment prior to release to the existing environment.

Table 4-1: In-Combination Impacts associated with Clarecastle Agglomeration

Plan / Programme/Policy	Key Objectives/Policies/Proposals	Potential for In-combination Effects and Mitigation
Clare County Development Plan 2017 - 2023	<p>Objectives</p> <p>CDP8.21: Water Framework Directive</p> <p>a) To facilitate the implementation of the Shannon River Basin Management Plan and the Western River Basin Management Plan (together with any subsequent National River Basin Management Plan) for groundwaters and surface waters in the plan area as part of the implementation of the EU Water Framework Directive;</p> <p>b) To protect groundwater resources in accordance with the statutory requirements and specific measures as set out in the relevant River Basin Management Plan;</p> <p>c) To consider proposals for development where it can be clearly demonstrated that the development will meet the requirements of the relevant River Basin Management Plan.</p> <p>CDP8.22: Protection of Water Resources</p> <p>a) To protect the water resources of County Clare having regard to the requirements of the relevant EU Directives;</p> <p>b) To ensure that developments that would have an unacceptable impact on water resources, including surface water and groundwater quality and quantity, designated sources protection areas, coastal and transitional waters, river corridors and associated wetlands are not permitted;</p> <p>c) In areas of potable groundwater resources or over vulnerable aquifer areas, development proposals will only be considered if the applicant can clearly demonstrate that the proposed development will not pose a risk to the quality of the underlying groundwater;</p> <p>d) To protect groundwater resources, in accordance with statutory requirements and specific measures as set out in the Shannon and Western River Basin Management Plans;</p>	<p>A number of strategies, policies and objectives are set out in the Clare County Development Plan (CDP) 2017 – 2023 for the protection of the natural environment.</p> <p>CDP8.21, 8.22, 8.24, 8.27 provide strategic aims, policies and objectives which set out requirements for developments to take cognisance of mechanisms which safeguard water and wastewater services against any negative impacts that may potentially exist as a result of any proposed plans or projects.</p> <p>CDP11.14, 12.1, 14.2, 14.3 and 14.7 provides policies and objectives for proposed developments to take cognisance of the various national and international legislation ensuring that plans and projects put mechanisms in place to avoid any significant negative impacts occurring to qualifying interests (habitats and species) of designated sites.</p> <p>Given the strategies, policies and objectives relating to European Sites within the Clare County Development Plan, no significant in-combination effects are envisaged.</p>

Plan / Programme/Policy	Key Objectives/Policies/Proposals	Potential for In-combination Effects and Mitigation
	<p>e) To ensure that proposals for development which infringe on a river boundary, or an associated habitat, including their connection by groundwater, will only be considered where it can be clearly demonstrated that:</p> <ul style="list-style-type: none"> ▪ The character of the area will be conserved; ▪ An acceptable physical riparian zone will be maintained with all natural vegetation preserved; ▪ There will be no impact on the ecological, aquatic or fishing potential of the waters or associated waters; ▪ All proposals are in compliance with the requirements of the Habitats Directive, where appropriate. <p>CDP8.24: Water Services</p> <p>a) To work closely with IW to identify and facilitate the timely delivery of the water services required to realise the development objectives of this Plan;</p> <p>b) To facilitate the provision of integrated and sustainable water services through effective consultation with IW on the layout and design of water services in relation to the selection and planning of development areas and the preparation of master plans;</p> <p>c) To ensure that adequate water service will be available to service development prior to the granting of planning permission and to require developers to consult IW regarding available capacity prior to applying for planning permission;</p> <p>d) To ensure that development proposals comply with the standards and requirements of IW in relation to water and waste water infrastructure to facilitate the proposed development.</p>	

Plan / Programme/Policy	Key Objectives/Policies/Proposals	Potential for In-combination Effects and Mitigation
	<p>CDP8.27: Waste Water Treatment and Disposal</p> <p>a) To advocate the provision, by Irish Water, of adequate waste water services and capacity to accommodate the target population and employment potential of County Clare in accordance with the statutory obligations set out in EU and national policy;</p> <p>b) To support IW in the promotion of effective management of trade discharges to sewers in order to maximise the capacity of the existing sewer networks and minimise detrimental impacts on sewage treatment works;</p> <p>c) To permit the development of single dwelling houses only where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with the 'Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses EPA (2009)';</p> <p>d) To permit the development of treatment systems for small businesses/community facilities in un-serviced areas where they are in single ownership and where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with 'Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses EPA (2009) and Wastewater Treatment Manuals-Treatment Systems for Small Communities, Business, Leisure Centres and Hotels, EPA (1999)';</p> <p>e) To encourage and support a changeover from septic tanks/private waste water treatment plants to public collection networks wherever feasible, subject to connection agreements with IW and to ensure that any future development connects to the public wastewater infrastructure where it is available.</p> <p>CDP11.14: Building on the Shannon Estuary as an Environmental Asset</p> <p>a) To facilitate appropriate development which is compatible with the areas of the estuary which are designated under the Habitats and Birds Directives, whilst ensuring that the environment is protected, conserved and maintained and, where possible, restored, ensuring the dual goals of economic development and environmental conservation can be achieved;</p>	

Plan / Programme/Policy	Key Objectives/Policies/Proposals	Potential for In-combination Effects and Mitigation
	<p>b) To ensure that all proposed developments are in accordance the Birds and Habitats Directive, Water Framework Directive and all other relevant EC Directives;</p> <p>c) To ensure that all proposed developments do not compromise the achievement of the objectives of the River Basin Management Plans, prepared in accordance with the Water Framework Directive and the Flood Risk Management Plans prepared in accordance with the Floods Directive;</p> <p>d) To work in partnership with all relevant statutory and other bodies to support and facilitate the preparation of an Integrated Environmental Management Plan for the Shannon Estuary.</p> <p>CDP 12.1: European Designations in Coastal Areas</p> <p>To require proposals for development which may impact on a European site to submit a Natura Impact Statement in accordance with the requirements of the Habitats Directive as part of any planning application.</p> <p>CDP 14.2: European Sites</p> <p>a) To afford the highest level of protection to all designated European Sites in accordance with the relevant Directives and legislation on such matters;</p> <p>b) To require all planning applications for development that may have (or cannot rule out) likely significant effects on European Sites in view of the site's Conservation Objectives, either in isolation or in combination with other plans or projects, to submit a Natura Impact Statement in accordance with the requirements of the EU Habitats Directive and the Planning and Development Acts 2000 - 2019;</p> <p>c) To recognise and afford appropriate protection to any new or modified SPAs or SACs that are identified during the lifetime of this plan, having regard to the fact that proposals for development outside of a European site may also have an indirect effect.</p>	

Plan / Programme/Policy	Key Objectives/Policies/Proposals	Potential for In-combination Effects and Mitigation
	<p>CDP14.3: requirement for Appropriate Assessment under the Habitats Directive</p> <p>a) To Implement Article 6(3) and where necessary Article 6(4) of the Habitats Directive and to ensure that Appropriate Assessment is carried out in relation to works, plans and projects likely to impact on European Sites (SACs and SPAs), whether directly or indirectly or in combination with any other plan(s) or project(s). All assessments must be in compliance with the European Communities (Birds and Natural Habitats) Regulations 2011;</p> <p>b) To have regard to 'Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities 2009' or any updated version.</p> <p>CDP 14.7: Non-Designated Sites</p> <p>a) To ensure the protection and conservation of areas, sites, species and ecological networks/ corridors of biodiversity value outside of designated sites throughout the county and to require an ecological assessment to accompany development proposals likely to impact on such areas or species;</p> <p>b) To ensure that available habitat mapping is taken into consideration in any ecological assessment undertaken.</p>	
River Basin Management Plan for Ireland 2018 – 2021	<p>The objectives of the RBMP are to</p> <ul style="list-style-type: none"> Prevent deterioration; Restore good status; Reduce chemical pollution; and Achieve water related protected areas objectives. <p>Public Consultation on the River Basin Management Plan (RBMP) for Ireland (2018 – 2021), began in February 2017. The document (Chapter 4) sets out the condition of Irish waters, and a summary of status for all monitored waters in the 2013 – 2015 period, including a description of the changes since 2007 – 2009. Nationally, both monitored river water bodies and lakes at high or good ecological status, appear to have declined by 3% since 2007 – 2009; nevertheless, this figure does not reflect a significant number of improvements and dis-improvements across these waters since 2009. Provisional figures from</p>	<p>Discharge release of untreated effluent from Clarecastle PS will cease as part of the proposed works. Negative impacts to water quality will reduce as a result of treated effluent from Clareabbey WwTP.</p> <p>The implementation of the RBMP seeks compliance with the environmental objectives set under the plan, which will be documented for each water body. This includes compliance with the European Communities (Surface Waters) Regulations S.I. No. 272 of 2009 (as amended). The implementation of this plan will have a positive impact on water quality and the Project will not affect the</p>

Plan / Programme/Policy	Key Objectives/Policies/Proposals	Potential for in-combination Effects and Mitigation
	<p>the EPA suggest that approximately 900 river water bodies and lakes have either improved or dis-improved. In addition, the previously observed long term trend of decline in the number of high status river sites has continued.</p> <p>The 2013-15 status information shows 55% of river water bodies, 46% of lakes, 32% of transitional waters and 76% of coastal waters achieving good or high status. For groundwater, 91% of water bodies are at good status. Nationally the number of monitored river water bodies and lakes at good or high status appears to have declined by 3% since 2007-2009. However, this decline also masks an underlying trend of improvement and dis-improvement across monitored river water bodies and lakes since 2009. Provisional figures from the Environmental Protection Agency suggest that approximately 900 river water bodies and lakes have changed status over the period of the first cycle. The findings also show that high status waters remain under continued pressure – with 10% of monitored river sites having high status in 2013-15 compared to 13% in 2007-2009. For our protected areas, 93% of bathing waters met the required standards in 2015. For shellfish waters the most recent information, for 2015, shows 75% of sites meeting the microbiological guide value. For SACs with water dependency, around 60% of river water bodies and almost 70% of lakes achieved their required status. However, the situation for SACs in transitional waters was less positive – with 37% of such areas meeting their required standards of good status.</p>	<p>achievement or the proposed objectives of the RBMP objectives.</p>
Water Services Strategic Plan (WSSP, 2015)	<p>IW has prepared a Water Services Strategic Plan (WSSP, 2015), under Section 33 of the Water Service No. 2 Act of 2013 to address the delivery of strategic objectives which will contribute towards improved water quality and biodiversity requirements through reducing:</p> <ul style="list-style-type: none"> ▪ Habitat loss and disturbance from new / upgraded infrastructure; ▪ Species disturbance; ▪ Changes to water quality or quantity; ▪ Nutrient enrichment /eutrophication. 	<p>The WSSP forms the highest tier of asset management plans (Tier 1) which IW prepare and it sets the overarching framework for subsequent detailed implementation plans (Tier 2) and water services projects (Tier 3). The WSSP sets out the challenges we face as a country in relation to the provision of water services and identifies strategic national priorities. It includes Irish Water's short, medium and long term objectives and identifies strategies to achieve these objectives. As such, the plan provides the context for subsequent detailed implementation plans (Tier 2) which will document the approach to be used for key water service areas such as water resource</p>

