

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING REPORT

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.

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 and the new WWPS is underground.

Table 5-2: Summary of Potential Impacts on Environmental Factors

Environmental Receptors	Potential Impacts	Statement of Effect	EIA Required
Population and Human Health	No significant negative impacts.	The construction phase is likely to give rise to some potential for temporary slight negative effects on population and human health within the immediate vicinity of the proposed development (in particular at sensitive receptor locations along Quay Road) as a result of noise, dust or odour during the construction and/or operational phases. Best practice construction methodologies and traffic management measures will ensure no significant effects occur.	No
Biodiversity Flora and Fauna	<p>Habitats: Approximately 270m² of scrub/wet grassland will be removed, 370m² of improved pasture, 20m² of hedgerow and 2 beech trees outside boundary of the Clareabbey WWTP will be removed. These are considered to be of Local (low) ecological value. Existing hedgerow will be bolstered with native vegetation within the CPO lands. There will be no loss of habitats of significant ecological value.</p> <p>None of these habitats correspond to any QI habitat or supporting habitat to QI species of the Lower River Shannon SAC.</p> <p>No works within the European Sites are required.</p> <p>Birds: There is potential for nesting birds to utilise the hedgerows, scrub and treelines intersected by the rising main pipeline. Where there is a need to undertake removal of vegetation there is potential for a temporary, slight localised negative</p>	<p>Impacts to biodiversity have been avoided through incorporation of best practice design measures and mitigation.</p> <p>The AA screening (RPS, 2021) 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(s).</p>	No.

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING REPORT

Environmental Receptors	Potential Impacts	Statement of Effect	EIA Required
	<p>effect on biodiversity in the absence of mitigation.</p> <p>Mitigation - As per the legal requirements stipulated within the Wildlife Act 1976 (as amended), any vegetation removal required (trees/scrub/hedgerow) will be conducted outside bird breeding and nesting bird season (i.e. outside 1st March to 31st August).</p> <p>Bats: A search of NBDC databases was conducted and returned records of Lesser horseshoe bat (<i>Rhinolophus hipposideros</i>) within 2km of the proposed development.</p> <p>Mitigation - Any trees to be removed shall be surveyed for the presence of bats prior to felling. This shall be conducted by a suitably qualified bat ecologists to identify bat roosting potential. The bat ecologist shall be consulted to inform felling activities required. Any works interfering with bats and especially their roosts, may only be carried out under a licence to derogate from Regulation 23 of the Habitats Regulations 1997, (which transposed the EU Habitats Directive into Irish law) issued by the NPWS.</p> <p>Terrestrial Mammals: During the clearance of vegetation to facilitate the rising pipeline there will be a localised negative effect to terrestrial mammals due to disturbance. This is considered to be temporary for the duration of works only. It is considered there will be no fragmentation of habitats therefore no impacts to commuting corridors for wildlife is anticipated.</p> <p>Aquatic Species and Habitats: There are no mapped Annex I habitats where the Clareabbey WWTP outfalls to the River Fergus. No instream works are required as part of the proposed development and therefore there will be no</p>		

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING REPORT

Environmental Receptors	Potential Impacts	Statement of Effect	EIA Required
	interference with aquatic species or habitats and no direct impact is predicted.		
Land, Soil and Geology	<p>The excavations for the WWPS are estimated at approximately 100m³ and approximately 1,900m³ of material will be excavated to accommodate the rising main.</p> <p>There is potential for sediment from exposed soil or stockpiles to be carried by wind or water and cause pollution or nuisance at local sensitive receptor locations and waterbodies within the local environment.</p> <p>Mitigation - 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.</p> <p>Potential exists for impacts as a result of encountering the water table during excavation works are discussed under the Topic of Water.</p>	<p>Given the distance to sensitive receptors from the works and the employment of best practice construction methods on site the impact is considered to be temporary in nature and imperceptible.</p>	No
Water	<p>During excavations along Quay Road PS groundwater is likely to be encountered.</p> <p>Mitigation - Owing to the urbanised nature in the surrounding area the only option is to pump water to tankers and transport off site to an appropriate facility as per the project description. It is considered there is no pathway for this water to enter the River Fergus. The River Fergus here is transitional with salmon/lamprey spawning in freshwater and therefore the impact upon spawning beds is excluded.</p> <p>Excavation works for the pipeline are required in proximity to the drainage</p>	<p>The operation of the proposed development will reduce the quantity of untreated effluent discharging directly to the Fergus estuary. Currently the estuary is at Moderate WFD Status (2013-2018) and is at risk of achieving WFD objective of Good.</p>	No

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING REPORT

Environmental Receptors	Potential Impacts	Statement of Effect	EIA Required
	<p>ditch (which connects to Clareabbey Stream) in the vicinity of the Clareabbey roundabout. Therefore, there is potential for sediment to enter this ditch which ultimately discharges to the River Fergus. The dry grassland area between the proposed pipeline and drainage ditch will act as a buffer breaking the pathway for any surface water runoff here and providing filtration. Given this it is not considered that construction works will generate significant level of sediment as to result in any impact to downstream spawning habitats within the Clareabbey stream or River Fergus or any Annex habitat present.</p> <p>Overall, this project will contribute to a positive impact on water quality of the Fergus and by extension the Lower River Shannon SAC and River Shannon and River Fergus SPA.</p>		
Air and Climate & Noise and Vibration	<p>Given that there are a number of residential receptors within 25m located in the vicinity of Quay Road WWPS construction dust has the potential to cause temporary, slight localised negative effects as a result of deposited dust at nearby sensitive receptors.</p> <p>Construction noise has the potential to cause temporary, slight localised negative effects as a result of construction vehicles and works.</p> <p>Operationally no significant impacts are identified.</p>	<p>Any impacts will be temporary and localised in nature during the construction phase.</p> <p>Best practice and standards for the construction phase will be adhered to ensure the avoidance of any significant effects to residents within the area.</p>	No
Material Assets	The construction phase will give rise to an increase in vehicles utilising the local road and will arise in potential temporary, slight, localised negative effects.	The construction phase will generate 10 no. construction HGV trips daily and 6 -10 no. construction workers will be present on site during the construction period. Best practice construction standards will be adhered to for the duration of the construction period.	No

ENVIRONMENTAL IMPACT ASSESSMENT SCREENING REPORT

Environmental Receptors	Potential Impacts	Statement of Effect	EIA Required
Cultural Heritage	There are no identified archaeological, architectural or cultural heritage features within or in proximity to the proposed site building that will be impacted by the construction or operation of the proposed works. There is a low potential for unknown finds to occur.	Potential impacts to known cultural heritage features will not occur. Although unlikely to occur given the current built up nature of the land, in the event that any features are revealed by the contractor during topsoil stripping and ground excavation which might comprise of archaeological features, works shall be stopped and Clare County Council shall be notified, and a qualified archaeologist employed to monitor and assess the findings. The results of all archaeological inputs to the proposed scheme should be collated within a report for submission to the NMS and the Clare County Council Archaeologist at the conclusion of all required archaeological works	No

5.5 Summary of Likely Significant Impacts

Table 5-3 summarises the identified potential for likely significant impacts with reference to the various environmental aspects considered.

Table 5-3: Summary of Potential for Likely Significant Impacts

Environmental Aspect	Construction Phase Impact	Operational Phase Impact
Population and Human Health	No likely significant impacts	No likely significant impacts
Biodiversity	No likely significant impacts	No likely significant impacts
Land	No likely significant impacts	No likely significant impacts
Soils	No likely significant impacts	No likely significant impacts
Water	No likely significant impacts	No likely significant impacts
Air and Climate	No likely significant impacts	No likely significant impacts
Material Assets	No likely significant impacts	No likely significant impacts
Cultural Heritage	No likely significant impacts	No likely significant impacts
Landscape	No likely significant impacts	No likely significant impacts

6 CONCLUSION

The development, namely that of the proposed rising main and works to the Quay Road WWPS and 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, 2021) 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 any impacts during construction will be localised temporary and of slight impact.

Operationally the proposed development will provide adequate capacity to facilitate the planned development and growth of the Clarecastle agglomeration as well as to provide improvement works to ensure compliance with UWWTD standards. This is considered to have a long-term, moderate positive effect.

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

Clarecastle Sewerage Scheme

Report on Invasive Alien Species

Document Control Sheet

Client:	Irish Water				
Project Title:	Clarecastle Sewerage Scheme				
Document Title:	Report on Invasive Alien Species				
Document No:	MCW0967RP0030P01				
Text Pages:	11	Appendices:	2	Current Revision:	A02

Rev.	Status	Date	Author(s)	Reviewed By	Approved By
P01	With Section 5 Referral	22 nd August 2019	KD		
					

Copyright RPS Group Limited. All rights reserved.

The report has been prepared for the exclusive use of our client and unless otherwise agreed in writing by RPS Group Limited no other party may use, make use of or rely on the contents of this report.

The report has been compiled using the resources agreed with the client and in accordance with the scope of work agreed with the client. No liability is accepted by RPS Group Limited for any use of this report, other than the purpose for which it was prepared.

RPS Group Limited accepts no responsibility for any documents or information supplied to RPS Group Limited by others and no legal liability arising from the use by others of opinions or data contained in this report. It is expressly stated that no independent verification of any documents or information supplied by others has been made.

RPS Group Limited has used reasonable skill, care and diligence in compiling this report and no warranty is provided as to the report's accuracy. No part of this report may be copied or reproduced, by any means, without the written permission of RPS Group Limited.

Dublin | Cork | Galway | Sligo
rpsgroup.com

RPS Group Limited, registered in Ireland No. 91911
RPS Consulting Engineers Limited, registered in Ireland No. 161581
RPS Planning & Environment Limited, registered in Ireland No. 160191
RPS Engineering Services Limited, registered in Ireland No. 98795
The Registered office of each of the above companies is West Pier Business Campus, Dun Laoghaire, Co. Dublin A96 N6T?



TABLE OF CONTENTS

1	INTRODUCTION.....	1
1.1	OVERVIEW.....	1
1.2	SITE DESCRIPTION.....	3
1.3	SCOPE OF SITE ASSESSMENT.....	4
1.4	METHODOLOGY	4
1.4.1	Desktop Review.....	4
1.4.2	Site Survey Guidance.....	4
1.5	INVASIVE PLANT SPECIES IN IRELAND AND LEGISLATIVE FRAMEWORK	5
1.6	ASSESSORS	6
1.7	DATE OF SITE ASSESSMENT	6
1.8	LIMITATION OF ASSESSMENT	6
2	DESKTOP REVIEW.....	7
3	INVASIVE SPECIES SURVEYS	8
3.1	SURVEY RESULTS	8
3.1.1	Third Schedule Invasive Alien Plant Species	8
3.1.2	Other IAS Species	10
4	CONCLUSIONS.....	11

APPENDIX

Appendix A 2017 Survey Area

Appendix B 2018 Survey - Proposed Scheme Layout

LIST OF FIGURES

Figure 1.1: Location of Proposed Works	2
Figure 3.1: Invasive Species Locations	9

LIST OF TABLES

Table 2-1: Non-Native Terrestrial Plant Species Recorded Within 2km Grid Square Sections Throughout the Study Area and Outer Environs (NBDC Database).....	7
Table 3-1: Invasive Alien Species Identified in the Study Area	8

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.

