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CONTAE AN CHLÁIR | COUNTY COUNCIL

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**Rural Development, Clare County Council
c/o Sheila Browne
Cliffs of Moher Visitor Experience
Liscannor
Co. Clare**

23rd November 2022

Section 5 referral Reference R22-71 – Rural Development, Clare County Council

Do repair and refurbishment works, as set out in the attached, along the Cliffs of Moher Coastal Walk constitute development and/or exempted development?

A Chara,

I refer to your application received on 28th October 2022 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

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

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

Mise, le meas

**Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate**

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

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



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

Reference No.: R22-71



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R22-71

Do repair and refurbishment works, as set out in the attached, along the Cliffs of Moher Coastal Walk constitute development and/or exempted development?

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

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

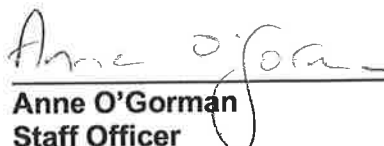
- (a) Sections 2, 3 and 4 and 82 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 Class 11 part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended
- (c) Article 9 (Restrictions on Article 6) of the Planning and Development Regulations 2001, as amended
- (d) The details including the AA screening report, the photographs, the condition of the existing pathway, the details of the proposed works as indicated in submitted documents from the referrer as received by the Planning Authority on the 28th October 2022.

And whereas Clare County Council has concluded:

- (a) the proposed constitutes “works” which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended
- (b) the said works constitute “development” which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended
- (c) the said development consisting of repair and refurbishment works, along the Cliffs of Moher Coastal walk is exempted development having regard to Section 2 and 3 of the Planning and Development Act 2000, Articles 6 Class 11 and Article 9 of the Planning and Development Regulations 2001, as amended

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

The proposed development consisting of repair and refurbishment works, along the Cliffs of Moher Coastal Walk at Lislorkan North, Liscannor, Co. Clare **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.


Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

23rd November 2022

CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No: 80824

Reference Number: R22-71

Date Referral Received: 28th October 2022

Name of Applicant: Rural Development, Clare County Council

Location of works in question: Cliffs of Moher Coastal Walk, Lislorkan
North, Liscannor, Co. Clare

Section 5 referral Reference R22-71 – Rural Development, Clare County Council

Do repair and refurbishment works, as set out in the attached, along the Cliffs of Moher Coastal Walk constitute development and/or exempted development?

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 Class 11 part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended
- (c) Article 9 (Restrictions on Article 6) of the Planning and Development Regulations 2001, as amended
- (d) The details including the AA screening report, the photographs, the condition of the existing pathway, the details of the proposed works as indicated in submitted documents from the referrer as received by the Planning Authority on the 28th October 2022.

AND WHEREAS Clare County Council has concluded:

- (a) the proposed constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended
- (b) the said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended
- (c) the said development consisting of repair and refurbishment works, along the Cliffs of Moher Coastal walk is exempted development having regard to Section 2 and 3 of the Planning and Development Act 2000, and Articles 6 Class 11 and Article 9 of the Planning and Development Regulations 2001, as amended

ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate

to Gareth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Gareth Ruane, Senior Executive Planner, hereby declare that the development consisting of repair and refurbishment works, along the Cliffs of Moher Coastal Walk at Lislorkan North, Liscannor, Co. Clare is considered development which is exempted development.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

23rd November 2022

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R22-71
APPLICANT(S):	Rural Development Section
REFERENCE:	Whether repair and refurbishment works, along the Cliffs of Moher Coastal walk is considered to be development and if so is it exempted development.
LOCATION:	'Lislorkan Liscannor, County Clare
DUE DATE:	24th Nov 22

Site Location

The subject site is located in the townland of Lislorkan approximately 1km north of the Cliffs of Moher Visitor centre. The section of walkway is 840m in length and is located wholly within the Cliffs of Moher SPA site code 004005. The site lies within the designated heritage landscape. There are no archaeological monuments along the route. There are no protected structure along this section of the walkway which for the purposes of this query and for ease of reference is divided in to 4 sections AB. BC. CD and DD. (Appropriate Assessment Screening Report refers).