Plan / Programme/Policy	Key Objectives/Policies/Proposals	Potential for In-combination Effects and Mitigation
		<p>management, wastewater compliance and sludge management. The WSSP also sets out the strategic objectives against which the IW Capital Investment Programme is developed. The current version of the CAP outlines the proposals for capital expenditure in terms of upgrades and new builds within the IW owned assets.</p> <p>The overarching strategy was subject to AA and highlighted the need for additional plan/project environmental assessments to be carried out at the tier 2 and tier 3 level. Therefore, no potential significant in-combination effects are envisaged.</p>
Local Area Planning Applications	<p>There are a number of planning applications pending or recently approved in Clarecastle. The applications are predominantly for the construction of new dwellings or renovations to existing dwellings. Applications seek to construct septic tanks or wastewater treatment systems or to connect to the village's wastewater network. Further information on these planning applications are presented below.</p> <p>Reg. Ref: 181004 – Irish Water. 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.</p> <p>Reg. Ref: 18714 - John and Justin Bane. Construct a single storey rear extension to the existing dwelling house and a detached garage including all ancillary site works.</p> <p>Reg. Ref: 18373 - Joe Deasy. Retain (a) extension to shop, (b) change of use from part residential use to retail shop and (c) associated signage, all at Centra Supermarket.</p> <p>Reg. Ref: 17986 - Michael & Sarah Jacob. Development which consists of the construction of a dwelling house to the rear of existing dwellings on the street with connection to main public sewer and associated site works.</p>	<p>Adherence to the overarching policies and objectives of the Clare County Development Plan 2017 - 2023 will ensure that local planning applications in the Clarecastle area (including those listed in the adjoining column) and subsequent grant of planning will comply with the core strategy of proper planning and sustainability, and with the requirements of relevant EU Directives and environmental considerations, there is no potential for adverse in combination effects on European Sites.</p> <p>Proposed and new developments connected to the Clarecastle agglomeration will receive improved treatment of wastewater generated prior to discharge to the River Fergus, further negating potential in-combination effects to the Lower River Shannon SAC and the River Shannon and River Fergus SPA.</p> <p>An Environmental Impact Assessment Screening Report was prepared for a planning application to upgrade the existing WwTP (Planning reference number: 181004). The EIA screening for this application notes that upgrading the</p>

Plan / Programme/Policy	Key Objectives/Policies/Proposals	Potential for In-combination Effects and Mitigation
	<p>Reg. Ref: 17551 - Woodhaven Developments Ltd, Meadow View (Phase 2) Construct 17 No. 2 storey dwelling houses incl. ancillary site works & connect to public services.</p> <p>Reg. Ref: 17550 - Woodhaven Developments Ltd. Fort View Construct 20 No.2 storey & 4 No. single storey dwelling houses incl. ancillary site works & connect to public services.</p> <p>Reg. Ref: 17329 - Roche Ireland Facility. Extend Planning Permission P11-448: Construct No. 3 storey building & other development works.</p> <p>Reg. Ref: 17105 - Clarecastle GAA Camogie Club. Construct Camogie Club changing room facilities & connect to existing services onsite & ancillary site works.</p> <p>Reg. Ref: 16764 - Maxol Limited. Redevelopment of Maxol Service Station.</p> <p>Reg. Ref: 171001 / ABP Ref PL03 .301778 - Engie Developments Ireland Ltd .Ten year permission to develop a solar farm which comprises the construction and operation of solar PV arrays mounted on metal frames on a 33 Ha site, inclusive of a single electrical control building, onsite substation, up to 8 No. inverter units, up to 1 No. temporary construction areas with ancillary facilities, boundary fencing with CCTV units, use of existing access, an access track and all associated works (inclusive of gross floor space of proposed works up to 207.6 sqm).</p> <p>Reg. Ref: 16673 - Woodhaven Developments Ltd. Meadow View Construct of 46 No. 2 storey dwelling houses, incl. ancillary site works & connection to public services.</p>	<p>existing Clareabbey wastewater treatment plant will take place within the existing footprint of the Clareabbey WwTP approx. 0.75ha and that the works are considered minor in terms of magnitude, short term in duration and localised in extent. It is expected that the operational phase of the works will improve the treatment/management of wastewater in the agglomeration and subsequently a long-term positive impact on the local amenity areas, including riparian, coastal and marine environments. A Screening for Appropriate Assessment was prepared by McCarthy Keville O Sullivan Ltd. for the upgrade works to inform the competent authority's Screening for AA. The Screening for AA report concluded as follows:</p> <p>"The proposed development, by itself or in combination with other plans or projects, in light of the best scientific knowledge in the field, will not, in the views of the sites' qualifying interests and conservation objectives, have significant effects on any European Site".</p> <p>The main potential in-combination effects associated with both projects (the proposed development and the proposed upgrade of Clareabbey WwTP) being constructed concurrently are predicted to be the control of materials / outputs from both construction processes. Having regard to the limited duration, extent and magnitude for these impacts to arise from the permitted proposed upgrade works to the Clareabbey WwTP in the first instance; the potential for in-combination effects with the current proposed development is not considered to be significant.</p>

Plan / Programme/Policy	Key Objectives/Policies/Proposals	Potential for In-combination Effects and Mitigation
		Other projects granted planning permission within the Clarecastle area and its surrounds will be subject to the core strategy of proper planning and sustainability as detailed in Clare County Council's County Development Plan 2017-2023 and with the requirements of relevant EU Directives and environmental considerations. Therefore, there is no potential for these developments to contribute towards adverse in combination effects on European Sites.

4.1.3 Describe Any Likely Changes to The Site Arising as a Result of the following;

4.1.3.1 Reduction of Habitat

The proposed works are not located within European sites and therefore there is no potential for reduction in designated habitats or habitats within close proximity to the Lower River Shannon SAC and River Shannon and River Fergus SPA.

4.1.3.2 Disturbance to Key Species

The proposed construction works are small scale and will be localised to the pipeline, pumping station and proposed WwTP footprint, all of which are located outside of the SAC and SPA boundaries. Therefore, there will be no potential for disturbance to key species during the development's construction phase.

The operational phase will discharge effluent to the River Fergus which will have undergone secondary treatment at the Clareabbey WwTP. The River Fergus will have sufficient assimilation capacity post treatment. This will be a positive direct impact upon the receiving environment associated with the removal of untreated effluent into the River Fergus, benefitting the Qualifying Interests and Special Conservation Interest species of Lower River Shannon SAC. Habitat or Species Fragmentation

The proposed construction phase works will not result in habitat or species fragmentation to those European sites which provide supporting connectivity. The operational phase involving the release of treated wastewater effluent will not result in habitat or species fragmentation of European sites.

4.1.3.3 Reduction in Species Diversity

There will be no reduction in populations of key species of the SAC or SPA as a result of the proposed works. The proposed construction works are small scale and will be localised to the pipeline, pumping station and proposed WwTP footprint, all of which are located outside of the SAC and SPA boundaries. Therefore, there will be no potential for reduction in species diversity during the development's construction phase.

The operational phase of the development will result in the discharge of treated effluent (secondary treatment) to the River Fergus. The proposed treatment works upgrade at Clareabbey WwTP, in addition to the provision of a storm water holding tank at Clareabbey WwTP, will result in the receiving watercourse and the in-situ and downstream European Sites supporting sufficient assimilative capacity to receive treated wastewater from the Clarecastle agglomeration. Therefore, there will be no reduction in species diversity as a result of the proposed operational phase.

4.1.3.4 Changes in Key Indicators of Conservation Value

The proposed works will not impact upon the key indicators of conservation value of the Lower River Shannon SAC and River Shannon and River Fergus SPA. . The proposed works will also remove ongoing release of untreated wastewater entering the River Fergus Estuary from the Clarecastle agglomeration. This will be a positive direct impact upon the receiving environment benefitting the Qualifying Interests of the Lower River Shannon SAC and SCI species of the River Shannon and River

Fergus Estuaries SPA. It is not anticipated that the proposal will have any significant effects on the European sites or their qualifying features in this respect.

4.1.4 Describe any Likely Impacts on the European Sites as a whole in terms of Interference with key relationships that define the structure and function of the site

The development construction phase will be located in proximity to two European sites; i.e. the Lower River Shannon SAC and River Shannon and River Fergus SPA. The proposed construction works are small scale in nature as described in **Section 3.2**.

The operational phase will discharge effluent to the River Fergus which will have undergone secondary treatment at the Clareabbey WwTP. The River Fergus will have sufficient assimilation capacity post treatment. This will be a positive direct impact upon the receiving environment benefitting the Qualifying Interests of the Lower River Shannon SAC and SCI species of the River Shannon and River Fergus Estuaries SPA. The proposed works will also remove ongoing release of untreated wastewater entering the River Fergus Estuary from the Clarecastle agglomeration.

4.1.5 Provide Indicators of Significance as a result of the identification of effects set out above in terms of

4.1.5.1 Loss

No loss of designated European sites will occur as a result of the proposed works construction or operation.

4.1.5.2 Fragmentation

There will be no fragmentation of European sites associated with the proposed works construction or operation.

4.1.5.3 Disruption

Given the scale and nature of the works, there will be no disruption effects to European Sites. All site works will be completed within the development footprint and therefore, no significant impacts to European Sites are anticipated during the development's construction phase.

This will be a positive direct impact as a result of improved and more efficient effluent treatment process during the operational phase, upon the receiving environment. The operational phase will remove the ongoing release of untreated wastewater entering the River Fergus Estuary from the Clarecastle agglomeration, conveying wastewater generated in the Clarecastle agglomeration to Clareabbey WwTP for secondary treatment. This is beneficial to the Qualifying Interests and Special Conservation Interest species of Lower River Shannon SAC and River Shannon and River Fergus SPA.