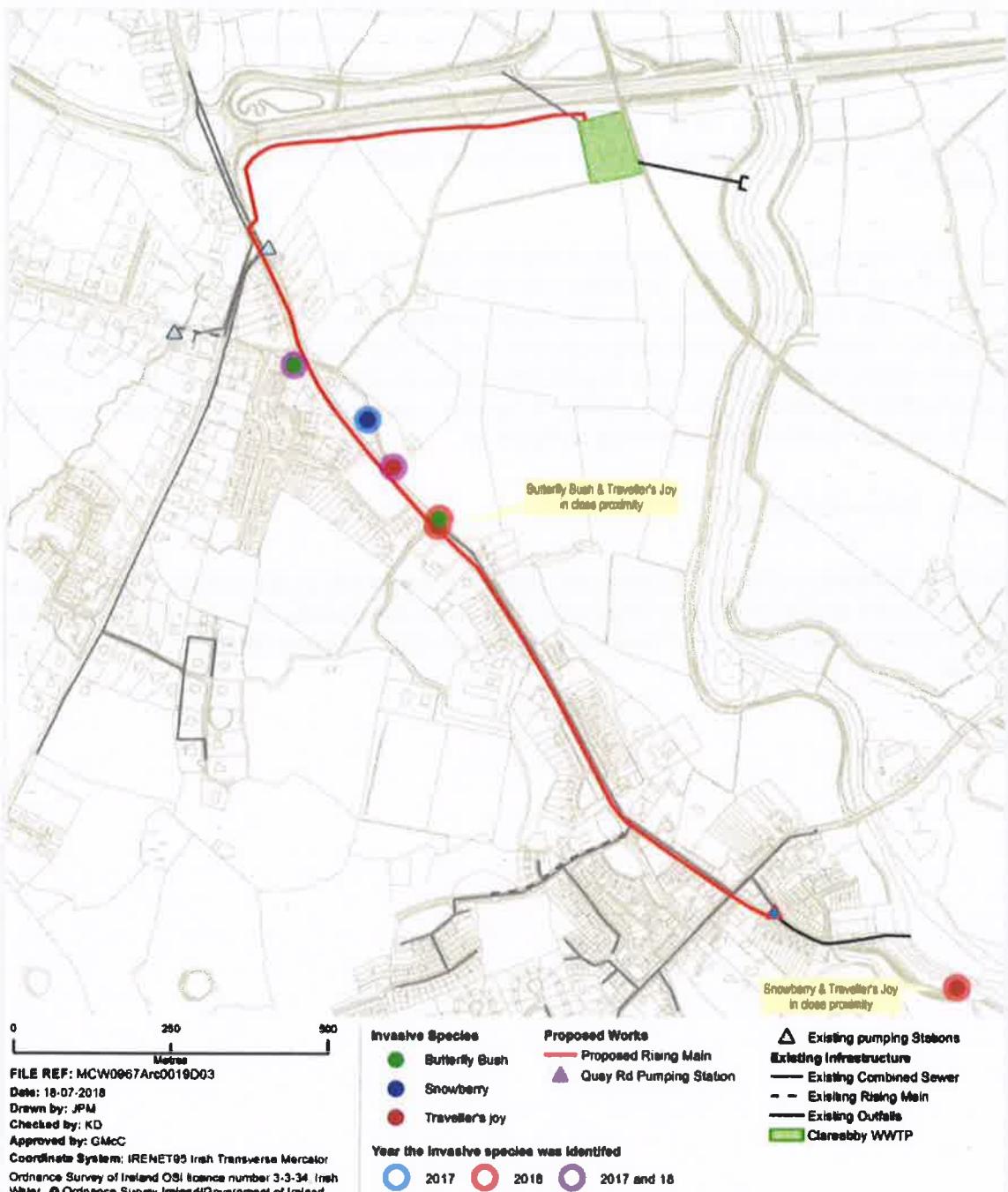
3.1.1.1 Other IAPS Species (Non Third Schedule)

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 davidii</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 davidii</i>)	-	A single bush bordering a stonewall and footpath on the east boundary of the R458.
R 35351 73944	Snowberry (<i>Symporicarpos 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>Symporicarpos 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

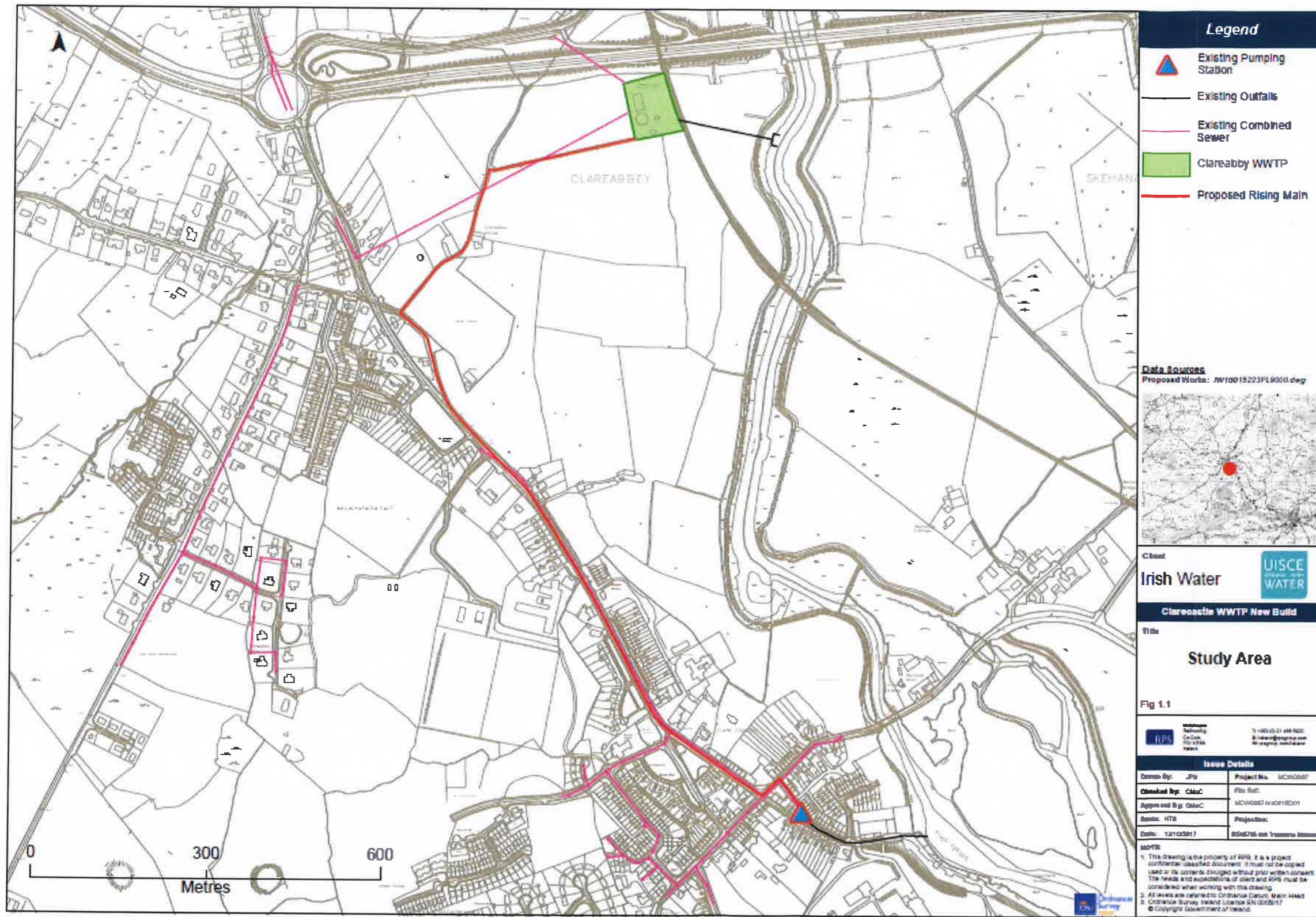
Nuttall's Waterweed (*Elodea nuttallii*) and Uruguayan Hampshire-purslane (*Ludwigia grandiflora*) were recorded during the NBDC desktop survey (**Section 2 above**) of the area. However, no presence of the above named species was found onsite as part of either the September 2017 or the June 2018 survey.

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.

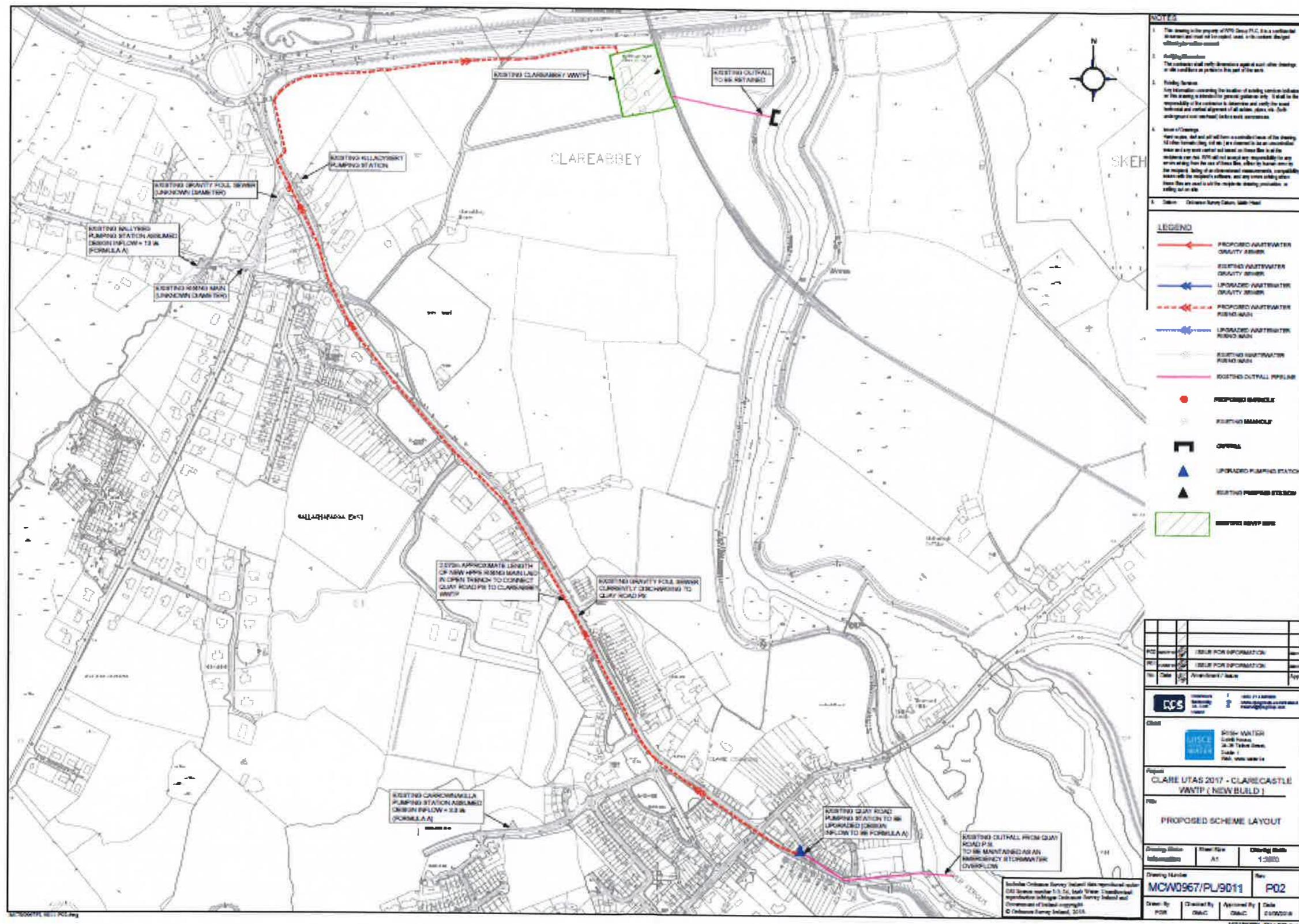
APPENDIX A

2017 SURVEY AREA



APPENDIX B

2018 PROPOSED SCHEME LAYOUT





CLARECASTLE SEWERAGE SCHEME

Declaration of Exempted Development – Planning Report

MCW0967Rp0064
Declaration of Exempted

Development – Planning
Report

P01

19 October 2021

DECLARATION OF EXEMPTED DEVELOPMENT - PLANNING REPORT

Document status

Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
P01	Issued with Exempted Development Application	GMcC	MB	GMcG	11.10.21

Approval for issue

GMcG

19 October 2021

© Copyright RPS Group Limited. All rights reserved.

The report has been prepared for the exclusive use of our client and unless otherwise agreed in writing by RPS Group Limited no other party may use, make use of or rely on the contents of this report.

The report has been compiled using the resources agreed with the client and in accordance with the scope of work agreed with the client. No liability is accepted by RPS Group Limited for any use of this report, other than the purpose for which it was prepared.

RPS Group Limited accepts no responsibility for any documents or information supplied to RPS Group Limited by others and no legal liability arising from the use by others of opinions or data contained in this report. It is expressly stated that no independent verification of any documents or information supplied by others has been made.

RPS Group Limited has used reasonable skill, care and diligence in compiling this report and no warranty is provided as to the report's accuracy.

No part of this report may be copied or reproduced, by any means, without the written permission of RPS Group Limited.

Prepared by:

RPS

Prepared for:

Irish Water

Dublin | Cork | Galway | Sligo
rpsgroup.com

RPS Group Limited, registered in Ireland No. 91911
RPS Consulting Engineers Limited, registered in Ireland No. 161581
RPS Planning & Environment Limited, registered in Ireland No. 160191
RPS Engineering Services Limited, registered in Ireland No. 99795
The Registered office of each of the above companies is West Pier Business Campus, Dun Laoghaire, Co. Dublin, A96 N6T7



ENGINEERS
IRELAND
CPB ACCREDITED EMPLOYER

Contents

1	INTRODUCTION.....	1
1.1	Purpose of the Report	1
1.2	Project Background and Description.....	1
2	DESCRIPTION OF THE PROPOSED WORKS	4
2.1	Scope of Works.....	4
2.2	Land Ownership	4
2.3	Consent to Undertake Works	4
2.3.1	Statutory Undertaker Interest.....	4
2.3.2	Compulsory Purchase Order and Wayleaves	5
3	BASIS OF SECTION 5 REFERAL	6
4	CRITERIA TO BE MET FOR A DECLARATION OF EXEMPTED DEVELOPMENT.....	7
4.1	Screening for Appropriate Assessment	7
4.2	Screening for Environmental Impact Assessment.....	7
4.3	Assessment Against Specified Exempted Development Provisions of the Planning and Development Legislation.....	8
4.3.1	Relevant Exemption Classes.....	8
4.3.2	Restrictions on Exemption	10
4.4	Precedent Cases.....	18
4.4.1	Previous Proposals for Works at Clarecastle	18
5	CONCLUSION	19

Tables

Table 4-1: Relevant Class 58 Exemptions	8
Table 4-2: Article 9 Test.....	10

Figures

Figure 1-1: Clarecastle Location Map.....	1
Figure 1-2: Proposed Scheme Schematic Layout.....	3

Appendices

Appendix A Drawings	
Appendix B Circular Letter from the Department of Housing, Local Government and Heritage	
Appendix C An Bord Pleanála CPO Board Order	
Appendix D Correspondence from Clare County Council	
Appendix E Report to Inform an Appropriate Assessment Screening Report (provided as a separate report)	
Appendix F Report to Inform an Environmental Impact Assessment Screening Report (provided as a separate report)	
Appendix G Response from Development Applications Unit of the Department of Housing, Local Government and Heritage	

1 INTRODUCTION

1.1 Purpose of the Report

RPS has been retained by Irish Water to prepare a request for a Declaration of Exempted Development (DED) for the Clarecastle Sewerage Scheme, to assist Clare County Council in a determination of whether the proposed construction of a new underground pumping station to grounds to the south of the existing Quay Road pumping station, diversion of existing wastewater sewer to new pumping station, internal revisions to the existing Quay Road pumping station, and the installation of a new rising main connection to Clareabbey Wastewater Treatment Plant, all within Clarecastle, Co Clare, are deemed to be exempted development, pursuant to Section 5 of the Planning and Development Acts, 2000-2021.