Planning History on Site

The following history relates to developments nearby the Cliff Walk and along the Cliff Walk .

16/8007 – Clare County Council Part 8 application for the following proposed development: Repair and upgrade works to O'Brien's Tower, to include the following works: lime harling to external elevations; New concrete roof with lead flashing, asphalt finish and paving slabs and handrails; New metal framed access structure, finished in lead with glazed roof light and sliding glazed door onto the roof; New timber sliding sash windows throughout; New cast iron hopper heads and down pipes; new cast iron spiral stairs; "Drimaster" ventilation system; New electric heating; New external quality power, data and lighting; Minor repairs to existing floors; Lime shelter coat and lime wash to the internal rubble walls. An appropriate Assessment Screening Report has been undertaken as part of this application.

16/8007 – 16/8007 – Clare County Council Part 8 application for the following proposed development: Repair and upgrade works to O'Brien's Tower, to include the following works: lime harling to external elevations; New concrete roof with lead flashing, asphalt finish and paving slabs and handrails; New metal framed access structure, finished in lead with glazed roof light and sliding glazed door onto the roof; New timber sliding sash windows throughout; New cast iron hopper heads and down pipes; new cast iron spiral stairs; "Drimaster" ventilation system; New electric heating; New external quality power, data and lighting; Minor repairs to existing floors; Lime shelter coat and lime wash to the internal rubble walls. An appropriate Assessment Screening Report has been undertaken as part of this application.

13/129 – Martin Guerin granted permission to erect tackle shed, extend existing private roadway to accommodate pony and trap trips and provide pedestrian pathway and all ancillary site works. This permission expired 17/07/2018.

R19 13 – Application by Clare Local Development Company whether the reinstatement, upgrading and provision of new barriers along the Cliffs of Moher coastal trail is exempted development. The works were considered to constitute development and are considered to be exempted development.

R19/ 41 Application by Clare Local Development Company whether the repair and refurbishment works along the Cliffs of Moher coastal walk is exempted development. The works were considered to constitute development and are considered to be exempted development.

R 20/ 15 Application Rural Development Section whether the repair and refurbishment works along the Cliffs of Moher coastal walk is exempted development. The works were considered to constitute development and are considered to be exempted development.

Background to Referral

This referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made. The applicant is seeking a Section 5 Declaration as to whether the repair and refurbishment works, along the Cliffs of Moher Coastal walk is or is not development and is or is not exempted development.

Particulars of Proposal

The particulars of the proposal and site are set out below:

- Completed application form
- Site layout plan
- Location map
- AA screening report
- Photographs
- Description of works
 1. Maintenance of existing paths which is to repair and upgrade paths with clause 804 compacted and finished with a dust binding.
 2. Replace existing sections of sheep wire fence and install new sheep wire fence and posts (drawing 2022-1-28-003 refers).
 3. Provide additional drainage along the path in sections highlighted on drawing 2022-1-28-003 refers
 4. Install new limestone stiles at no 4 locations along the route. (drawing 2022-1-28-003 refers)
 5. Repair and re-instatement of dry stone walls where required.
- Landowners- Gerard Kerin, Joseph Connole, Michael O'Brien, Alan Flaherty.

Nature and extent of works proposed

Section AB

Existing dry stone all to be repaired where necessary (by hand)

Existing gravel path will be repaired and improved . The path surface will comprise 150mm compacted clause 804 with limestone quarry dust on a geo textile subbase consisting of compact crushed stone. Posts will be erected with sheep wire , barbed wire and bull wire used to fence the fields at the side of the track.

Section BC

The entire section is to be resurfaced and drained. The path surface will comprise 150mm compacted clause 804 with limestone quarry dust on a geo textile subbase consisting of compact crushed stone. Drainage will be carried out using perforated pipe with gravel and geotextile surround.