4.1.5.4 Disturbance

Given the nature and scale of the proposed works, there will be no disturbance effects to European Sites within the development ZOI. There will be no disturbance effects to European Sites and their component habitats and species within the development Zone of Influence during the operational phase. The operational phase will discharge treated wastewater to the River Fergus. These works and the accompanying upgrade work at Clareabbey WwTP (planning reference 181004) will lead to the more efficient treatment of wastewater prior to discharging into the River Fergus with knock benefits to the in-situ and downstream European Sites; i.e. Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA.

4.1.5.5 Change to Key Elements of the Site

The proposed construction works will be retained to the development footprint given their nature and scale and will not extend to the surrounding environment. Therefore, no significant impacts to European Sites are anticipated during the development's construction phase.

During the operational phase, the proposed improvement works will connect directly to the Lower River Shannon SAC with downstream indirect connectivity to the River Shannon & River Fergus Estuaries SPA via treated effluent emissions discharged from the existing Clareabbey WwTP. The implementation of proposed secondary treatment of the wastewater from the Clarecastle agglomeration at the existing Clareabbey WwTP will sufficiently improve effluent treatment. The proposed works will also remove ongoing release of untreated wastewater entering the River Fergus Estuary from the Clarecastle agglomeration.

4.1.5.6 Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.

The potential impacts of the proposed construction works have been assessed. It has been determined that the proposed construction works will be retained to the development footprint given their nature and scale and will not extend to the surrounding environment. Therefore, no significant impacts to European Sites are anticipated during the development's construction phase.

During the operational phase, the proposed improvement works will connect directly to the Lower River Shannon SAC with downstream indirect connectivity to the River Shannon & River Fergus Estuaries SPA via treated effluent emissions discharged from the existing Clareabbey WwTP. The implementation of proposed secondary treatment of the wastewater from the Clarecastle agglomeration at the existing Clareabbey WwTP will sufficiently improve effluent treatment and allow for the treated water to be assimilated within the waters of the River Fergus. The proposed works will also remove ongoing release of untreated wastewater entering the River Fergus Estuary from the Clarecastle agglomeration.

Additional plans and projects identified for the region and study area are detailed in **Table 4-1**. It is concluded that no significant in-combination effects are considered likely and the proposed works will result in positive impacts by providing improved efficiency of wastewater collection, conveyance and treatment of the receiving waters. Proposed and new developments connected to the Clarecastle agglomeration will receive improved treatment of wastewater generated prior to discharge to the River Fergus, further negating potential in-combination effects to Lower River Shannon SAC and River Shannon and River Fergus SPA. Improved treatment of wastewater generated within the Clarecastle agglomeration and discharged to Lower River Shannon SAC will further improve the receiving environment and its constituent European Sites.

5 CONCLUSION

This screening for AA identifies and assesses potential significant effects which are likely to occur as a result of the proposed works at Clarecastle Sewerage Scheme. The screening identified 24 European sites within 15km zone of influence of the proposed works. It identifies two sites in proximity to the proposed works during the construction phase; Lower River Shannon SAC and River Shannon and River Fergus SPA. The operational phase supports direct connectivity to Lower River Shannon SAC via the effluent outfall pipe and indirect connectivity to the River Shannon and River Fergus Estuaries SPA via downstream connectivity.

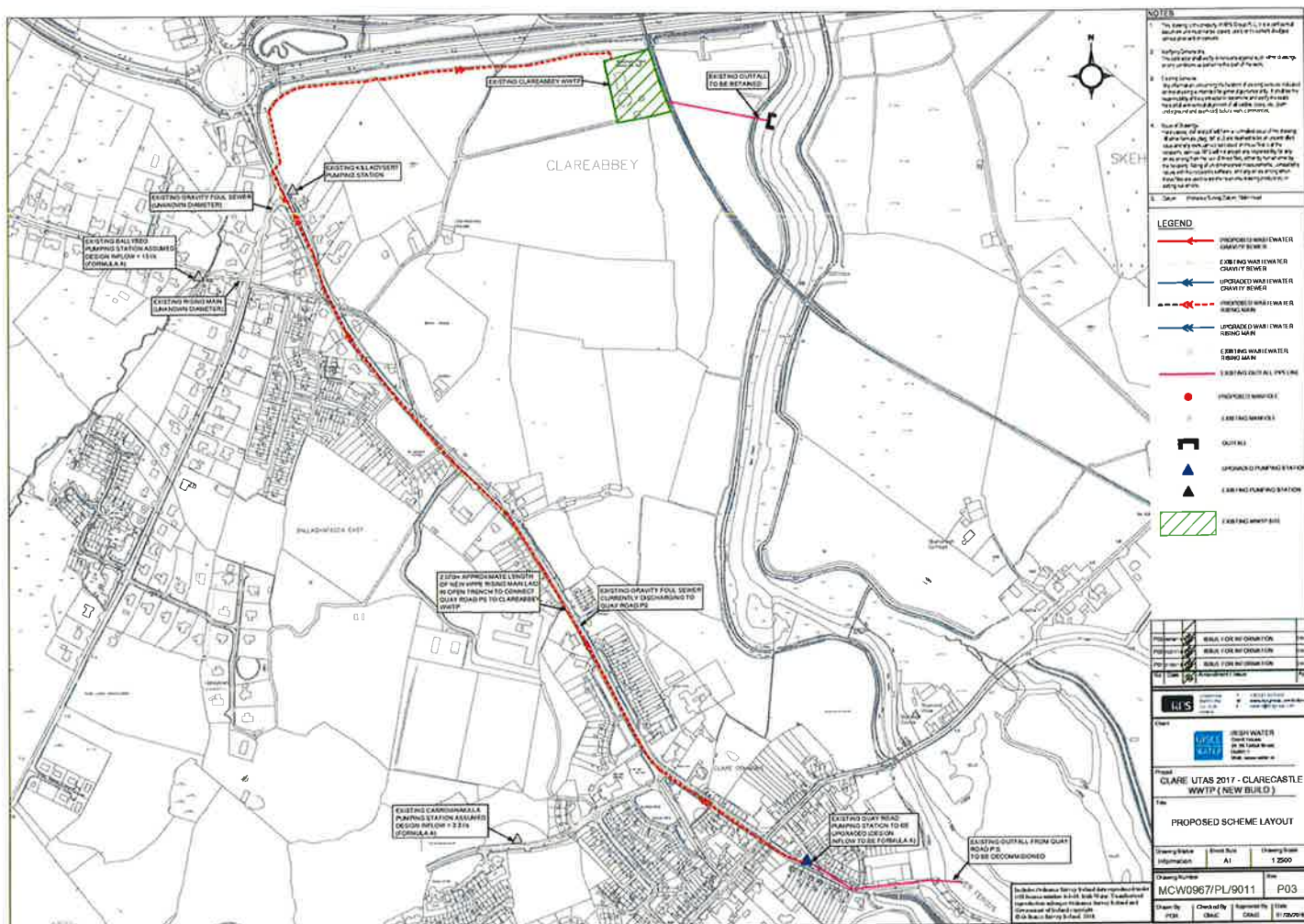
The potential impacts of the proposed development have been assessed. Elements of the proposed construction works are located in proximity to the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA, particularly those works at Quay Road pumping Station and Clareabbey WwTP. In spite of this proximity, the nature and scale of the proposed works at both of these locations will not result in connectivity to the surrounding environment and its component European Sites. During the operational phase, the secondary treatment of the wastewater from the Clarecastle agglomeration at the existing Clareabbey WwTP will sufficiently improve effluent treatment and allow for the treated water to be assimilated within the waters of the River Fergus. It can be concluded that, in view of best scientific knowledge, the proposed development, either individually or in combination with other plans or projects, is not likely to have a significant effect on any European Site.

The proposed works will also lead to the cessation/ending of the ongoing release of untreated wastewater entering the River Fergus Estuary from the Clarecastle agglomeration. This will contribute to an overall positive impact on the qualifying interests of Lower River Shannon SAC and River Shannon and River Fergus SPA.

Therefore, a Stage 2 Appropriate Assessment is deemed **not to be required**.

APPENDIX A

Clarecastle Sewerage Scheme Drawing No. MCW0967/PL/9011

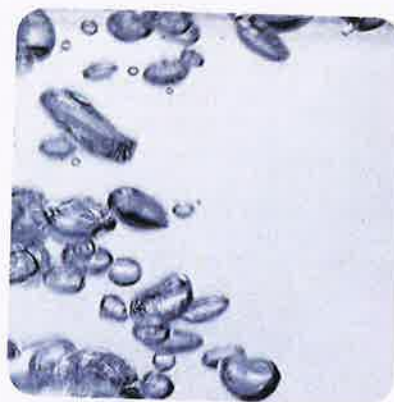
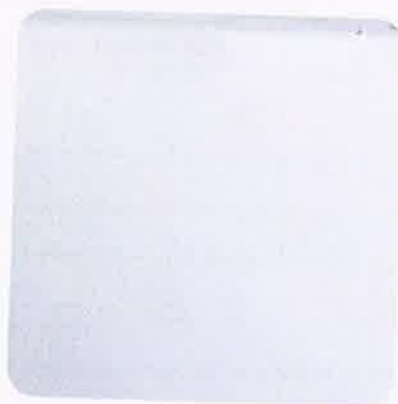


RPS

Clarecastle Sewerage Scheme

Invasive Alien Species

Aug 2019





Clarecastle Sewerage Scheme

Report on Invasive Alien Species

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ACRONYMS

AA	Appropriate Assessment
IAPS	Invasive Alien Plant Species
IW	Irish Water
NBDC	National Biodiversity Data Centre
NPWS	National Parks and Wildlife Service
PS	Pumping Station
WwTP	Wastewater Treatment Plant