This Planning Report sets out Irish Water's rationale that the proposed works constitute exempted development.

Previously, Clare County Council has provided a DED for development including aspects of these works at this location, i.e. *the installation of a rising main sewer transporting raw sewage from Clarecastle to the Clareabbey WWTP, Clarecastle, Co Clare*, under Section 5 DED Ref. R19/39.

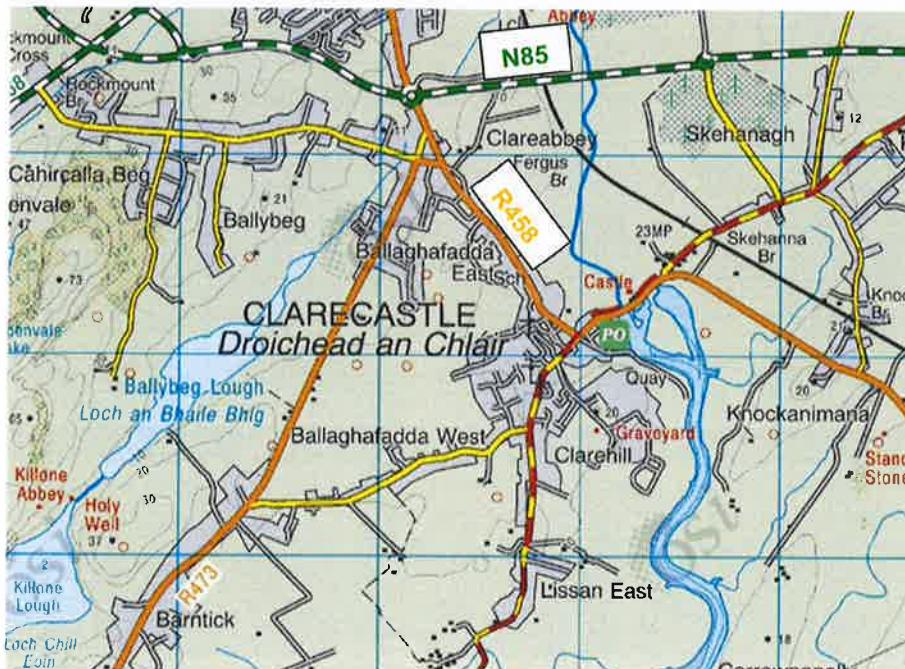
1.2 Project Background and Description

Clarecastle is a village located immediately to the south of Ennis on the R458, see **Figure 1-1** below. It is adjacent to Clareabbey to the north, and close to both Shannon (15km to the south) and Limerick (30km to the southeast).

The village of Clarecastle has experienced significant population growth in recent years due to its close proximity to the regional service town of Ennis. It has also become popular with tourists due to its close proximity to local attractions. The wastewater collected by the existing Clarecastle agglomeration network is conveyed to the Quay Road pumping station before being discharged untreated into the middle of the River Fergus, approximately 250m from the pumping station.

It is necessary to upgrade the existing sewerage system in Clarecastle and Irish Water have identified proposed works to address same.

Figure 1-1: Clarecastle Location Map

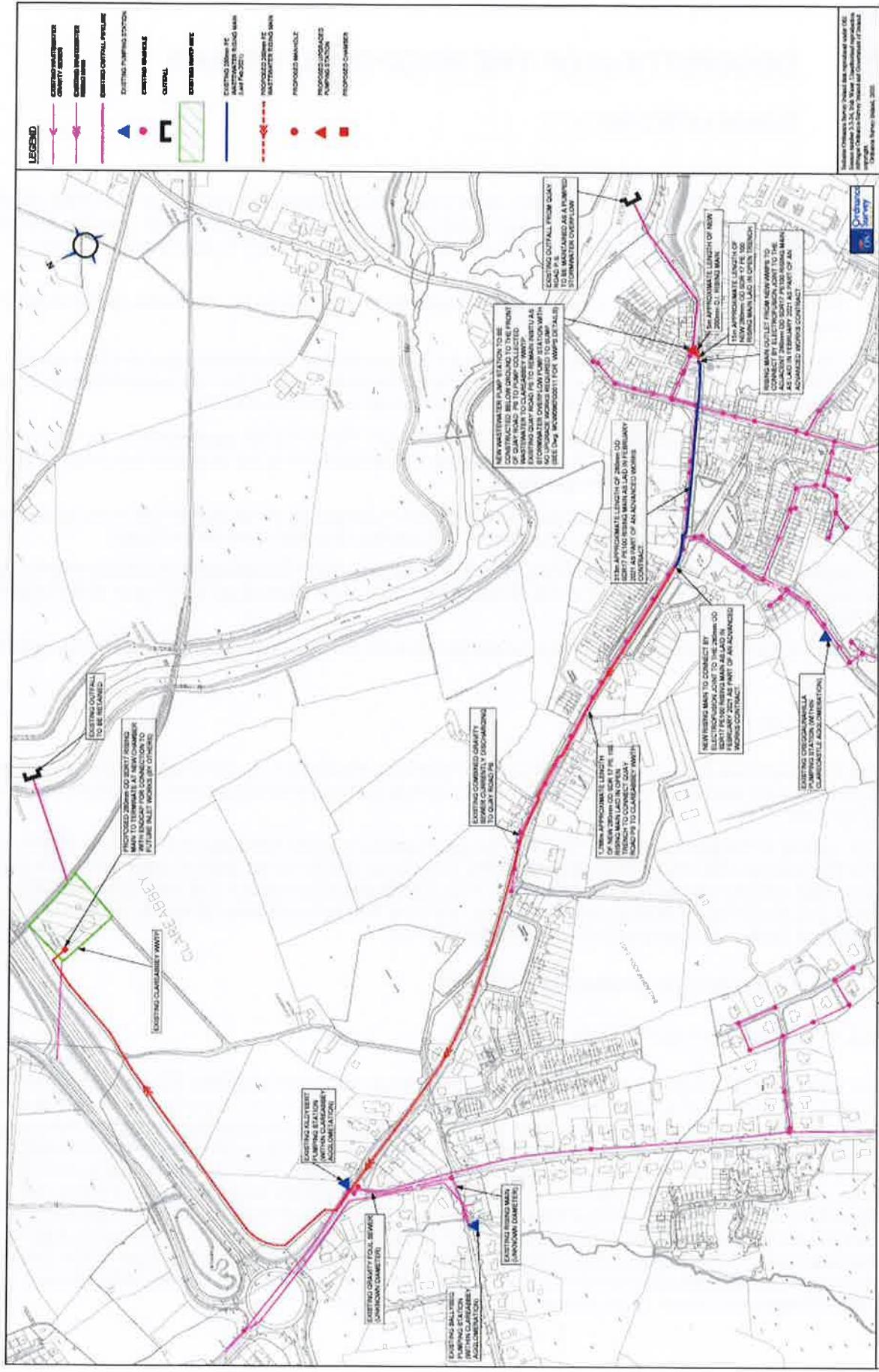


DECLARATION OF EXEMPTED DEVELOPMENT - PLANNING REPORT

A schematic layout of the proposed upgrade works, which consist of the construction of a new underground pumping station to grounds to the south of the existing Quay Road pumping station, diversion of existing wastewater sewer to new pumping station, internal revisions to the existing Quay Road pumping station and the construction of a new rising main to allow for pumping the untreated wastewater to the nearby Clareabbey Wastewater Treatment Plant (WwTP), can be seen in **Figure 1-2**.

DECLARATION OF EXEMPTED DEVELOPMENT - PLANNING REPORT

Figure 1-2: Proposed Scheme Schematic Layout



2 DESCRIPTION OF THE PROPOSED WORKS

2.1 Scope of Works

The proposed upgrades consist of the following elements:

- The construction of a new underground wastewater pumping station on lands to the front of the existing Quay Road pumping station, consisting of a pump sump, valve chamber, and meter chamber to pump untreated wastewater to Clareabbey Wastewater Treatment Plant (WwTP) to undergo secondary treatment,
- The diversion of the existing combined gravity network to discharge to the new wastewater pumping station,
- The construction of new pipework, fitted with a 10mm perforated fixed storm water overflow screen within the new wastewater pump sump, to discharge flows in excess of the new wastewater pumping station capacity to the wet well of the existing Quay Road pumping station, and
- The construction of approximately 1,750m of 280mm OD SDR17 PE100 wastewater rising main and associated fittings to connect the new wastewater pumping station to the proposed new inlet works at Clareabbey Wastewater Treatment Plant.

The existing Quay Road pumping station and associated infrastructure will be maintained in situ to operate as a stormwater pumping station, to pump stormwater overflow to outfall to the River Fergus.

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

A Site Location Plan, along with drawings providing details on the proposed works are included as **Appendix A**.

2.2 Land Ownership

The area where the proposed wastewater pumping station is proposed to be constructed is currently in use as a public road (part of Quay Road). The proposed gravity sewer diversions are also proposed to be located to this area.

The majority of the proposed rising main is to be constructed along the R458 regional road (see Figure 1-1). The final section of the rising main, approximately 770m long, is to be constructed in greenfield lands parallel to the N85 national secondary road (see Figure 1-1). Of this greenfield section, the initial approximately 470m long section is within third party ownership, while the final approximately 300m long section is to be located on lands in the ownership of Clare County Council.

2.3 Consent to Undertake Works

2.3.1 Statutory Undertaker Interest

The Department of Housing, Local Government and Heritage has recently issued new regulations entitled the Planning and Development (Amendment) Regulations 2021. These new Regulations amend provisions in the Planning and Development Regulations 2001, as amended (the Principal Regulations), to remove the requirement for landowner consent to be submitted with planning applications for services along public roads, subject to written confirmation being provided that the proposed development concerned is to be undertaken by a statutory undertaker having a right or interest to provide services. Notice of these new regulations was included in a circular letter issued by the Department of Housing, Local Government and Heritage on 15th January 2021, with a copy included as **Appendix B**. The circular letter advises that: "*It should be noted in this regard that powers are available under the relevant Electricity, Gas, Water Services Acts and other legislation giving statutory bodies the right to carry out works to provide utility services, without landowner consent, once planning permission is secured.*"

DECLARATION OF EXEMPTED DEVELOPMENT - PLANNING REPORT

On a similar basis, Irish Water has sufficient interest to make this Section 5 declaration for the laying of a public rising main along public roads. These works will be undertaken in connection with Irish Water's statutory function to provide public water services in accordance with section 32 of the Water Services Act, 2007 (as amended) (the "2007 Act") and in accordance with its power to install pipes pursuant to section 41 of the 2007 Act. Should Clare County Council issue a DED for the proposed development, this will serve to confirm that the works do not require planning permission.

2.3.2 Compulsory Purchase Order and Wayleaves

In order to facilitate the construction of the infrastructure within the greenfield lands in third party ownership as identified above in Section 2.2 of this report, a Compulsory Purchase Order (CPO) was published in January 2019. This CPO was required to obtain a Permanent Wayleave along these third party lands to accommodate and to maintain the infrastructure, as well as for a Temporary Wayleave to facilitate the construction works. This CPO was confirmed by An Bord Pleanála on 22nd May 2019 and a Notice to Treat has been submitted to the landowner. A copy of the Board Order has been included as **Appendix C**.

Negotiations are currently ongoing between Irish Water and Clare County Council regarding the obtaining of the required Permanent Wayleave for lands under the control of the local authority, as well as for a Temporary Wayleave to facilitate the construction works. These negotiations are at an advanced stage. Correspondence indicating the intention of Clare County Council to enter into a wayleave agreement with Irish Water for the required works on their lands is included as **Appendix D**.

3 BASIS OF SECTION 5 REFERAL

Irish Water, pursuant to Section 5 of the Planning and Development Acts, 2000-2021, is requesting a DED from Clare County Council on:

Whether or not the carrying out of upgrade works at Quay Road pumping station including the construction of a new underground pumping station to grounds to the south of the existing Quay Road pumping station, the diversion of the existing wastewater sewers to the new pumping station, internal revisions to the existing pumping station; and the installation of a new rising main connection to Clareabbey Wastewater Treatment Plant constitutes development, and if said works constitutes development, whether or not said works constitutes exempted development under the provisions of the Planning and Development Regulations, 2001-2021.