1 INTRODUCTION

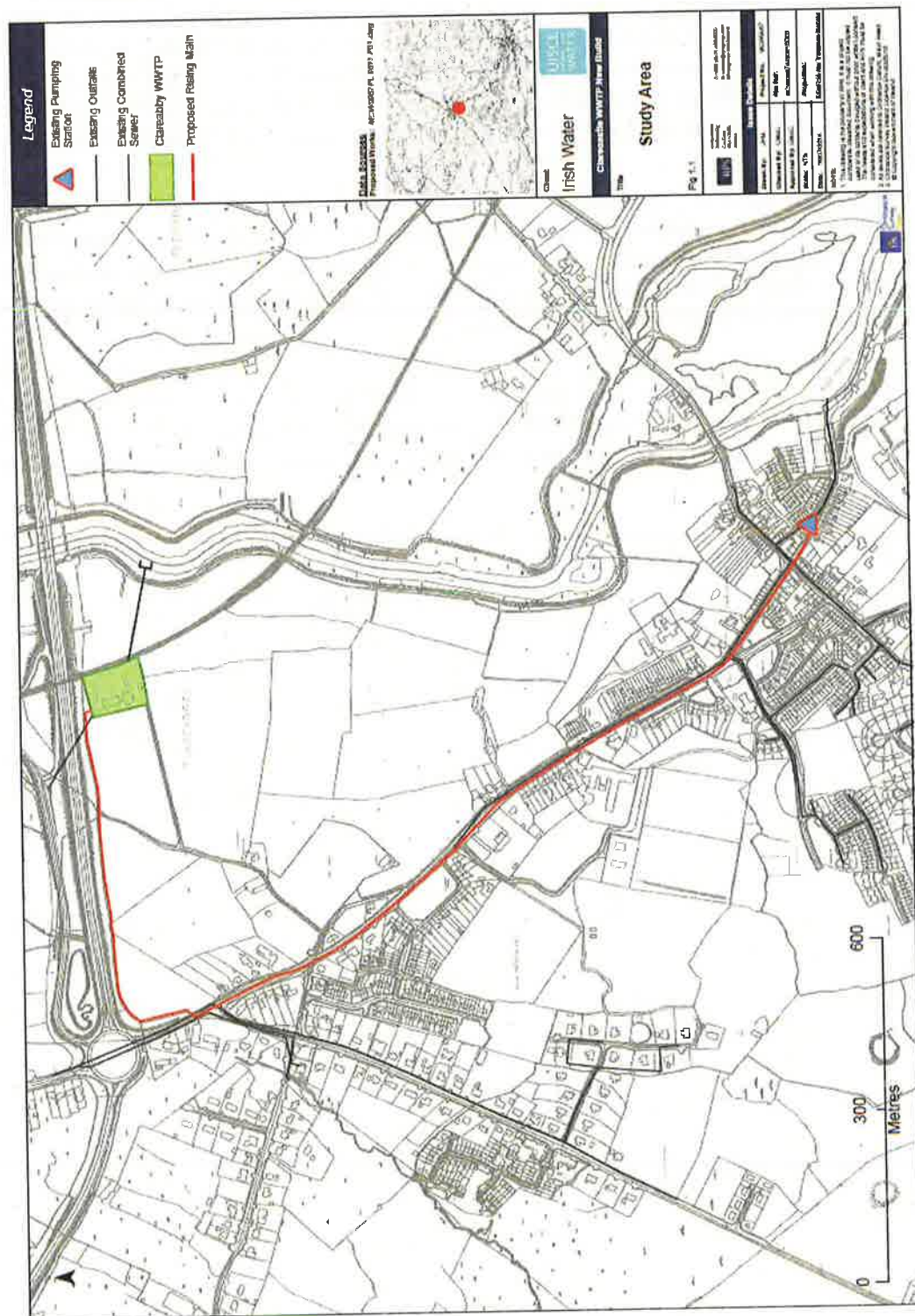
1.1 OVERVIEW

RPS was commissioned by Irish Water (IW) to determine the presence or absence of Invasive Alien Plant Species (IAPS) as listed on the Third Schedule of the Birds and Natural Habitats Regulations 2011 (as amended) within the route corridor of the proposed rising mains and related ancillary activities at Clarecastle, Co. Clare. This report presents the findings of the baseline IAPS survey of the study area which was undertaken on 26th September 2017 and 25th June 2018. Since the 2017 survey there has been a revision to the route of the proposed rising main in the northern section. The 2018 survey was undertaken on the revised route as shown in **Figure 1.1** and the 2017 route is shown in **Appendix A**.

IAPS are plants that are introduced accidentally or deliberately into a natural environment where they are not normally found, with serious negative consequences for their new environment. They represent a major threat to native plants and animals on a global scale and are considered as one of the most significant drivers of ecological change.

The presence of IAPS within the study area has the potential to significantly affect construction activities and the operational conditions of such facilities and careful measures must be taken to ensure they are managed appropriately and negate any negative impacts that could potentially occur.

Figure 1.1: Location of Proposed Works



1.2 SITE DESCRIPTION

The scope of the survey comprised the survey of the site for the proposed works to be designed and constructed for Clarecastle which is to comprise the following components and further detail can be seen in **Figure 1-1**.

Quay Road PS

- Upgrade of the existing Quay Road PS by the installation of new duty/standby pumps to replace the 2 No. existing dry well submersible pumps and MEICA (Mechanical, Electrical, Instrumentation, Controls, Automation) plant (if possible to upgrade and retain one of the existing pumps, this will be undertaken instead of full replacement); and
- The new pumps will have variable speed drives to allow for the conveyance of the Formula 'A'¹ flows to the existing Clareabbey WwTP as no storage is provided at the PS.

Pipelines

- Approximately 2,070m of new 255mm ID rising main to convey untreated flow from the upgraded Quay Road PS to the existing Clareabbey WwTP. The initial 1,370m 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 will connect to new inlet works at Clareabbey WwTP; and
- Pipelines will be laid in either road or field/verge.

No upgrade works are planned for the Clareabbey WwTP under this proposal.

¹ The minimum overflow setting above which overflows might be permitted is defined as that given by "Formula A". This sets the minimum level at which the wastewater is sufficiently diluted by rainwater so as to avoid pollution of the receiving watercourse when overflowed from the sewer.

1.3 SCOPE OF SITE ASSESSMENT

The purpose of this survey is to:-

- Confirm presence/absence of any IAPS present within or in close proximity to the proposed works; and
- Assess the extent of infestations of any IAPS found.

While the presence of all IAS was investigated, it was the terrestrial and riparian zone plant species that was the primary focus. Non-native terrestrial species listed under the Third Schedule of the 2011 Birds and Natural Habitats Regulations (as amended) that were of primary focus are as follows:

- Japanese knotweed (*Fallopia japonica*);
- Giant knotweed (*Fallopia sachalinensis*);
- Giant hogweed (*Heracleum mantegazzianum*);
- Giant rhubarb (*Gunnera tinctoria* and *G. manicata*);
- Himalayan balsam (*Impatiens glandulifera*);
- Himalayan knotweed (*Persicaria wallichii*);
- Hottentot fig (*Carpobrotus edulis*);
- Rhododendron (*Rhododendron ponticum*); and
- Three-cornered leek (*Allium triquetrum*).

An updated survey will be undertaken in the growing season prior to the commencement of the works. An Invasive Species Management Plan will subsequently be submitted and agreed with Irish Water. This will then be submitted and agreed in writing with the Planning Authority prior to the commencement of the works.

1.4 METHODOLOGY

1.4.1 Desktop Review

Desktop studies were carried out in September 2017 and June 2018 to identify any records of invasive non-native terrestrial species for the study area. The National Biodiversity Data Centre (NBDC) invasive species records database and mapping system were reviewed for the study area and its outer environs².

1.4.2 Site Survey Guidance

During the survey, a suite of information was recorded including the species, location and extent, of IAPS.

The site survey methodology is based on a suite of guidance and best practice as contained within the following guidance documents: -

² <http://maps.biodiversityireland.ie>, accessed September 2017 and June 2018.

- *Information and Guidance Document on Japanese knotweed Asset Strategy and Sustainability*; (Irish Water 2016);
- *Guidelines on The Management of Noxious Weeds and Non-native, Invasive Plant Species on National Roads* (National Roads Authority³, 2010);
- *Managing Japanese Knotweed on Development Sites (Version 3, amended 2013)* Environment Agency UK, (2013);
- *The Control of Rhododendron in Native Woodlands*; (Woodlands of Ireland Information Note No. 3, 2007);
- *3rd National Biodiversity action plan -National Biodiversity Strategy and Action Plan 2017-2021*. (Department of Culture, Heritage and the Gaeltacht 2017).;
- *Actions for Biodiversity 2017-2021, Ireland's 2nd National Biodiversity Plan* (National Parks and Wildlife Services) (NPWS, 2011);
- Various Inland Fisheries Ireland Guidance Regarding Aquatic Invasive Species Control (<https://www.fisheriesireland.ie/Research/invasive-species.html>); and
- Various Invasive Species Ireland Guidance (<https://invasivespeciesireland.com/>).

1.5 INVASIVE PLANT SPECIES IN IRELAND AND LEGISLATIVE FRAMEWORK

There are numerous invasive species that can be found in Ireland including terrestrial plants and aquatic plants which can cause damage to native ecosystems functions and their services. The control of IAPS in Ireland is regulated through the European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477 of 2011), specifically Regulations 49 and 50 as follows:-

- **Regulation 49** - Other than in accordance with a licence a person shall be guilty of an offence if they: plant; disperse; allow or cause to disperse; spread or cause to grow any plant listed in Part 1 of the Third Schedule in any location within the State.
- **Regulation 50** - Other than in accordance with a licence, a person shall be guilty of an offence if they import or transport; have in their possession for the intention of selling, breeding, reproducing or propagating; offer or expose for sale, transport, distribution, introduction or release; or advertise or publish a price list with the intention of buying, selling or releasing; any plant species or vector material listed in the Third Schedule of the Regulations.

Non-native terrestrial species listed under the Third Schedule of the 2011 Regulations include the following species: -

- Japanese knotweed (*Fallopia japonica*);
- Giant knotweed (*Fallopia sachalinensis*);
- Giant hogweed (*Heracleum mantegazzianum*);
- Giant rhubarb (*Gunnera tinctoria* and *G. manicata*);
- Himalayan balsam (*Impatiens glandulifera*);
- Himalayan knotweed (*Persicaria wallichii*);
- Hottentot fig (*Carpobrotus edulis*);
- Rhododendron (*Rhododendron ponticum*); and

³ Now Transport Infrastructure Ireland.

- Three-cornered leek (*Allium triquetrum*).

On the 12th of July 2017 the list of invasive alien species of Union concern established by Implementing Regulation (EU) 2016/1141 pursuant to Regulation (EU) No 1143/2014 of the European Parliament and of the Council was updated to include 12 new invasive species. Of these were Chilean rhubarb (*Gunnera tinctoria*), Giant hogweed (*Heracleum mantegazzianum*) and Indian/Himalayan balsam (*Impatiens glandulifera*).

1.6 ASSESSORS

The desktop review and site assessment was undertaken by a RPS Ecologist with previous experience in surveying IAPS and the preparation of IAPS management and eradication plans.

1.7 DATE OF SITE ASSESSMENT

An IAPS survey was undertaken on the 26th September 2017 and the 25th June 2018. These surveys established the existing environment on site with particular focus on determining the presence / absence of IAPS, the use of the site by fauna, localised topography and onsite drainage channels and patterns.

1.8 LIMITATION OF ASSESSMENT

Limitations primarily involved lack of access due to private lands, and drains. However, the areas were visible from adjoining lands and presence or absence and extent could be determined for the study area locations.