The exempted development provisions in respect of the proposed works contained in Class 58 of Part 1 of Schedule 2 of the *Planning and Development Regulations 2001-2021* (exemptions relating to Irish Water) are identified in the next section and considered against the proposed development. The application of the Article 9 restrictions on same are outlined in the section thereafter.

4 CRITERIA TO BE MET FOR A DECLARATION OF EXEMPTED DEVELOPMENT

The following section sets out the criteria which have been considered in preparing this request for a declaration of exempted development. In reviewing the proposal against the planning and development legislation with respect to exemptions from planning permission, a number of specialist studies were initially carried out to inform an assessment against that legislation. These comprise of a Report to Inform an Appropriate Assessment Screening and a Report to Inform an Environmental Impact Assessment Screening, and these reports are appended as **Appendix E** and **Appendix F** respectively.

4.1 Screening for Appropriate Assessment

Under the provisions of the planning and development legislation, in the event that the proposed development requires a Stage 2 Appropriate Assessment, planning permission would be required. A Screening Report to Inform an Appropriate Assessment has therefore been prepared by RPS for the proposed development. The screening report concludes with the following findings:

- *The proposed development is not predicted to result in LSEs¹ on any European Site.*
- *Some untreated, but highly diluted, effluent (20% of the annual stormwater component of the combined annual flow to the pump station) will discharge to the River Fergus Estuary during storm events. This is due to the volume of storm water entering the system and the limited area the upgrade works at Quay Road PS can be conducted in. However, under normal flow conditions all effluent will be directed to Clareabbey WWTP for secondary treatment. The proposed development will lead to a reduction of the ongoing release of untreated wastewater entering the River Fergus Estuary from the Clarecastle agglomeration.*
- *Therefore, Stage 2 Appropriate Assessment (Natura Impact Statement) is not required.*

It is therefore concluded that there is no restriction arising on potential exemption on foot of requirements arising from either the Birds Directive or Habitats Directive and the appropriate assessment process necessary to comply with same.

4.2 Screening for Environmental Impact Assessment

Under section 172(1)(a) of the Planning and Development Acts 2000-2021, an Environmental Impact Assessment Report (EIAR) is required to be prepared for development which belongs to a class of development identified as requiring assessment for the purposes of section 176 of the Act.

Given the nature of the development, which relates to pipework for the conveyance of wastewater, it is considered that a preliminary determination of the proposal will result in the requirement for screening. Therefore an Environmental Impact Assessment (EIA) Screening Report has been prepared and accompanies this request.

The relevant classes of development prescribed for s.176 are set out in Schedule 5 of the Planning and Development Regulations 2001-2021. No classes of development listed in Part 1 of Schedule 5 were identified as relevant. Schedule 5, Part 2 of the Regulations includes development which may be relevant to the Project, specifically:

"Wastewater 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.'

and

"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:

¹ Likely Significant Effects

DECLARATION OF EXEMPTED DEVELOPMENT - PLANNING REPORT

- (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 EIA Screening Report considered the foregoing and has concluded that the proposed development does not fall within either of the classes of development identified. There are no other classes of development identified in Part 2 of Schedule 5 which are considered potentially applicable to the proposed development project. Having regard to the foregoing then, the preparation of an EIAR is not mandatory with reference to section 172(1)(a)(ii).

A mandatory EIAR is not required but the EIA screening exercise undertaken by RPS provides additional information to inform a decision on whether or not a sub-threshold EIAR is warranted. The findings of this screening exercise indicate that there is no obvious trigger for EIA in this case. The screening has been informed by the findings of the specialist reports referred to above.

The EIA screening exercise has considered the proposed development in combination with previous and consented development within the area.

It is therefore concluded that an EIAR is not required and that there is no restriction arising on potential exemption on foot of requirements arising from the EIA Directive.

4.3 Assessment Against Specified Exempted Development Provisions of the Planning and Development Legislation

4.3.1 Relevant Exemption Classes

Irish Water is of the opinion that the proposed development would constitute exempted development by virtue of paragraphs (a), (b) and (c) of Class 58, Part 1, of Schedule 2 of the *Planning and Development Regulations 2001-2021*. It is submitted that the proposed development would therefore fall under the exemptions provided within Article 6 of those Regulations.

For reference the relevant paragraphs are reproduced in **Table 4-1** below.

Table 4-1: Relevant Class 58 Exemptions

Development by Irish Water, for the purpose of the provision of water services, consisting of one or more of the following:		Conditions and Limitations	Conclusions with Respect to Proposed Development
58 (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;		The proposed removal of existing pipework to facilitate diversions of the existing gravity sewers to discharge to the new Quay Road pumping station and works to the existing pump station are considered exempt under Class 58 (a).
58 (b)	The installation of either or both <ul style="list-style-type: none">(i) underground pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes and meters, and,(ii) above ground kiosks, meters and other apparatus and overhead wires,	The volume above ground level of any such kiosk, meter or other apparatus shall not exceed 13 cubic metres in rural areas (being areas as defined in Article 6(3) of the Planning Regulations) or 2 cubic metres in other areas, measured externally.	The proposed rising main, including diversions, from the new Quay Road pumping station to Clareabbey Wastewater Treatment Plant are considered exempt under Class 58 (b) (i).

DECLARATION OF EXEMPTED DEVELOPMENT - PLANNING REPORT

Development by Irish Water, for the purpose of the provision of water services, consisting of one or more of the following:	Conditions and Limitations	Conclusions with Respect to Proposed Development
<p>58 (c) The construction or erection of either or both</p> <ul style="list-style-type: none"> (i) below ground pumping or booster stations and, where appropriate, above ground kiosks, and, (ii) below ground holding tanks or reservoirs. 	<ol style="list-style-type: none"> 1. The volume of any such below ground level pumping or booster station and any such holding tank or reservoir shall not exceed 500 cubic metres, measured externally. 2. The volume above ground level of any such kiosk, meter or other apparatus shall not exceed 13 cubic metres in rural areas (being areas as defined in Article 6(3)) or 2 cubic metres in other areas, measured externally. 	<p>The externally measured volume of the proposed Quay Road pump sump, valve chamber and meter chamber is c.100m³, which is below the 500m³ threshold and therefore considered to be exempt under Class 58 (c) (i).</p>

For clarity, it should be noted that there are no above ground structures proposed as part of the works.

DECLARATION OF EXEMPTED DEVELOPMENT - PLANNING REPORT

4.3.2 Restrictions on Exemption

Article 9 of the Regulations outlines the restrictions on exempted development and the table below demonstrates that each of the criteria is satisfied in respect of exemptions contained in paragraph (a), (b) and (c) of Class 58, Part 1, Schedule 2 of the Regulations.

Table 4-2: Article 9 Test

Section	Paragraph	Sub-Paragraph	Applicable	Test Passed
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.	Following review of the permissions and conditions relevant to the proposed works, namely the Clareabbe WWTP Inlet Works, Pl. Reg. Ref(s) 181004, there are no conditions attached which would be contravened by the proposed development.	Yes

DECLARATION OF EXEMPTED DEVELOPMENT - PLANNING REPORT

Section	Paragraph	Sub-Paragraph	Applicable	Test Passed
		(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 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	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.	The proposed sewer pipe works in the public road will include the diversion of the existing gravity sewers to the new pumping station, along with the installation of a new rising main connection to Clareabbey Wastewater Treatment Plant. These works are considered to be sewer connections works within the public road and are therefore exempted development as stated in sub-paragraph (v).	Yes
		(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.	All proposed works are below ground. The works will not impact on any identified views, prospects or landscape character as identified within the Clare County Development Plan 2017-2023 (As Varied).	Yes
		(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	The closest monument listed on the Record of Monuments and Places to the Quay Road pumping station work is Clare Commons castle (CL041-089--), which is located approximately 330m north-east from the Quay Road pumping station area. The closest monument listed on the Record of Monuments and	Yes

DECLARATION OF EXEMPTED DEVELOPMENT - PLANNING REPORT

Section	Paragraph	Sub-Paragraph	Applicable	Test Passed
		<p>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,</p> <p>Places to the works corridor for the rising main works is the Brickworks (CL033-164-), which is approximately 31m from the works corridor. There is no denoted Zone of Notification for this monument. It is considered likely that the works to construct the N85 road would have already resulted in investigations being undertaken to this area, with no items of archaeological importance having been noted to be found.</p>	<p>The proposed works are not within the RMP Zone of Notification, and there are no excavation, alteration or demolition works proposed to this or any other RMP.</p> <p>A submission was made to the Development Application Unit of the Department of Housing, Local Government and Heritage on 12th May 2021 regarding the project. The DAU responded on 30th July 2021, providing guidance on the Project. Item 6 noted that "Where there are no archaeological monuments present but the development is large in scale, e.g., over 0.5 hectares in area and over 1 kilometre in length, it is recommended that an archaeological assessment should be undertaken, unless there are substantial grounds to show that it is not necessary." Given that the majority of the lands have already been under construction, the potential for unknown archaeological finds is considered to be Low. However as a precautionary measure and in line with best practice, in the event that any features are revealed by the Contractor during topsoil stripping and ground excavation which might comprise of archaeological features, works shall be stopped and Clare County Council shall be notified. A qualified archaeologist shall be employed to monitor and assess the findings. The results of all archaeological inputs to the proposed scheme should be collated within a report for submission to the NMS and the Clare County Council Archaeologist at the conclusion of all required archaeological works.</p>	

DECLARATION OF EXEMPTED DEVELOPMENT - PLANNING REPORT

Section	Paragraph	Sub-Paragraph	Applicable	Test Passed
			Therefore it is deemed that there are not substantial grounds to undertake an archaeological assessment for the project. The response provided by the DAU has been included as Appendix G .	
		(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,	The closest geological heritage site is Kilbreckan abandoned mine site and spoil, which is located approximately 4km north-east of the Quay Road pumping station area. See below with respect to ecological constraints. No works consisting of or comprising the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places is proposed.	The project does not comprise of such development.
		(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,		A Report to Inform AA Screening included within Appendix E of this report has determined that there is no potential for significant effect on any sites in the Natura 2000 network, either alone or in-combination with other plans and/or projects.
		(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.		The proposed works will not result in any adverse impact to any natural heritage area or proposed natural heritage area. See Report to Inform EIA Screening for further detail, included as Appendix F .
		(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	Not applicable

DECLARATION OF EXEMPTED DEVELOPMENT - PLANNING REPORT

Section	Paragraph	Sub-Paragraph	Test Passed	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. Proposed new structures will be underground.
		(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
		(b) in an area to which a special amenity area order relates, if such development would be development: —	(i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or	Not applicable

DECLARATION OF EXEMPTED DEVELOPMENT - PLANNING REPORT

Section	Paragraph	Sub-Paragraph	Applicable	Test Passed
		(ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or	Not applicable	Not applicable
		(iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or	Not applicable	Not applicable
		(iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,	Not applicable	Not applicable
		(c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,	The proposed works are not of a type of development listed in either Part 1 or Part 2 of Schedule 5 of the <i>Planning and Development Regulations 2001-2021</i>	Yes
		(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.	Not applicable	Not applicable

DECLARATION OF EXEMPTED DEVELOPMENT - PLANNING REPORT

Section	Paragraph	Sub-Paragraph	Applicable	Test Passed
		(2) Sub-article (1)(a)(vi) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding 100 metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises.	Not applicable	Not applicable
		(3) For the avoidance of doubt, sub-article (1)(a)(vii) shall not apply to any operation or activity in respect of which a Minister of the Government has granted consent or approval in accordance with the requirements of regulation 31 of the Habitats Regulations 1997, and where regulation 31(5) does not apply.		

DECLARATION OF EXEMPTED DEVELOPMENT - PLANNING REPORT

Section	Paragraph	Sub-Paragraph	Applicable	Test Passed
Section 57 of the Planning Act	The carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if these works would not materially affect the character of the structure of	(a) The structure, or (b) Any element of the structure which contributes to its special architectural character, historical, archaeological, artistic, cultural, scientific, social or technical interest.	There are no proposed works to any protected structure or proposed protected structure as part of the proposed development.	Yes

4.4 Precedent Cases

4.4.1 Previous Proposals for Works at Clarecastle

Clare County Council has previously issued a Section 5 DED for works including the installation of a rising main sewer transporting raw sewage from Clarecastle to the Clareabbey WwTP, Clarecastle, Co Clare (Ref. R19/39).

The current proposal includes works of a similar nature, and also the installation of a new below ground pump station, which is also covered by exemptions as set out above.