2 DESKTOP REVIEW

A desktop review of non-native terrestrial IAPS was carried out prior to a site survey of the study area in September 2017 and again in June 2018.

Table 2.1 presents a list of invasive species present within 2km Grid Square sections of the study area and its environs as recorded on the NBDC website (accessed September 2017 and June 2018). Species Risk Status is in accordance with both 'Invasive Species Ireland' records and 2011 Birds and Habitats Regulations (49 & 50) lists.

Table 2-1: Non-Native Terrestrial Plant Species Recorded Within 2km Grid Square Sections Throughout the Study Area and Outer Environs (NBDC Database)

Invasive Plant Species	Location	2011 Birds & Habitats (Regulations 49 & 50) Species Status	Invasive Species Ireland 'Risk Status'
Nuttall's Waterweed (<i>Elodea nuttallii</i>)	Grid Squares R37L	Listed under Third Schedule	High Impact
Uruguayan Hampshire- purslane (<i>Ludwigia grandiflora</i>)	Grid Squares R37L	Listed under Third Schedule	High Impact

3 INVASIVE SPECIES SURVEYS

3.1 SURVEY RESULTS

The invasive species surveys of 2017 and 2018 were focused on a study area that is dominated by a built up area near the Quay Rd PS and along the R458 Ennis Road. The northern section of the 2018 proposed rising main is through fields leading to the existing Clareabbey WwTP. The original 2017 route was along a laneway.

3.1.1 Third Schedule Invasive Alien Plant Species

No Third Schedule IAPS were noted during the site surveys.

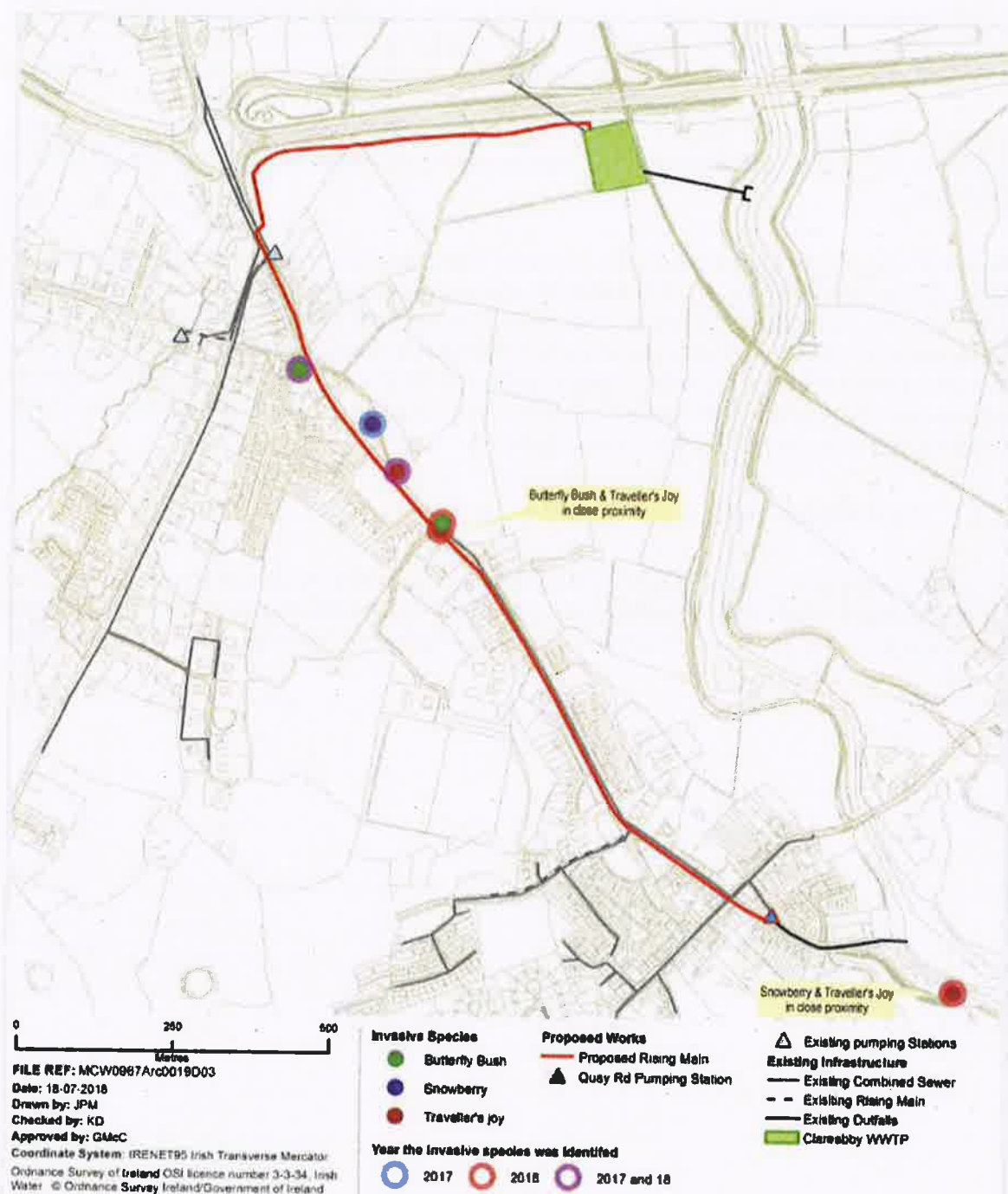
3.1.1.1 Other IAPS Species (Non Third Schedule)

No IAPS were found within the footprint of the proposed works during the 2017 and 2018 surveys. Along the route of the proposed rising main the IAPS identified are shown in **Figure 3.1. Table 3.1** details IAPS locations and site descriptions found during the 2017 and 2018 surveys.

Table 3-1: Invasive Alien Species Identified in the Study Area

Irish Grid	Species	2017 Survey Results	2018 Survey Results
R 34291 74933	Butterfly Bush (<i>Buddleja davidi</i>)	Located in a residential front garden along the R458	Located in a residential front garden along the R458.
R 34443 74774	Traveller's Joy (<i>Clematis</i>)	Large clump overhanging wall/scrub	Located in a hedgerow for a distance of 5-10m east of the R458.
R 34520 74678	Traveller's Joy (<i>Clematis</i>)	-	Adjacent to a stonewall and bramble scrub east of the R458
R 34523 74690	Butterfly Bush (<i>Buddleja davidi</i>)	-	A single bush bordering a stonewall and footpath on the east boundary of the R458.
R 35351 73944	Snowberry (<i>Symphoricarpos albus</i>)	-	Widespread in a hedgerow, a distance of 15-25m in built area adjacent to outfall location.
R 35351 73944	Traveller's Joy (<i>Clematis</i>)	-	Widespread in a hedgerow, a distance of 15-25m in built area adjacent to outfall location.
R 34378 74865	Snowberry (<i>Symphoricarpos albus</i>)	Located in Hedgerow adjacent to house, approx. 7-10m in length and 2.5m in height	-

Figure 3.1: Invasive Species Locations



Snowberry was identified near the GAA Grounds bordering the R458 during the 2017 survey (this plant was not identified in the 2018 survey). During the 2018 survey a new sighting of Snowberry was seen to the south of the Quay Road PS outfall. Snowberry is not listed as a species subject to restrictions under Regulations 49 and 50 of the Third Schedule of the European Communities Regulations, 2011. No records of Snowberry were recorded from the NBDC database. The location of Snowberry within the vicinity of the proposed works is illustrated on Figure 3.1.

Butterfly bush was found along the proposed route in one location namely that of a private garden during the June 2017 survey. This plant location was surveyed again in June 2018. In addition to this a new sighting of Butterfly bush was identified bordering a stonewall/footpath along the route of the proposed rising main on the R458 during the 2018 survey. Butterfly bush is not listed as a species subject to restrictions under Regulations 49 and 50 of the Third Schedule of the European Communities Regulations, 2011. No records of Butterfly bush were recorded from the NBDC database. The location of Butterfly bush is depicted on **Figure 3.1** and co-ordinates are provided in **Table 3.1**.

Traveller's joy was found at one location during the September 2017 survey and this plant was seen again during the 2018 survey. In addition to this there were an additional two recordings of Traveller's joy during the 2018 survey. The closest Traveller's joy to the proposed works is located along the route of the proposed rising main near the GAA Grounds. Traveller's joy is not listed as a species subject to restrictions under Regulations 49 and 50 of the Third Schedule of the European Communities Regulations, 2011. No records of Traveller's joy were recorded in the NBDC data base. The location of Traveller's joy is depicted on **Figure 3.1**.

3.1.2 Other IAS Species

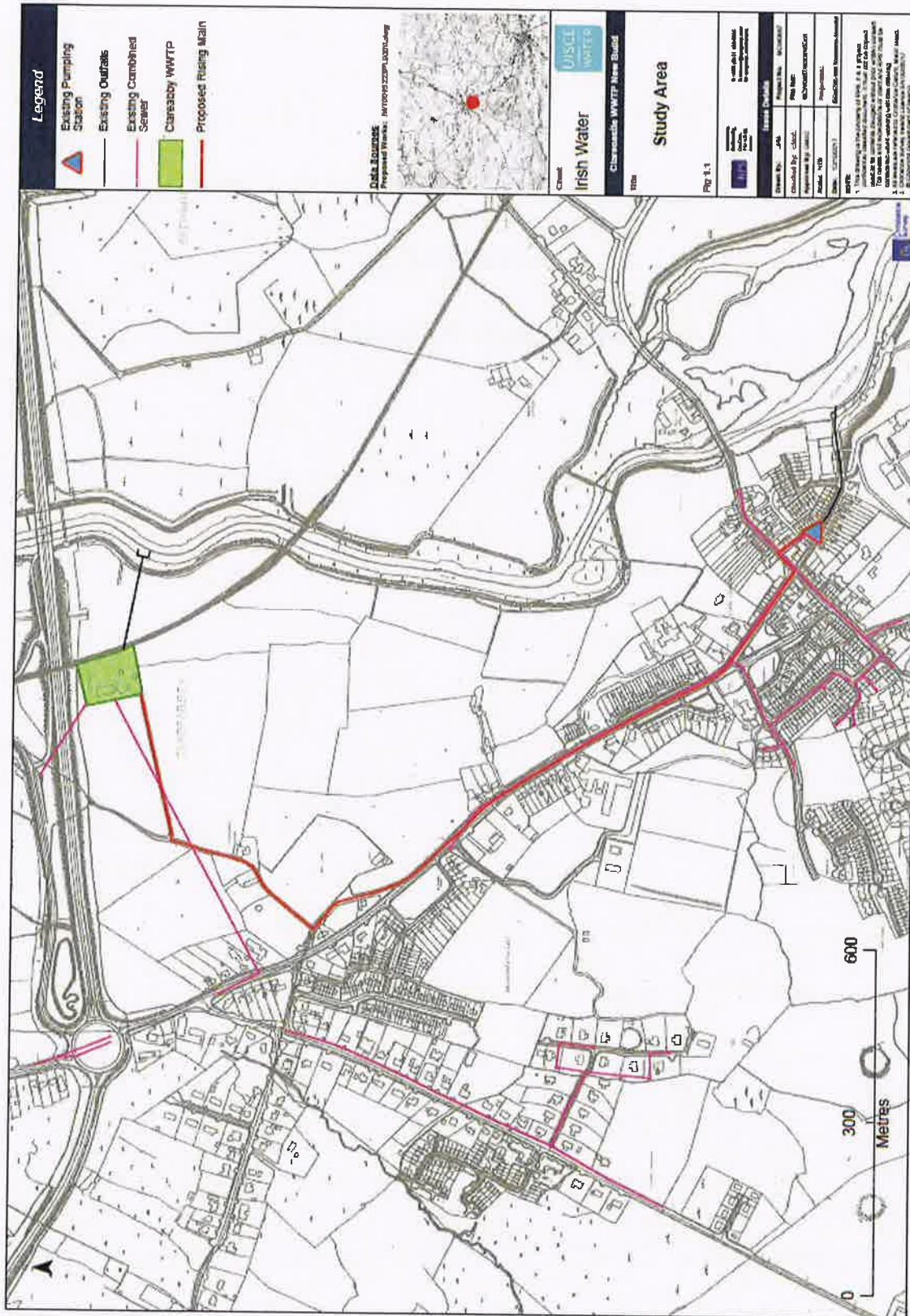
Nuttall's Waterweed (*Elodea nuttallii*) and Uruguayan Hampshire-purslane (*Ludwigia grandiflora*) were recorded during the NBDC desktop survey (**Section 2** above) of the area. However, no presence of the above named species was found onsite as part of either the September 2017 or the June 2018 survey.

4 CONCLUSIONS

No IAPS (Third Schedule listed or Non Third Schedule Listed) were identified within the footprint of the proposed works during the September 2017 and June 2018 surveys. Within the wider area the survey did identify established and establishing populations of Non Third Schedule Listed; Butterfly bush, Snowberry and Traveller's joy.

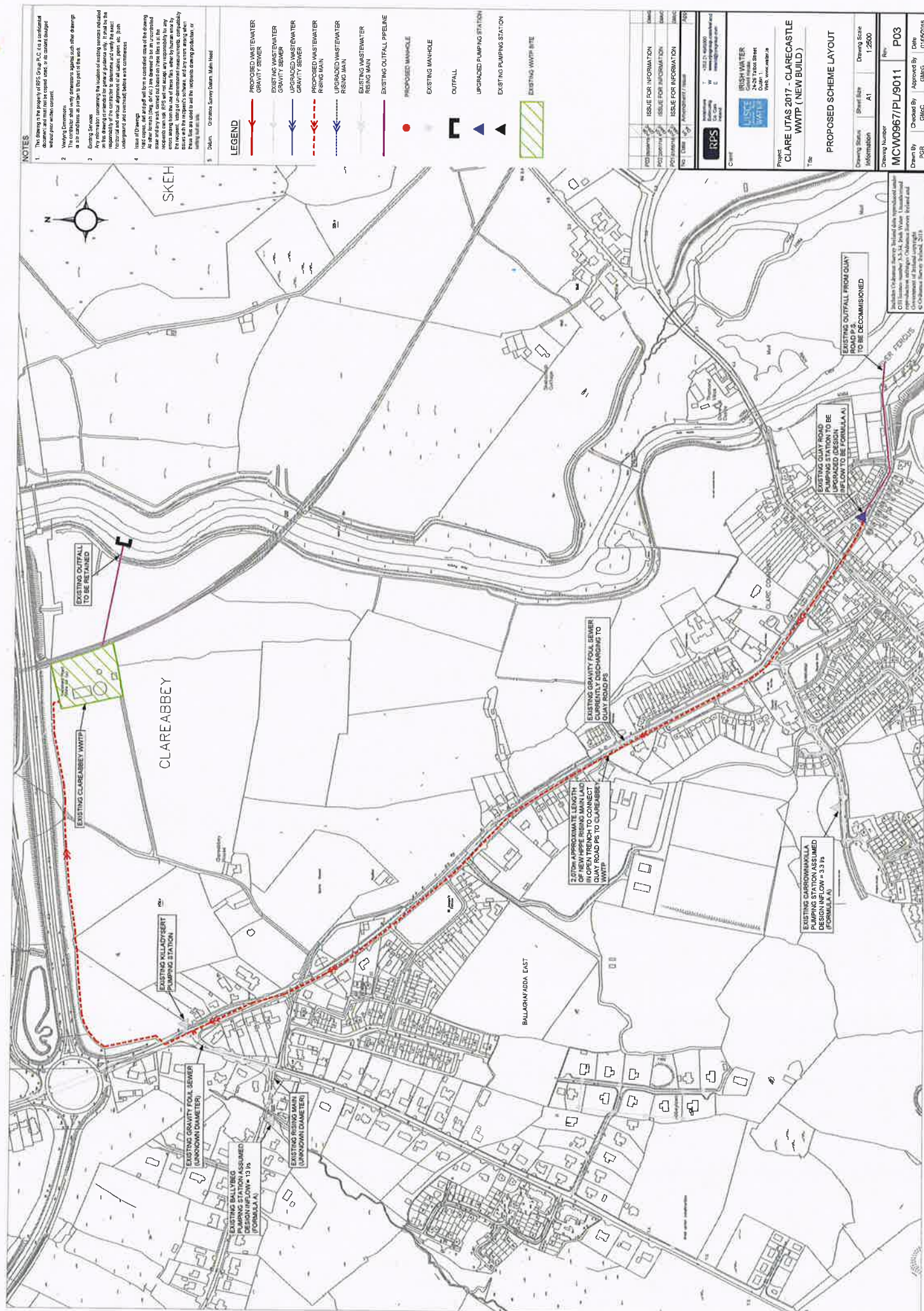
APPENDIX A

2017 SURVEY AREA



APPENDIX B

2018 PROPOSED SCHEME LAYOUT





COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Brian Barry
C/o Michael Duffy
1 Clos na hEaglaise
Kilfenora
Co. Clare

17th January 2020

**Section 5 referral Reference R19-62 the name of Brian Barry
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.**

A Chara,

I refer to your Section 5 referral received by the Planning Authority on the 03rd July 2019 and further information request on the 11th December 2019, (Enclosed copy of further information request).

The Planning Authority sought information from Irish Water in accordance with Section 5 (2) (c) of the Planning and Development Act, 2000, as amended.

Therefore, I wish to inform you that a response from Irish Water has now been received.

Mise, le meas

Thomas Hogan
Senior Staff Officer
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



Valerie O'Brien

From: Valerie O'Brien
Sent: 04 June 2020 09:37
To: 'Gary McCormack'; planoff
Subject: RE: Section 5 Referral - R19-62 Clareabbey, Clarecastle, Co. Clare.

Dear Mr. McCormack

I acknowledge receipt of your email regarding the above Section 5 development. Correspondence was furnished to the applicant, Mr. Barry for further information on the 11th December 2019 and to-date no response was received. Therefore, until the Planning Authority receives a response to the further information request, a decision cannot be made (there is no timeframe in the Planning & Development Act for a response to a Section 5). Once we received a response to the further information request, we will inform you of the Planning Authorities decision.

Kind regards,
Valerie O'Brien
Planning Department

From: Gary McCormack [<mailto:gary.mccormack@rpsgroup.com>]
Sent: 04 June 2020 08:56
To: planoff
Subject: Section 5 Referral - R19-62 Clareabbey, Clarecastle, Co. Clare.

Dear Sir/Madam,

I refer to the above Section 5, R19-62 development at Clareabbey, Clarecastle, Co. Clare, of which an email submission was made to Clare County Council by Irish Water in January 2020. RPS were involved in the production of the AA and EIA Screenings for the project, as submitted by Irish Water. Would it be possible for the planners decision/report as produced for the referral to be issued to ourselves?

Thanks
Gary

Gary McCormack
Associate - Water
RPS | Consulting UK & Ireland
Innishmore, Ballincollig
Co. Cork P31 KR68, Ireland
T +353 21 466 5900
D +353 21 466 5964
E gary.mccormack@rpsgroup.com



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RPS Group Plc web link: <http://www.rpsgroup.com>

Kieran ODonnell

From: Michael Duffy [duffycivileng@gmail.com]
Sent: 27 January 2021 15:31
To: Kieran ODonnell
Subject: Section 5 request R19-62