5 CONCLUSION

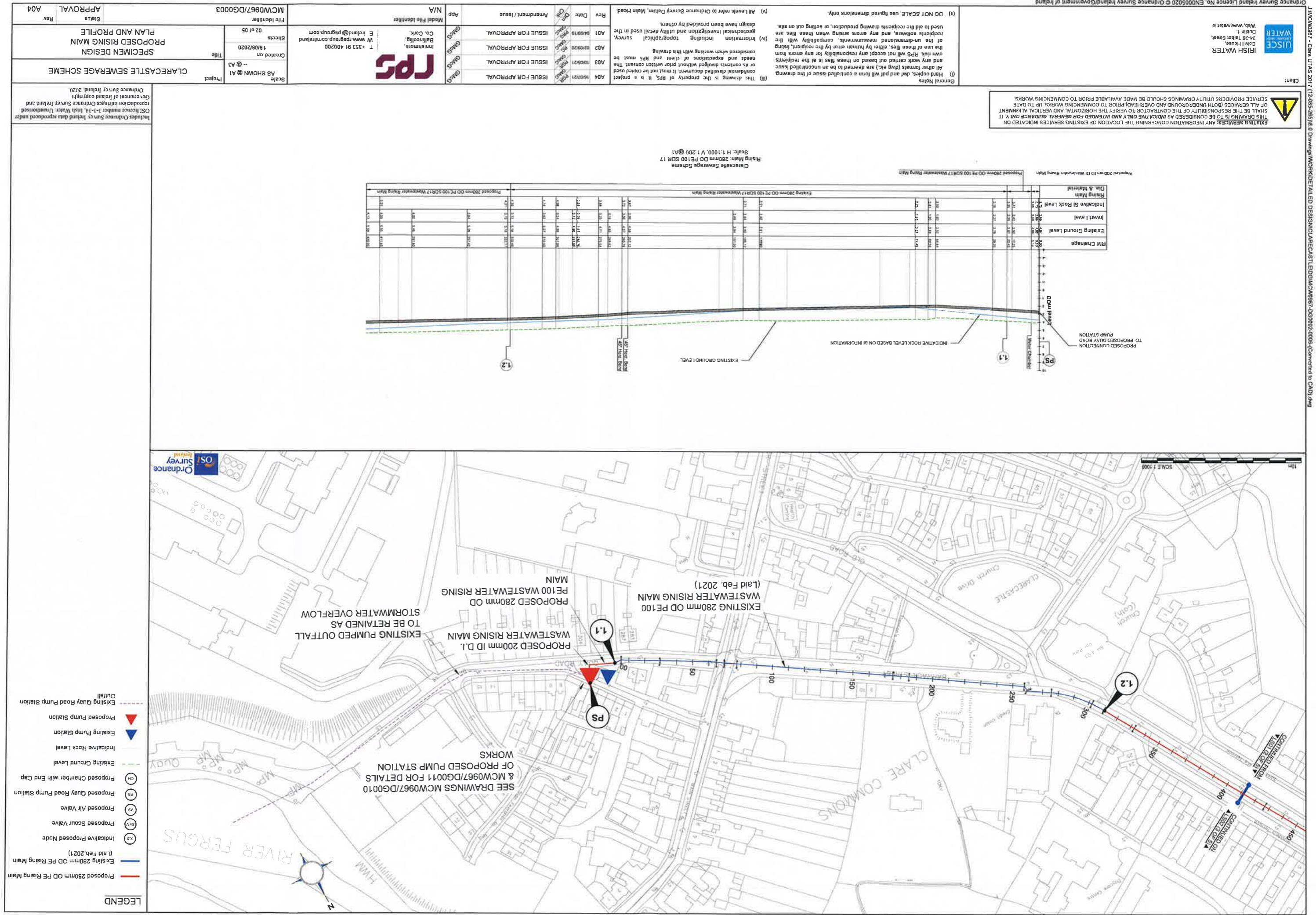
As outlined above, and having regard to the provisions of Class 58 of Schedule 2 Part 1 of the *Planning and Development Regulations 2001-2021*, it is considered that the proposed works for the upgrade of the existing wastewater sewerage infrastructure and also works in respect of the below ground wastewater pumping station infrastructure (which does not exceed 500 cubic metres, measured externally), would constitute exempted development.

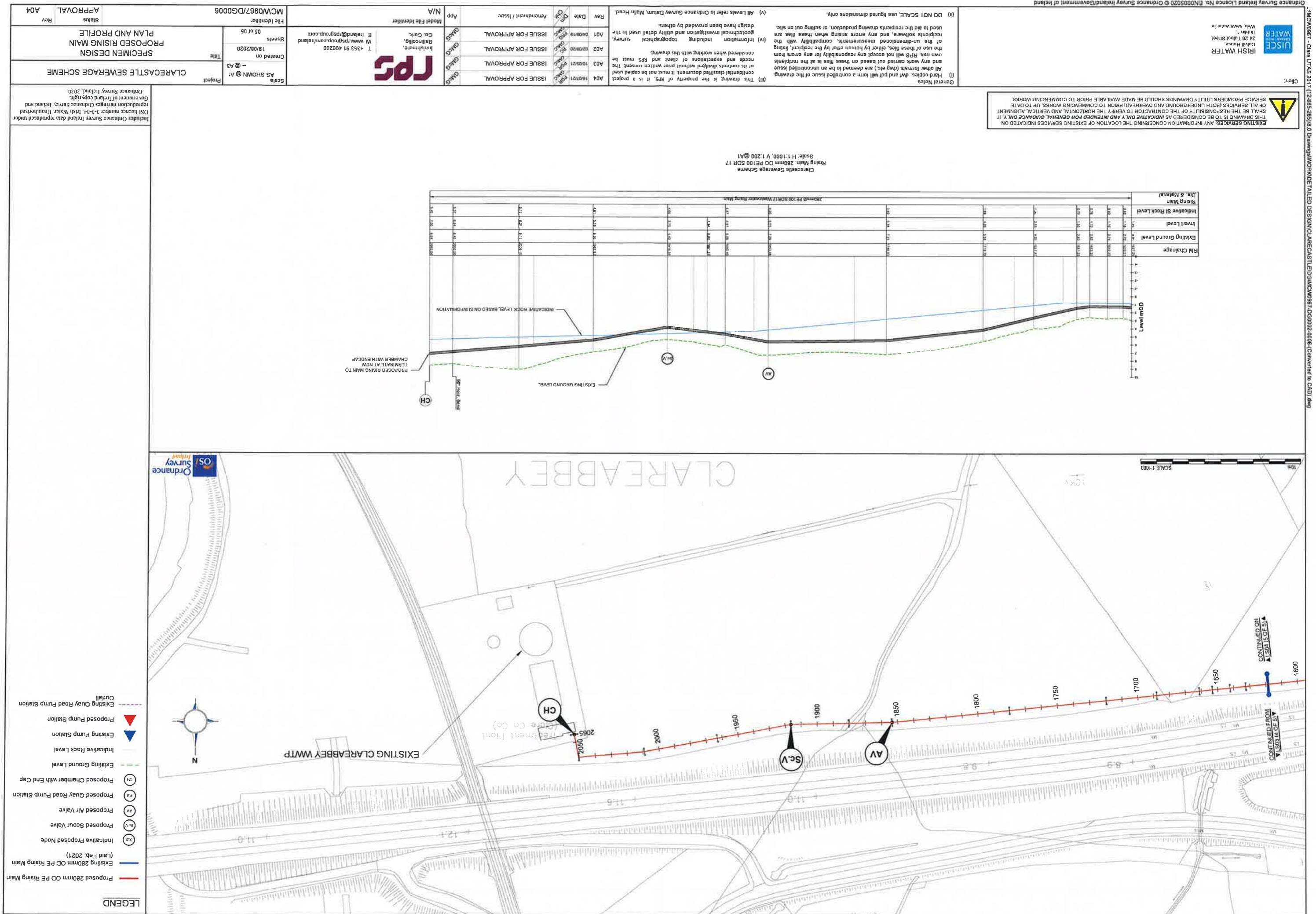
In addition, **Table 4-2** above demonstrates that the proposed works would not be restricted by the provisions of Article 9 of the *Planning and Development Regulations 2001-2021*.

Therefore, it is the opinion of Irish Water that the proposed works constitute exempted development and respectfully request that Clare County Council issue a Section 5 Declaration confirming the exempted development status of the proposed development.

Appendix A
Drawings

<p style="text-align: right;">Ordinance Survey Ireland Government of Ireland Survey Licence No. EN0005020 © Ordinance Survey Ireland Government of Ireland</p> <p style="text-align: right;">WATER Cahill House, 24-26 Talbot Street, Dublin 1 Ireland Web: www.watereire.ie Email: water@watereire.ie</p> <p style="text-align: right;">LISCE LISCE www.lisce.ie</p>											
<p style="text-align: center;">RPS</p>											
<p>CLARECASTLE SEWERAGE SCHEME</p>											
<p>SPECIMEN DESIGN</p>											
<p>PROPOSED RISING MAIN</p>											
<p>OVERALL LAYOUT</p>											
<p>REV 01/05</p>											
<p>File Number: T +353 61 402000 Title: T-353 61 402000</p>											
<p>Created on: 19/08/2020 Sheets: 01 of 05</p>											
<p>Information including Topographic Survey, Geodetic Survey, and Utility detail used in the preparation of these drawings, together with the use of these drawings, is the responsibility of the owner. RPS will not accept any responsibility for any errors from any work carried out based on these drawings or the consequences thereof. It is the responsibility of the contractor to check any dimensions, descriptions and specifications of client and RPS must be considered when working with this drawing.</p>											
<p>(i) Red copies and PDF will form a controlled issue of RPS. It is a Project General Notes and dimensions to be used in construction. It must not be copied used and any work carried out based on these drawings or the consequences thereof. It is the responsibility of the contractor to check any dimensions, descriptions and specifications of client and RPS must be considered when working with this drawing.</p>											
<p>(ii) DO NOT SCALE. Use figures dimensions only.</p>											
<p>(iii) This drawing is the property of RPS. It is a controlled issue of the drawing. General Notes and dimensions to be used in construction. It must not be copied used and any work carried out based on these drawings or the consequences thereof. It is the responsibility of the contractor to check any dimensions, descriptions and specifications of client and RPS must be considered when working with this drawing.</p>											
<p>(iv) All levels refer to Ordinance Survey Datum. Main Head</p>											
<p>File Ref: MCW0967/DG0002 App: N/A Rev: N/A</p>											
<p>Model File Identifier: AppRef Amendment / Issue: Date Date: Rev File Ref: AmendRef Amendment / Issue: Date Rev: N/A</p>											
<p>(v) All levels refer to Ordinance Survey Datum. Main Head</p>											
<p>General Notes</p>											
<p>Project: CLARECASTLE SEWERAGE SCHEME</p>											
<p>Sheet: 1-250 @ A1 Scale: 1:250</p>											
<p>Comments: Includes Ordnance Survey, licensed data reproduced under OSi Licence number 33-34, this Water Ireland and Government of Ireland</p>											
<p>Copyright: © Ordnance Survey Ireland, 2020</p>											
<p>LEGEND</p>											
<p>Proposed 280mm OD PE Rising Main Existing 280mm OD PE Rising Main Proposed Pump Station Existing Pump Station Proposed Dugy Road Pump Station Existing Quay Road Pump Station Outfall</p>											
<p>REFER TO DRAWING DG0003</p>											
<p>REFER TO DRAWING DG0004</p>											
<p>REFER TO DRAWING DG0005</p>											
<p>CLARECASTLE SEWERAGE SCHEME</p>											
<p>REFER TO DRAWING DG0006</p>											



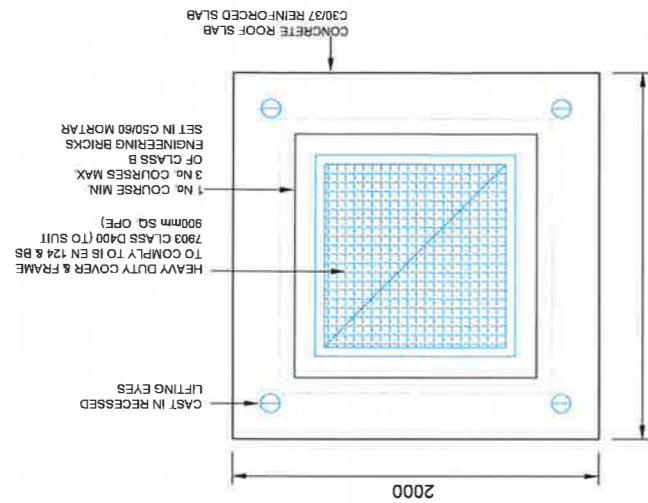


J:\\MCW\\0967 - Clare UTAS 2017\\12-085-25\\18.0 Drawings\\WORK\\DETAILED DESIGN\\CARECAST\\EDG\\MCWD0967-DG0007.dwg