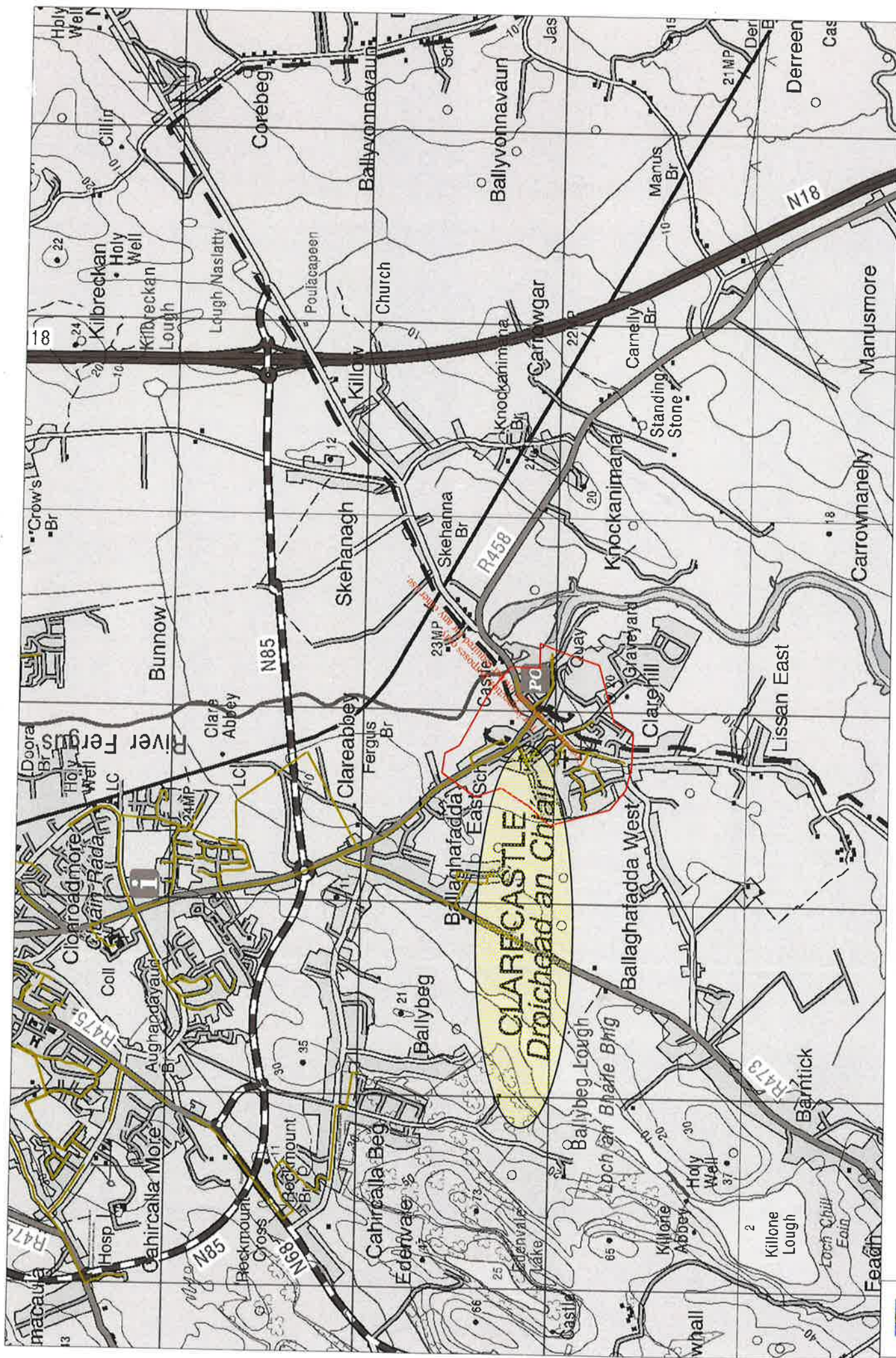
Dear Kieran,

With regard to the S5 request R19-62 and the PA request of 11th December 2019 I do not have a map of the agglomeration of Clarecastle. Suffice to say it is the area defined in the EPA Licence issued for the Clarecastle WWTP which map would have been submitted by CCC in the course of that licence application.

I would be obliged if you would treat this as a response to that request and proceed with the determination.

Regards,

Michael Duffy BE CEng MIEI



EPA Waste Water Discharge Licence Mapping

Overall Agglomeration

Location Map 1



Checked by:

Declan O'Regan (SEE)

Date:

February 2009

Includes Ordnance Survey Ireland
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Mark Kerin

From: Kieran O'Donnell
Sent: Friday 29 January 2021 09:08
To: Mark Kerin
Subject: FW: Clarecastle agglomeration

For file.

Kieran O'Donnell
Administrative Officer
Economic Development
Clare County Council, Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2
T: 065 6846226 | M: 087 1224031 | E: kodonnell@clarecoco.ie | W: www.clarecoco.ie
Council of the Year 2020



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

From: Kieran O'Donnell
Sent: 28 January 2021 16:04
To: 'Michael Duffy'
Subject: RE: Clarecastle agglomeration

Hi Michael

I acknowledge receipt of your email with attachments.

Regards
Kieran

Kieran O'Donnell
Administrative Officer
Economic Development
Clare County Council, Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2
T: 065 6846226 | M: 087 1224031 | E: kodonnell@clarecoco.ie | W: www.clarecoco.ie
Council of the Year 2020



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

From: Michael Duffy [<mailto:duffycivileng@gmail.com>]
Sent: 28 January 2021 15:47
To: Kieran O'Donnell
Subject: Clarecastle agglomeration

Dear Kieran,

Please see attached CCC map of the agglomeration as submitted to EPA in the licence application. You might be shocked to discover that there is a licence for the discharge of raw sewage from a pump house into an SAC but at this stage it is the norm for me. Please use this map as my response to the section 5 determination. The following are links to the EPA licensing site.

http://www.epa.ie/licences/lic_eDMS/090151b280295126.pdf

<http://www.epa.ie/terminalfour/wwda/wwda-view.jsp?regno=D0322-01>

--

Regards,

Michael Duffy BE CEng MIEI

Mark Kerin

From: Cyril Feeney
Sent: Monday 8 February 2021 16:35
To: Mark Kerin
Subject: RE: Further Information submitted for a Section 5 application R19-62

Mark,

I have no comments to make on the submission.

Regards,

Cyril Feeney, BE CEng MICE EUR ING CDipAF.

Senior Engineer, Water Services and Environment Section.

Clare County Council, Buttermarket Building, Drumbiggle Road, Ennis, Co. Clare, V95 RR72.

T: 065 6866125 | M: 087 2284038 | E: cfeeney@clarecoco.ie | W: www.clarecoco.ie



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

Local Authority of the Year

From: Mark Kerin <MKerin@clarecoco.ie>
Sent: Monday 8 February 2021 12:38
To: Cyril Feeney <cfeeney@clarecoco.ie>
Subject: RE: Further Information submitted for a Section 5 application R19-62

Cyril,

Just a reminder about this when you get a chance.

Thanks
Mark

Mark Kerin

Clerical Officer

Planning Department

Clare County Council, Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2

T: 065 6846409 | E: mkerin@clarecoco.ie | W: www.clarecoco.ie

Council of the Year 2020



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

From: Mark Kerin
Sent: Tuesday 2 February 2021 13:21
To: Cyril Feeney <cfeeney@clarecoco.ie>
Subject: Further Information submitted for a Section 5 application R19-62

Cyril,

Please see attached CCC map of the agglomeration as submitted to EPA in the licence application. This was submitted to the Planning Department in response to a Further Information request as part of a Section 5 application (R19-62).

The following are links to the EPA licensing site.

http://www.epa.ie/licences/lic_eDMS/090151b280295126.pdf

<http://www.epa.ie/terminalfour/wwda/wwda-view.jsp?regno=D0322-01>

Could you please provide any observations you would have on this submission?

Please return your observations to: planoff@clarecoco.ie by 10th February 2021

Kind Regards,

Mark

Mark Kerin

Clerical Officer

Planning Department

Clare County Council, Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2

T: 065 6846409 | E: mkerin@clarecoco.ie | W: www.clarecoco.ie

Council of the Year 2020



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

Just a reminder about this when you get a chance.

Thanks
Mark

Mark Kerin
Clerical Officer
Planning Department
Clare County Council, Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2
T: 065 6846409 | E: mkerin@clarecoco.ie | W: www.clarecoco.ie
Council of the Year 2020



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

From: Mark Kerin
Sent: Tuesday 2 February 2021 13:19
To: 'planning@water.ie' <planning@water.ie>
Cc: 'jkennedy@water.ie' <jkennedy@water.ie>
Subject: Further Information submitted for a Section 5 application R19-62

A Chara,

Please see attached CCC map of the agglomeration as submitted to EPA in the licence application. This was submitted to the Planning Department in response to a Further Information request as part of a Section 5 application (R19-62).

The following are links to the EPA licensing site.

http://www.epa.ie/licences/lic_eDMS/090151b280295126.pdf

<http://www.epa.ie/terminalfour/wwda/wwda-view.jsp?regno=D0322-01>

Could you please provide any observations you would have on this submission?

Please return your observations to: planoff@clarecoco.ie by 10th February 2021

Kind Regards,

Mark

Mark Kerin
Clerical Officer
Planning Department
Clare County Council, Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2
T: 065 6846409 | E: mkerin@clarecoco.ie | W: www.clarecoco.ie
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COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

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Thank you for your attention.

Tá an fhaisnéis á seachadadh dírithe ar an duine nó ar an eintiteas chuig a bhfuil sí seolta amháin agus féadfar ábhar faoi rún, faoi phribhléid nó ábhar atá íogair ó thaobh tráchtála de a bheith mar chuid de. Tá aon athsheachadadh nó scaipeadh den fhaisnéis, aon athbhreithniú ar nó aon úsáid eile a bhaint as, nó aon ghníomh a dhéantar ag brath ar an bhfaisnéis seo ag daoine nó ag eintitis nach dóibh siúd an fhaisnéis seo, toirimiscthe agus féadfar é a bheith neamhdhleathach. Níl Uisce Éireann faoi dhliteanas maidir le seachadadh iomlán agus ceart na faisnéise sa chumarsáid seo nó maidir le haon mhoill a bhaineann léi. Ní ghlacann Uisce Éireann le haon dliteanas faoi ghnímh nó faoi iarmhairtí bunaithe ar úsáid thoirmiscthe na faisnéise seo. Níl Uisce Éireann faoi dhliteanas maidir le seachadadh ceart agus iomlán na faisnéise sa chumarsáid seo nó maidir le haon mhoill a bhaineann léi. Má fuair tú an teachtaireacht seo in earráid, más é do thoil é, déan teagmháil leis an seoltóir agus scrios an t-ábhar ó gach aon ríomhaire. Féadfar ríomhphost a bheith soghabhálach i leith truaillithe, idircheaptha agus i leith leasaithe neamhúdaraíthe. Ní ghlacann Uisce Éireann le haon fhreagracht as athruithe nó as idircheapadh a rinneadh ar an ríomhphost seo i ndiaidh é a sheoladh nó as aon dochar do chórais na bhfaighteoirí déanta ag an teachtaireacht seo nó ag a ceangaltáin. Más é do thoil é, tabhair faoi deara chomh maith go bhféadfar monatóireacht a dhéanamh ar theachtairachtaí chuig nó ó Uisce Éireann chun comhlíonadh le polasaithe agus le caighdeáin Uisce Éireann a chinntiú agus chun ár ngnó a chosaint. Fochuideachta gníomhaíochta de chuid Ervia is ea Uisce Éireann atá faoi theorainn scaireanna, de bhun fhorálacha an tAcht um Sheirbhísí Uisce 2013, a bhfuil a bpríomh ionad gnó ag 24-26 Teach Colvill, Sráid na Talbóide, BÁC 1.

Go raibh maith agat as d'aird a thabhairt.

Mark Kerin

From: Deirdre O'Keeffe
Sent: Wednesday 10 February 2021 15:15
To: Mark Kerin
Subject: RE: Further Information submitted for a Section 5 application R19-62

Hi Mark

Is this not dealt with by the Engineers in the Environment section? Because I do not deal with Section 5 applications on behalf of Irish Water.

Thank you

Deirdre

Deirdre O'Keeffe
Senior Staff Officer
Water Services Department
Clare County Council, Waterpark House, Drumbiggle, Ennis, Co. Clare, V95 N1NR
T: 065 6866114 | E: dokeeffe@clarecoco.ie | W: www.clarecoco.ie
Local Authority of the Year 2020



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

From: Mark Kerin
Sent: 10 February 2021 15:13
To: Deirdre O'Keeffe
Subject: RE: Further Information submitted for a Section 5 application R19-62

Hi Deirdre

No this is for a Section 5 application. (Reference number R19-62)

You might let me know if you need anything further for this

Regards
Mark

Mark Kerin
Clerical Officer
Planning Department
Clare County Council, Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2
T: 065 6846409 | E: mkerin@clarecoco.ie | W: www.clarecoco.ie
Council of the Year 2020



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

From: Deirdre O'Keeffe <DOKeeffe@clarecoco.ie>
Sent: Wednesday 10 February 2021 15:04

To: Mark Kerin <MKerin@clarecoco.ie>

Subject: FW: Further Information submitted for a Section 5 application R19-62

Hi Mark

Does this email from Irish Water refer to Planning File P19-62 please?

Thank you

Deirdre

Deirdre O'Keeffe

Senior Staff Officer

Water Services Department

Clare County Council, Waterpark House, Drumbiggle, Ennis, Co. Clare, V95 N1NR

T: 065 6866114 | E: dokeeffe@clarecoco.ie | W: www.clarecoco.ie

Local Authority of the Year 2020



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

From: Planning [<mailto:Planning@water.ie>]

Sent: 10 February 2021 14:59

To: Deirdre O'Keeffe

Cc: Ali Robinson

Subject: FW: Further Information submitted for a Section 5 application R19-62

Good afternoon Deirdre,

I hope you are well.

Planning received the below request for a response to FI report. Could you please pass it on to the relevant engineer and ask for their observations?

Kind regards,

Gosia O'Sullivan

Planning Application Specialist

Uisce Eireann

Bosca OP 860, Oifig Sheachadta na Cathrach Theas, Cathair Chorcaí, Éire

Irish Water

PO Box 860, South City Delivery Office, Cork City, Ireland

T: 1850 278 278

Minicom: 1890 378 378

www.water.ie

From: Mark Kerin <MKerin@clarecoco.ie>

Sent: Monday 8 February 2021 12:40

To: Planning <Planning@water.ie>

Cc: jkennedy@water.ie

Subject: RE: Further Information submitted for a Section 5 application R19-62

Hi

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:	17 th 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.

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 Irish 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 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.
- 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 through 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 Plant 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 own right or in combination with this project”.

The judgment of Peart J. in O’Grianna and others v. An Bord Pleanála [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 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 Pleanála.

I have examined similar section 5 declarations as issued by An Bord Pleanála (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 overhead 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 Section 5 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	

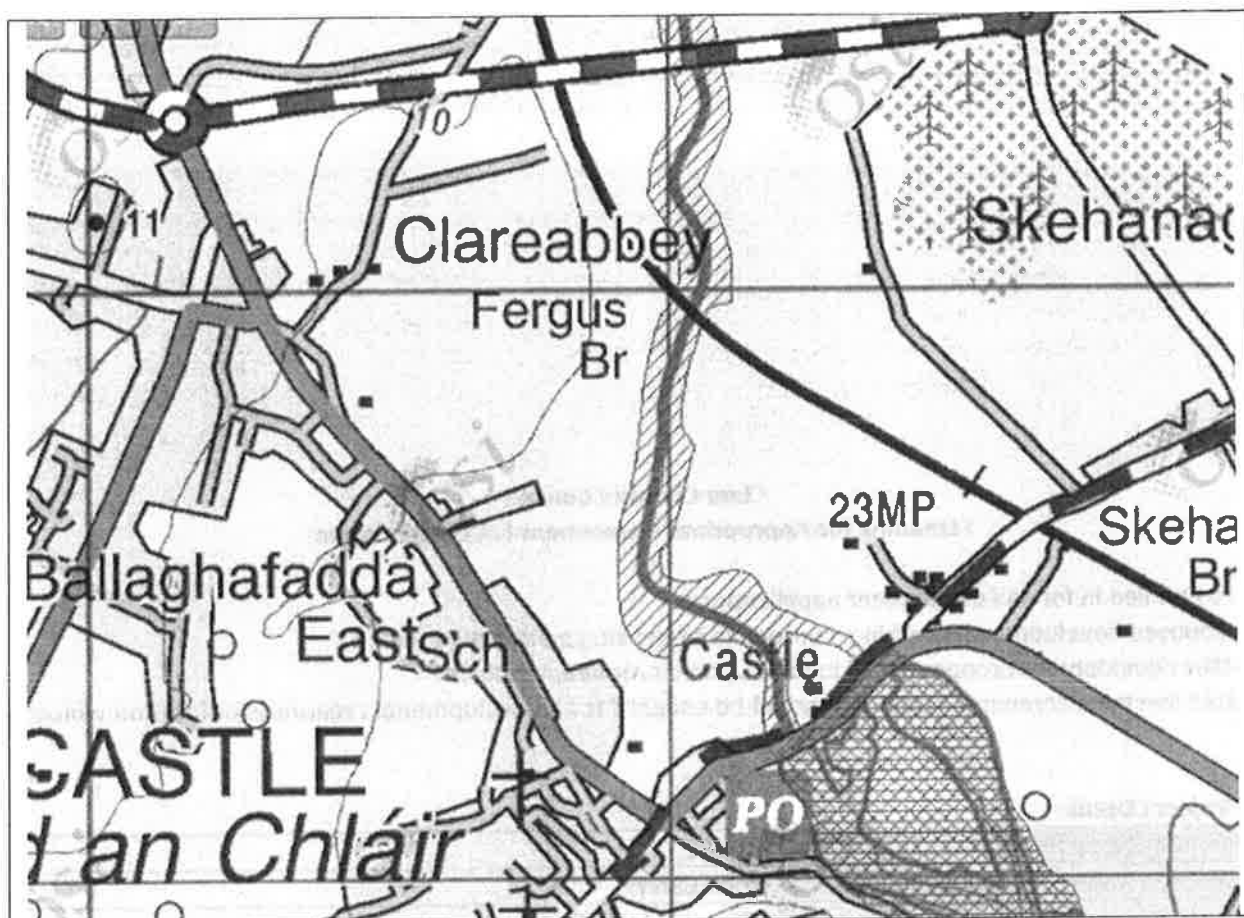


Table 2: Identification of European sites which may be impacted by the proposed development.

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.

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 (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>) [6410] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnus incanae, Salix 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 (<i>Phalacrocorax carbo</i>) [A017] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Scaup (<i>Aythya marila</i>) [A062] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162]	Adjacent

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 (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]	

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.	<i>Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?</i>	Yes
2	Impacts on terrestrial habitats and species.	<i>Is the development within 1km of a European site with terrestrial based habitats or species?</i>	Yes
3	Impacts on designated marine habitats and species.	<i>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</i>	No
4	Impacts on birds in SPAs	<i>Is the development within 1km of a Special Protection Area</i>	Yes
5	Indirect effects	<i>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?</i>	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.

Table 3: Identification of potential impacts.

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species. <i>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:</i>	
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

	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	<p align="center">Impacts on terrestrial habitats and species. <i>Please answer the following if the answer to question 2 in table 2 was yes.</i> <i>Does the development involve any of the following:</i></p>	
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	<p align="center">Impacts on designated marine habitats and species. <i>Please answer the following if the answer to question 3 in table 2 was yes.</i> <i>Does the development involve any of the following:</i></p>	
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 <i>Please answer the following if the answer to question 5 in table 2 was yes.</i> <i>Does the development involve any of the following:</i>	
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).	
<p>Quay Road Pumping Station</p> <ul style="list-style-type: none"> 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 <p>Pipelines</p> <ul style="list-style-type: none"> 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?	
<p>I.W. has submitted the AA screening report and EIA screening report prepared for proposed development.</p> <p>No potential negative impacts are envisaged.</p> <p>A previous report was carried out in respect to a broadly similar Section 5 referral (Ref. R19 39) which advises that:</p> <ul style="list-style-type: none"> 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 	

<p>the SAC and Special Conservation Interests of the SPA.</p> <ul style="list-style-type: none"> 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. 	
<p>Documentation reviewed for making this statement</p> <ul style="list-style-type: none"> - County Development Plan (including Flood Maps, SEA & AA) - NPWS website - Documents received as part of the planning application - EPA Code of Practice 	
<p>Conclusion of assessment (a, b, c or d)</p>	
<p>(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s)³</p>	
<p>(b) There is no potential for significant effects to European Sites³</p>	<p>✓</p>
<p>(c) The potential for significant effects to European Site(s) cannot be ruled out⁴</p>	
<p>(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</p>	

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 2010⁵	
Completed By	Fiona Barry, Executive Planner
Date	11 th 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.

CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No: 77138

Reference Number: R19-62

Date Referral Received: 15th November 2019

Name of Applicant: Brian Barry

Location of works in question: Clarecastle to Clareabbey, Ennis, Co. Clare.

Section 5 referral Reference R19-62 the name of Brian Barry

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.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular 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

ORDER: Whereas by Chief Executive's Order No. HR 197 dated 22nd June 2018, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Gareth Ruane, A/Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Gareth Ruane, A/Senior Executive Planner, hereby declare that 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 from Clarecastle/Clareabbey, Ennis, Co. Clare, constitutes development which is exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

Signed: _____


GARETH RUANE
A/SENIOR EXECUTIVE PLANNER

Date: 12th February 2021

**DECLARATION ISSUED UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

Reference No.: R19-62



Section 5 referral Reference R19-62 the name of Brian Barry

Whether the 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/ Clareabbey, Ennis, Co. Clare, is or is not development and is or is not exempted development.

AND WHEREAS, Brian Barry has requested a declaration from Clare County Council on the said question.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular 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

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

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 from Clarecastle/Clareabbey, Ennis, Co. Clare, **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Kieran O'Donnell
Administrative Officer
Planning Department
Economic Development Directorate

12th February 2021



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

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Registered Post

Brian Barry
C/o Michael Duffy
1 Clos na hEaglaise
Kilfenora
Co. Clare

12th February 2021

Section 5 referral Reference R19-62 the name of Brian Barry
Whether the 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/ Clareabbey, Ennis, Co. Clare, is or is not development and is or is not exempted development.

A Chara,

I refer to your application received on 15th November 2019 and the Further Information received on the 28th January 2021 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to an Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie

Mise, le meas

Kieran O'Donnell
Administrative Officer
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