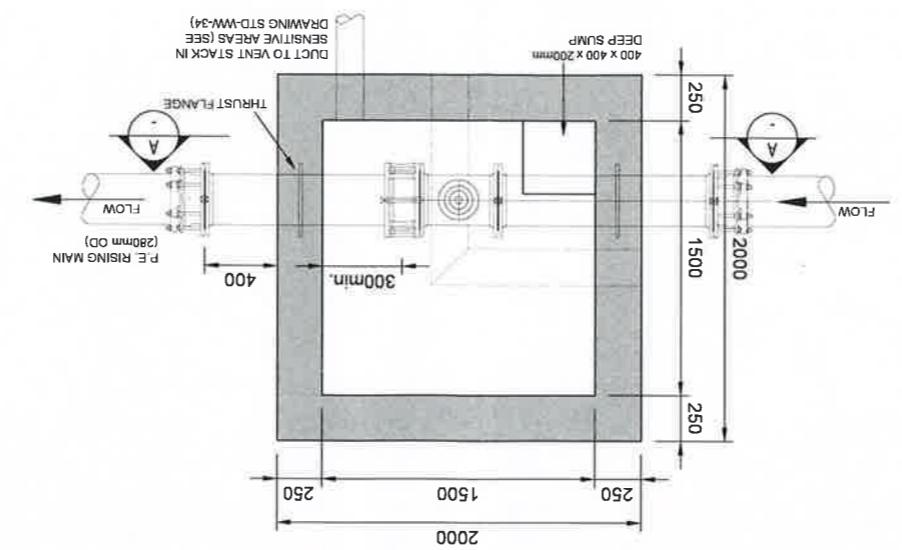
General Notes		(iii) This drawing is the property of PPS. If it is a project contract it is controlled issue of the drawing and any work carried out based on these notes is to be carried out in accordance with the terms and conditions of the contract. Details of client and PPS must be considered when working with this drawing.		(iv) Hard copies and PDF will form a controlled issue of the drawing and any work carried out based on these notes is to be carried out in accordance with the terms and conditions of the contract. Details of client and PPS must be considered when working with this drawing.		(v) All levels refer to Ordnance Survey Datum, Malin Head.		(vi) DO NOT SCALE, use figured dimensions only.	
SPECIMEN DESIGN		AIR VALVE & SCOUR VALVE MEMBER DETAILS		PROPOSED 280mm OD RISING MAIN		REF ID: PSS-AIRVALVE-SCOURVALVE-01		Ref ID: PSS-AIRVALVE-SCOURVALVE-01	
CLARECASTLE SEWERAGE SCHEME		T + 353 9 400200		CREATED ON 20/06/2020		E-mail: info@psgroup.com		FILE NUMBER: A01	
LPS		ISSUE FOR APPROVAL		ISSUE FOR APPROVAL		GMS		MODIFIED FILE NUMBER: N/A	
Project		Scale		Scale		Status		APPROVAL	
A04		A03		A02		A01		Rev	
CLARECASTLE SEWERAGE SCHEME		SPECIMEN DESIGN		REF ID: PSS-AIRVALVE-SCOURVALVE-01		REF ID: PSS-AIRVALVE-SCOURVALVE-01		Rev	

AIR VALVE CHAMBER N.T.S.

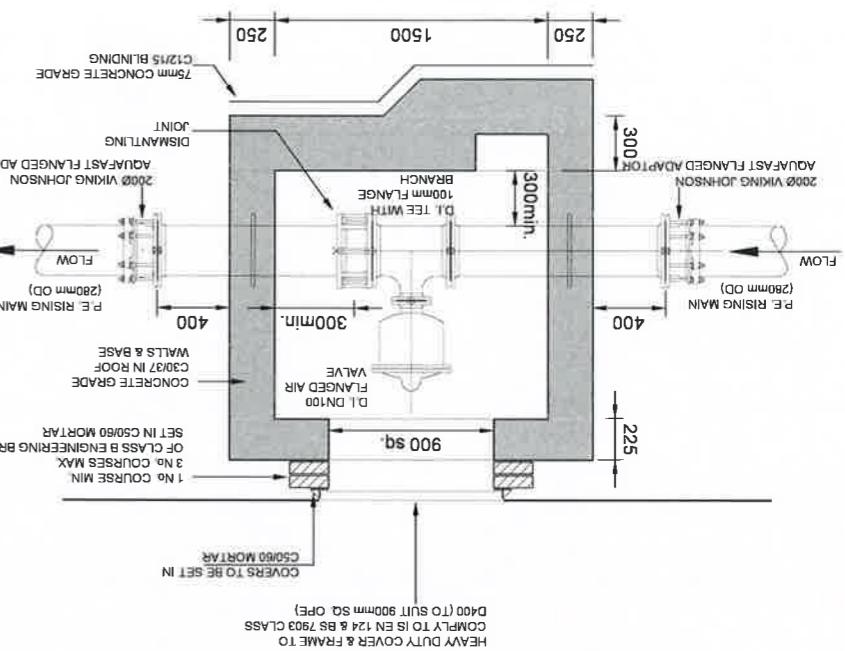
ROOF PLAN



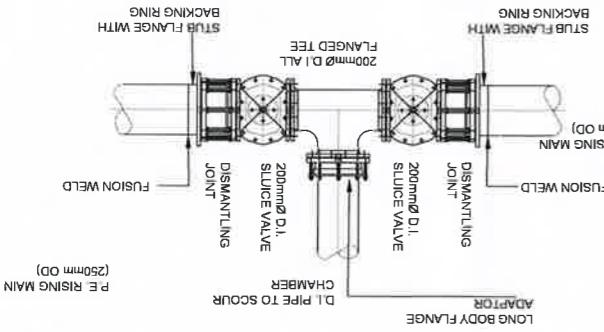
FLOOR PLAN



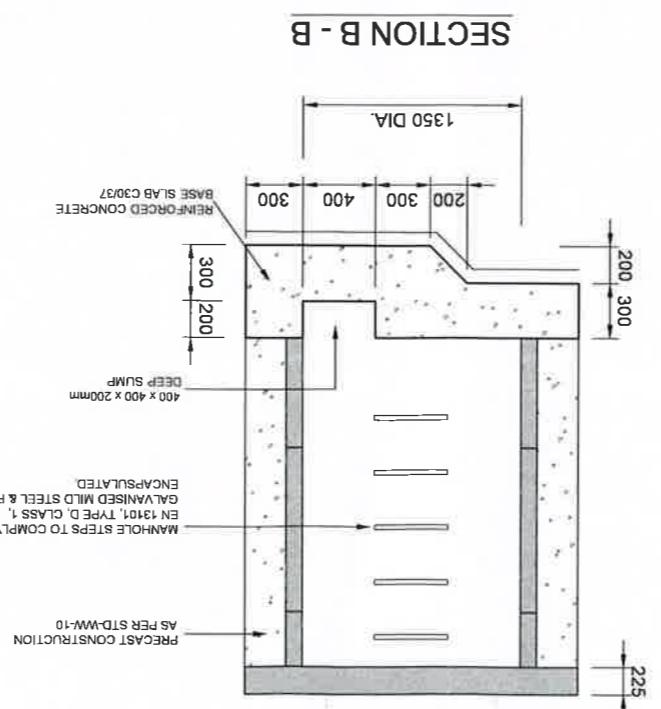
SECTION A - A



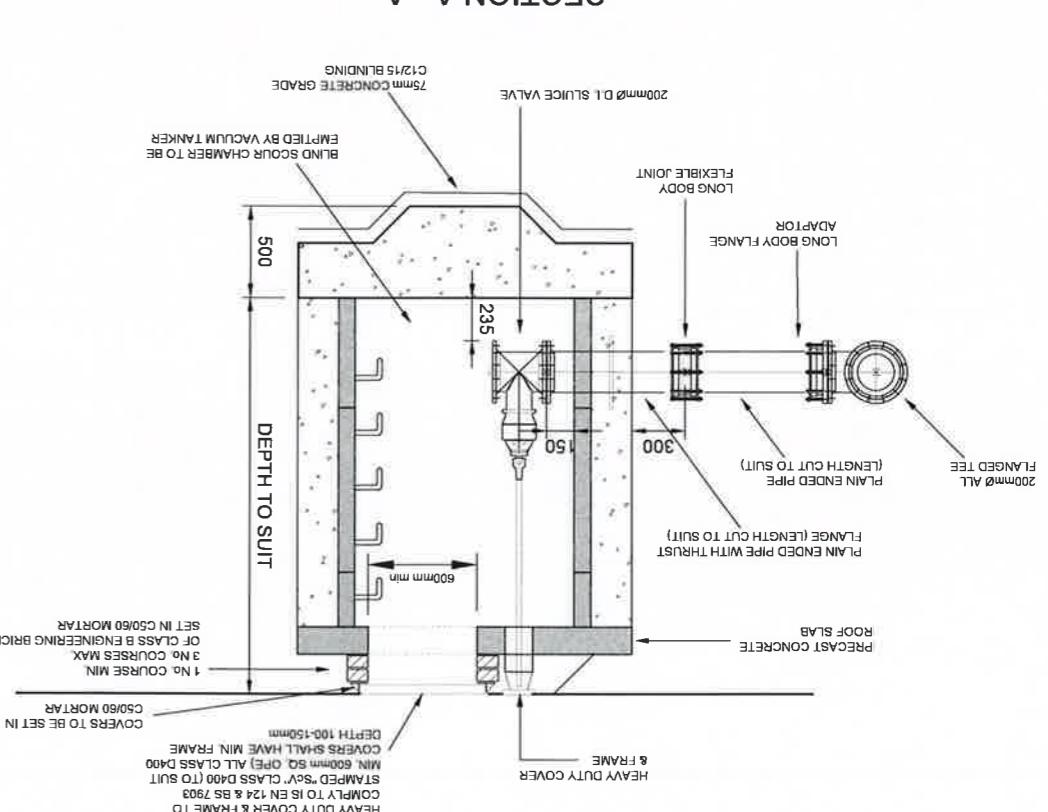
PLAN (POLYETHYLENE RISING MAIN)



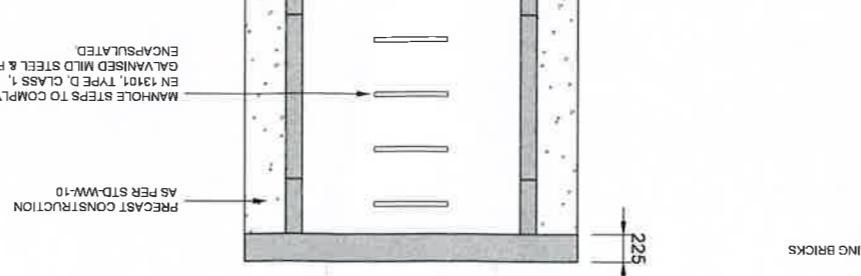
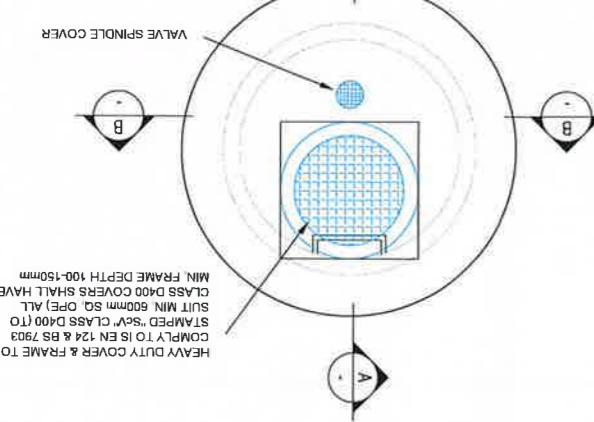
SCOUR VALVE CHAMBER N.T.S.



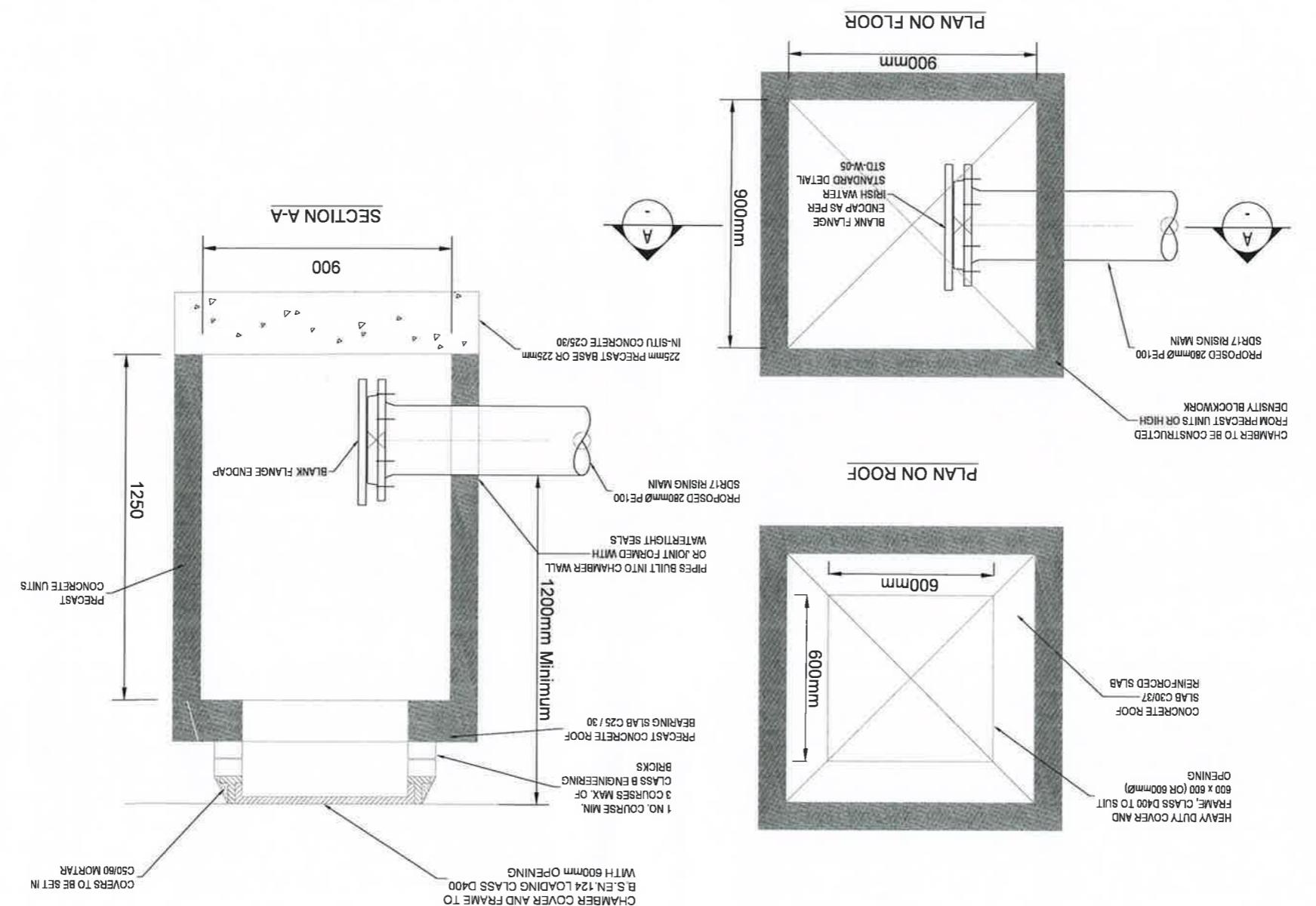
SECTION A - A



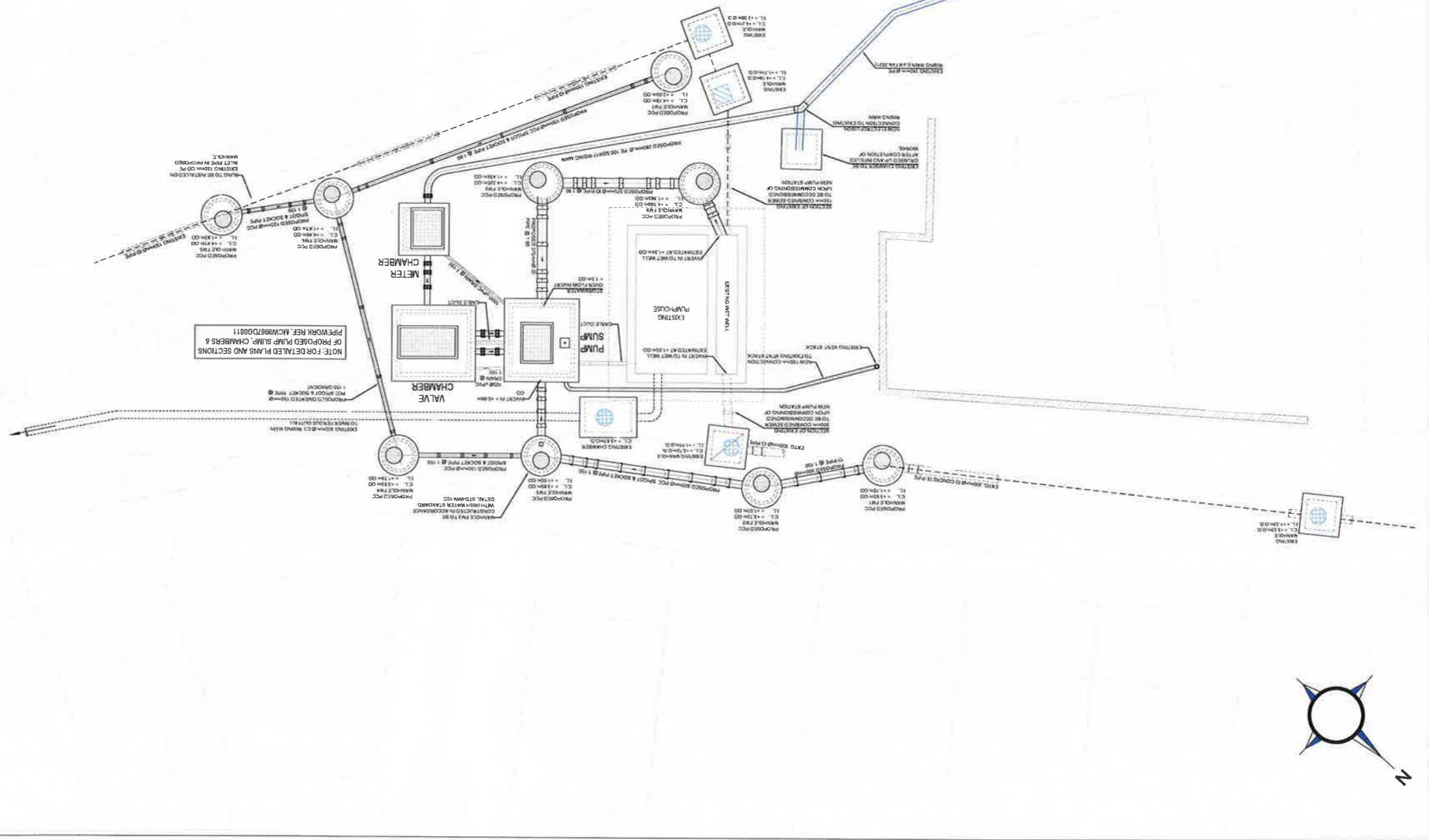
SCOUR CHAMBER ROOF PLAN

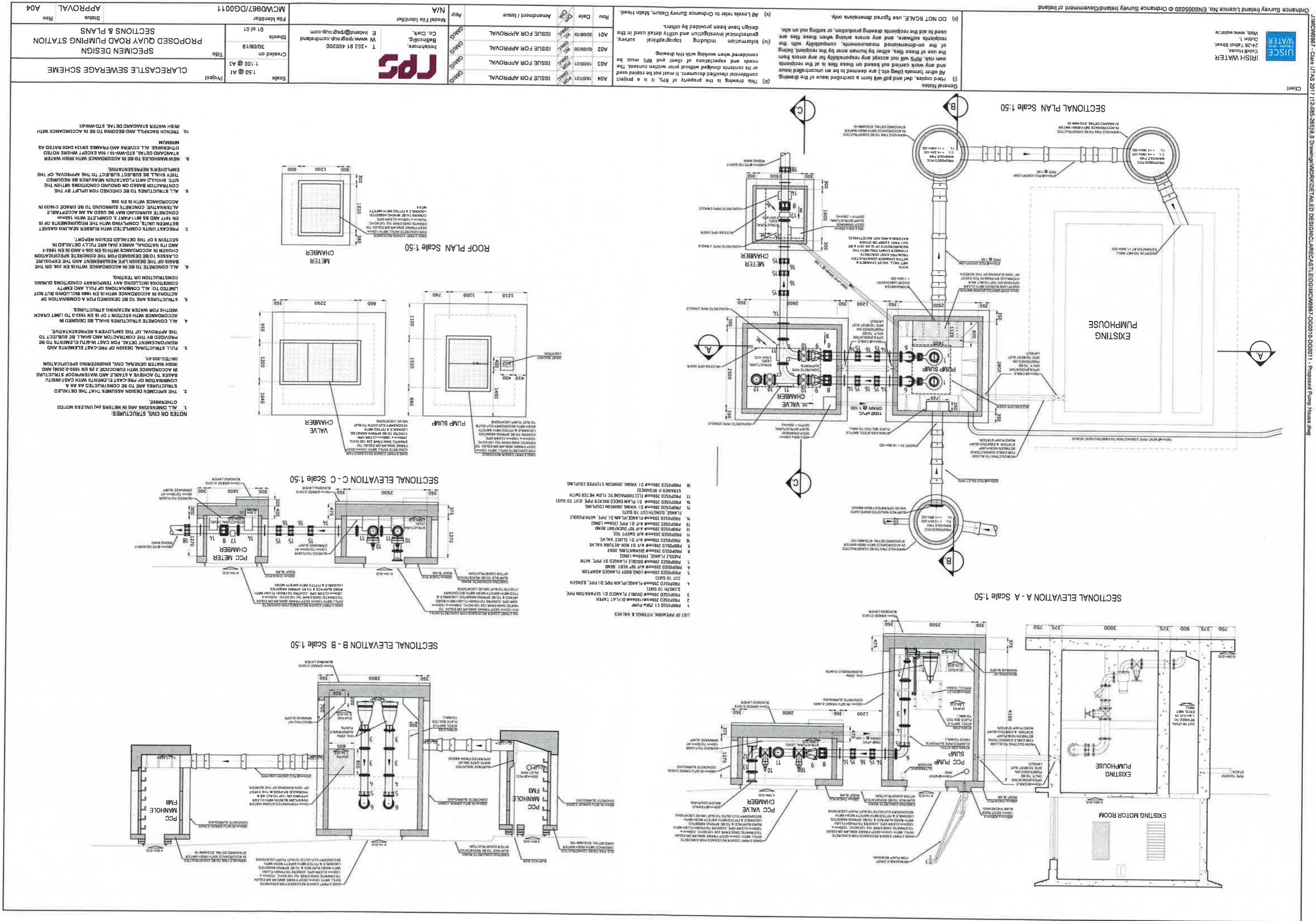


CHAMBER WITH END CAP DETAIL FOR 280mm OD PE RISING MAIN



Ordnance Survey Ireland 2020





Appendix B

Circular Letter from the Department of Housing, Local Government and Heritage



To: Directors of Planning in each local authority

CC: Chief Executives
Senior Planners
An Bord Pleanála
Office of the Planning Regulator
Directors of Regional Assemblies

Circular Letter PL 01/2021

15 January 2021

Re: Planning and Development (Amendment) Regulations 2021 (S.I 9 of 2021)

I am directed by Mr. Darragh O'Brien, T.D., Minister for Housing, Local Government and Heritage to advise that he has recently made new regulations entitled the Planning and Development (Amendment) Regulations 2021, a copy of which is attached.

These new Regulations amend provisions in the Planning and Development Regulations 2001, as amended (the Principal Regulations), to remove the requirement for landowner consent to be submitted with planning applications for services along public roads.

The Regulations amend the existing Principal Regulations as follows:

- Article 2(a) of the 2021 Regulations amends article 22(2)(g) of the Principal Regulations to provide that, when seeking planning permission for a proposed development that is in, on, over or under a public road in cases where the applicant is not the legal owner of the land on which the proposed works are to be undertaken, the consent of the landowner is not required to be submitted with the application, subject to written confirmation being provided that the proposed development concerned is to be undertaken by a statutory undertaker having a right or interest to provide services.
- Article 2(b) of the 2021 Regulations provides for a similar amendment to the template planning application form (Form No. 2) in Schedule 3 of the Principal Regulations.

These amending regulations are aimed at providing the necessary legal certainty in this regard so that wind farm operators, as well as other statutorily approved utility service providers (electricity, broadband, telecommunications etc.), who lay cables or pipes along public roads for the purposes of providing such utility services can proceed with making planning applications without the need to submit the consent of adjoining landowners. It should be noted in this



regard that powers are available under the relevant Electricity, Gas, Water Services Acts and other legislation giving statutory bodies or utility providers the right to carry out works to provide utility services, without landowner consent, once planning permission is secured.

Application of the new amending Regulations in practice

When applying for planning permission for a development that is in, on, over or under a public road in cases where the applicant is not the legal owner of the land on which the proposed works are to be undertaken, the applicant should provide written confirmation that it is a Statutory Undertaker, or that the works that are the subject of the application will be undertaken by a Statutory Undertaker to provide the services which are the subject of the application.

When completing a planning application form in respect of proposed development works as referred to above, Question 10 on the application form should be completed as follows:

10. LEGAL INTEREST OF APPLICANT IN THE LAND OR STRUCTURE:		
<p>Please tick appropriate box. Where legal interest is 'Other', please expand further on your interest in the land or structure</p>	<i>A. Owner</i>	<i>B. Occupier</i>
	<i>C. Other</i> <input checked="" type="checkbox"/>	
<p><i>If you are not the legal owner, please state the name and address of the owner and supply a letter from the owner of consent to make the application as listed in the accompanying documentation</i></p>	<p>Article 22(2)(g)(ii) of the Planning Regulations applies - Confirmation letter submitted.</p>	

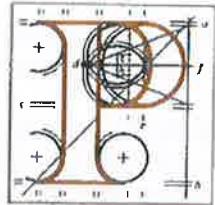
Any queries in relation to this Circular letter should be emailed to planning@housing.gov.ie.

Terry Sheridan
Principal
Planning Policy and Legislation

Appendix C
An Bord Pleanála CPO Board Order

Our Ref: ABP-303394-19

Your Ref: Irish Water



An
Bord
Pleanála

Irish Water
c/o John Finegan, Colvill House
24-26 Talbot Street
Dublin 1

23 MAY 2019

**Re: CPO upgrade of Clarecastle sewerage treatment system
Clarecastle, County Clare.**

A Chara,

An order has been made by An Bord Pleanála determining the above-mentioned case. A copy of the order is enclosed.

Please be advised that under section 217(5) of the Planning and Development Act, 2000, as amended, a notice of the making of a confirmation order should be published or served as the case may be in accordance with section 78(1) of the Housing Act, 1966 within 12 weeks of the making of the order.

In accordance with section 146(5) of the Planning and Development Act, 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

Overleaf contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Rob Mac Giollarnáth

Rob Mac Giollarnáth
Executive Officer
Direct Line: 01-8737265

Tell	Tel	(01) 858 8100
Giao Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Riomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhride
Baile Átha Cliath 1
D01 V902 64 Marlborough Street
Dublin 1
D01 V902

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

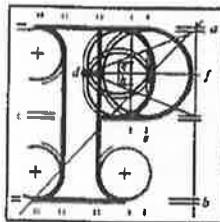
A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(7) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website,
www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.



An
Bord
Pleanála

Board Order
ABP-303394-19

Local Government (No. 2) Act, 1960

Housing Act, 1966

Planning and Development Acts, 2000 to 2018

Applicant: Irish Water

Application received by An Bord Pleanála on the 7th day of January, 2019 from Irish Water pursuant to section 76 of, and the Third Schedule to, the Housing Act, 1966 as extended by section 10 of the Local Government (No. 2) Act, 1960 (as substituted by section 86 of the Housing Act, 1966) and the Planning and Development Acts, 2000 to 2018, for confirmation of a compulsory purchase order authorising compulsory acquisition of lands and entitled Irish Water Compulsory Purchase (Clarecastle Sewerage Scheme) Order, 2018.

Decision

CONFIRM the above compulsory purchase order for the reasons and considerations set out below.

Reasons and Considerations

Having considered the objections made to the Compulsory Purchase Order, and not withdrawn, the report and recommendation of the Inspector who conducted the oral hearing into the objections, and the documents and submissions on file generally, and having regard to the following:

- (a) The deficiencies of the existing discharge point at Quay Road, Clarecastle in discharging untreated water directly into the River Fergus;
- (b) The strategic nature of the scheme in the context of providing increased capacity to cater for existing and future development in the Clarecastle Agglomeration;
- (c) The improvements of water quality within the River Fergus resulting from the scheme;
- (d) The community need, public interest served and overall benefits to be achieved from the proposed development;
- (e) The chosen route alignment for the Clarecastle rising main which constitutes a design response that is proportionate to the identified need;
- (f) The policies and objectives of the Clare County Development Plan 2017-2023 and the Ennis Municipal District Written Statement 2017-2023;
- (g) The submissions and observations made at the Oral Hearing held on the 9th day of April 2019,

the Board considered that the acquisition by Irish Water of permanent wayleaves, permanent rights-of-way and temporary working areas on the lands in question, as set out in the Order and on the deposited maps, are necessary for the purposes stated and the objections cannot be sustained, having regard to the said necessity and the Board decided to confirm the Order with modification.



Dave Walsh

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 22nd day of May 2019

Appendix D
Correspondence from Clare County Council

Gary McCormack

From: LA_cagreene <cgreen@clarecoco.ie>
Sent: 15 September 2021 16:06
To: Angus Hall
Cc: LA_ancronin
Subject: FW: 20210915 to CG- Clarecastle sewerage scheme
Attachments: IW10015223-WL1018 Rev3.pdf

CAUTION: This email originated from outside of your organisation. Do not click links or open attachments unless you recognise the sender and are sure that the content is safe.

Angus

I wish to confirm that Clare County Council is the owner of lands at Clarecastle, Ennis, County Clare, parts of which will be required for the works to the Clarecastle Sewerage Scheme.

On behalf of Clare County Council, I hereby wish to confirm that it is our intention to enter into a wayleave agreement with Irish Water for the laying of underground pipelines on Clare County Council owned lands in Clarecastle. The attached map, IW10015224-WL1018 Rev 3 shows the location of the permanent wayleave and temporary working space agreed in principle between Irish Water and Clare County Council for the works, which will form the basis of the signed agreement.



Carmel Greene

Senior Executive Officer

Economic Development Department

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

T: 065 6846571 | E: cgreen@clarecoco.ie | W: www.clarecoco.ie



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

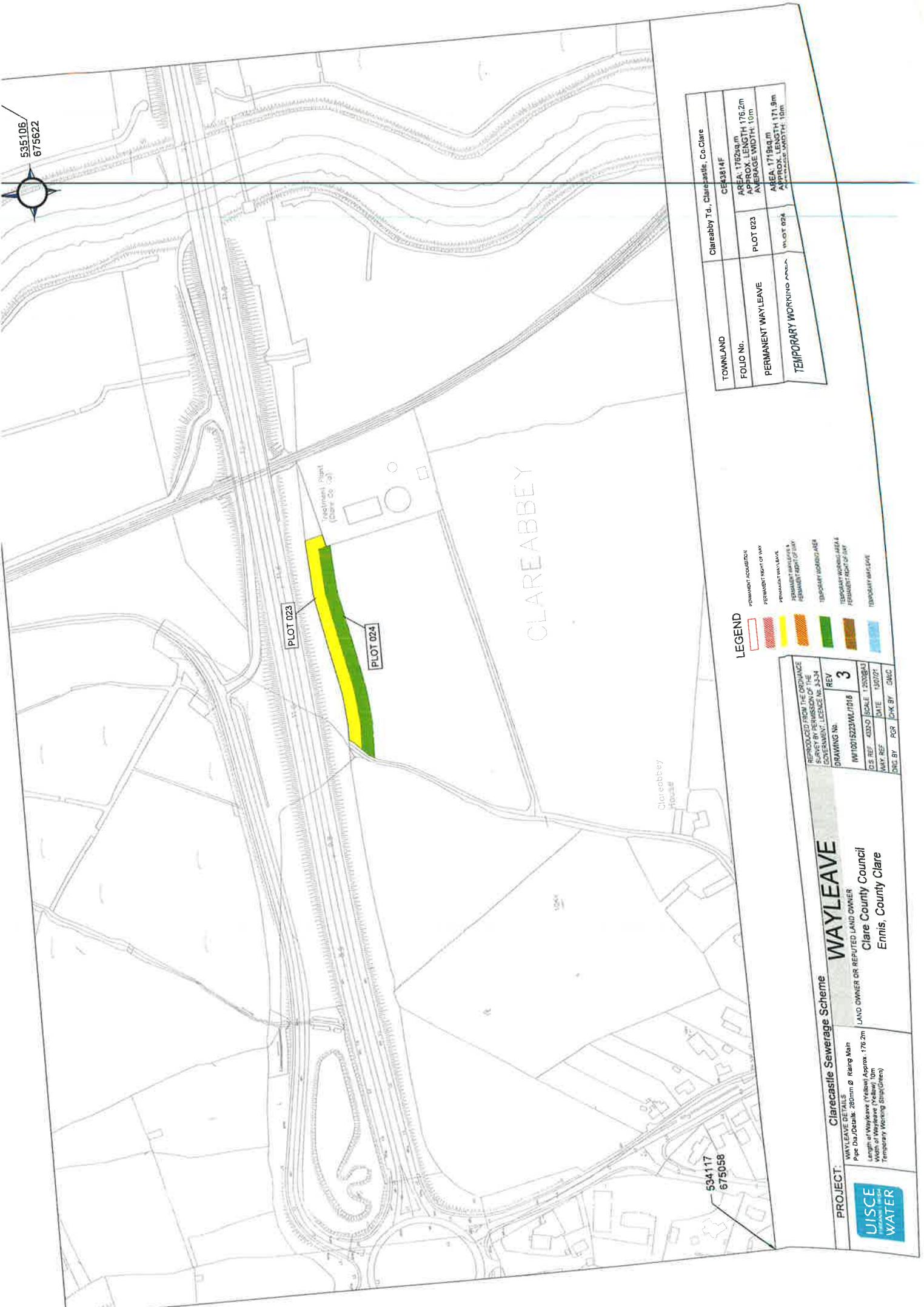


This electronic message contains information (and may contain files), which may be privileged or confidential. The information is intended to be for the sole use of the individual(s) or entity named above. If you are not the intended recipient be aware that any disclosure, copying, distribution or use of the contents of this information and/or files is prohibited. If you have received this electronic message in error, please notify the sender immediately.

Tá an t-eolas atá sa riomphost seo, agus in aon cheangaltán leis, rúnda, agus is d'aird agus d'úsáid an fhaigtheora nó na bhfaigheoirí amháin nó eintiteas ainmnithe thusa atá sé. Murar tusa faigheoir beartaithe an riomphost seo nó aon chud de, níor chóir duit an teachtaireacht seo a úsáid, a noctadh, a chóipeáil, a dháileadh nó a choinneáil, Más rud é gur tri bhotún a fuair tú an riomphost seo cuir sín in iúl don tseoltóir gan mhoill.

DISCLAIMER: The information in this message is confidential and may be legally privileged. It is intended solely for the addressee. Access to this message by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, or distribution of the message, or any action or omission taken by you in reliance on it, is prohibited and may be unlawful. Please immediately contact the sender if you have received this message in error. Thank you.

SÉANADH: Is eolas rúnda atá sa teachtaireacht seo agus d'fhéadfadh sé bheith faoi phribhléid dhlíthí. Is don seoltóir amháin atá si ceaptha. Is neamhúdaraiithe i an rochtain ar an teachtaireacht seo ag duine ar bith eile. Tá toirmeasc ar aon noctadh, cóipeáil nó leithdháileadh den teachtaireacht, nó aon ghníomh nó neamhgníomh a ghíacann lusa agus lú ag brath uirthi, mura tusa an faigheoir a bhí ceaptha di. Téigh i dtéagmháil leis an seoltóir láithreach má fuair tú an teachtaireacht seo trí earráid, le do thoil. Go raibh maith agat.



Appendix E

**Report to Inform an Appropriate Assessment Screening
Report (provided as a separate report)**

Appendix F

**Report to Inform an Environmental Impact Assessment
Screening Report (provided as a separate report)**

Appendix G

**Response from Development Applications Unit of the
Department of Housing, Local Government and Heritage**



Our Ref: G Pre00151/2021
(Please quote in all related correspondence)

30 July 2021

Gary McCormack
Associate - Water
RPS Consulting UK & Ireland
Innishmore,
Ballincollig
Co. Cork
P31 KR68

Via email: gary.mccormack@rpsgroup.com

Re: Irish Water Untreated Agglomeration Study - Proposed Clarecastle Sewerage Scheme, Clarecastle, County Clare

A chara

I refer to correspondence received in connection with the above.

Outlined below are heritage-related observations/recommendations of the Department under the stated heading(s).

Archaeology

All proposed development and strategies should be in compliance with the National Monuments Acts 1930 to 2004 and with the National policy on protection of archaeological heritage – ‘Framework and Principles for the Protection of the Archaeological Heritage’ published in 1999.

General Guidance

1. All areas of archaeological heritage should be addressed, including:
 - a) Immovable cultural heritage e.g. monuments and ancient field boundaries.
 - b) Underwater cultural heritage.
 - c) Movable cultural heritage e.g. loose carved stones, sculptures, architectural fragments etc.
2. All impacts which may impinge on the archaeological heritage should be assessed by a suitably qualified archaeologist.
3. Where appropriate, specialists in the field of archaeological heritage should be consulted throughout the process, from design through to implementation.



4. All surveys pertaining to archaeological heritage must be of a high standard in order to allow informed decisions to be taken.
5. All impacts must be assessed, to include ground disturbance, impacts on the setting of the monuments and visual impacts. These should include direct, indirect, temporary and cumulative impacts.
6. Mitigation of impacts, identified through consultation, should be taken into account within the development at the earliest possible stages. Various approaches should be considered, such as avoidance, design modification and relocation where appropriate.
7. Where there are no archaeological monuments present but the development is large in scale, e.g., over 0.5 hectares in area and over 1 kilometre in length, it is recommended that an archaeological assessment should be undertaken, unless there are substantial grounds to show that it is not necessary. Refer to Framework and Principles for the Protection of the Archaeological Heritage 1999, in particular section 3.6.6 in regard to Environmental Impact Assessment (EIA).

Further information and relevant publications can be obtained on www.archaeology.ie

The above observations/recommendations are based on the papers submitted to this Department on a pre-planning basis and are made without prejudice to any observations that the Minister may make in the context of any consultation arising on foot of any development application referred to the Minister, by the planning authority/ies, in her/his role as statutory consultee under the Planning and Development Act, 2000, as amended.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at manager.dau@housing.gov.ie, or to the following address:

The Manager
Development Applications Unit (DAU)
Government Offices
Newtown Road
Wexford
Y35 AP90

Is mise, le meas

Sinéad O' Brien
Development Applications Unit

06/10/2021 10:36:18

**Domestic Third Party (IBAN)****From Account Details**

Account Name RPS CONSULTING ENGINEERS LTD
From BIC RPSDIE2D
From IBAN
From Currency Code EUR
Debit Narrative CLARE COUNTY COUNC

Beneficiary Details

Name CLARE COUNTY COUNCIL
Address ARAS CONTAE AN CHLAIR
NEW ROAD ENNIS
CO CLARE

IBAN approved 07/10/21
BIC AIBKIE2D

Originator Ref

Additional Information Line 1 RPSCE
CLARECASTLE SS DED APPLICATION

Payment Details

Amount 80.00
Payment Currency EUR
Requested Debit Date 06/10/2021

Tracy Barrett 7/10/21