Section CD

The existing stone wall at point C is to be removed and the path to continue through the existing grass land. The existing route locate do the other side of the drain is to be left to revert. Dry stone walls will be repaired by hand. Existing gravel path will be repaired and improved. The path surface will comprise 150mm compacted clause 804 with limestone quarry dust on a geo textile subbase consisting of compact crushed stone. Posts will be erected with sheep wire , barbed wire and bull wire used to fence the fields at the side of the track.

Section DE

An upgraded path section with pipes installed. Drain to be cleaned and retained. The path will be widened at this section. The fence will be moved slightly to the north to bring the path away from the drain. Dry stone walls will be repaired by hand.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

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

Section 2

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

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

'Structure' is defined as any building, structure, excavation , or other thing constructed or made on , in or under nay land or any part of a structure so defined and where the context s admits includes the land on, in or under which the structure is situate.

Section 3.(1)

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

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Article 6(1) Relates to Exempted Development Class 11

The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house of -

(a) any fence (not being a hoarding or sheet metal fence), or

(b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

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

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

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

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

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

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

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

(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,

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

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

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

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

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

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

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

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

(xi) obstruct any public right of way,

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

Assessment

Primary Legislation

Having regard to Section 2(1) of the Planning and Development Act 2001 (as amended), I consider that the proposed developments as outlined above, come within the scope of "structure" and "works" and hence constitutes development in accordance with Section 3(1) of the Planning and Development Act 2001 (as amended).

The Regulations

Is / is not exempted development?

Class 11 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) is relevant in this regard.

Class 11 states the following:

The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house of - .

(a) any fence (not being a hoarding or sheet metal fence),

(b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

Conditions of this exemption are as follows:

1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.

2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.

Class 11 (a)

Applying the above exemption to works proposed as section AB, BC, CD and DE, I consider that the proposed development comes within the scope of Class 11 (a) and Class 11 (b) because the height of the fencing does not exceed 0.986m and the total height of the posts carrying the wire is 1.4m. The class of exemption does not specify a limit of the height of a post supporting wire fencing.

With respect to Class 11 (b) I note existing dry or natural stone walls are to be repaired and reinstate and do not have any other finish. In this regard, the proposal comes within the scope of Class 11 (b).

For exempted development to apply, all conditions and limitations of Class 11 are required to be complied with. In this case, all conditions and limitation are considered to have been complied with.

Article 9(1)(a) of Planning and Development Regulations 2001 (as amended) Development to which Article 6 relates shall not be exempted development for the purposes of the Act. The following are considered relevant to the assessment of this referral:

(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,

The proposed site of development are location within an Area of Special Control i.e. Heritage landscape. It is considered that the proposed development as described in the referral, will not interfere with the character of the receiving landscape. The view from the walking route is not a protected view in the development plan.

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

. In any event the proposed works will not result in the excavation, alteration or demolition of any of the recorded monuments or protected structures or place of ecological interest notwithstanding the location of the walk way within the Cliffs of Moher SPA.

(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 proposed works will not result in the excavation, alteration or demolition of any of the recorded monuments or protected structures.

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

Having regard to the nature of the works proposed, which are of a limited scale , the AA screening report on file, the proposed development is not considered to require an NIS / (stage two AA), as the proposed works either alone or in combination with other plans / or projects will not have significant effects on the integrity of any European site in light of their conservation objective.

(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.

Having regard to the nature of the works proposed, which are of a limited scale , the AA screening report on file, the proposed development is not considered to require an NIS / (stage two AA), as the proposed works either alone or in combination with other plans / or projects will not have significant effects on the integrity of any European site in light of their conservation objective. In this regard it is noted that all works will be carried out outside of March to August bird nesting season apart from the repair of the dry stone wall.

(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,

It is noted that the proposed works will not enclose land habitually open to or used by the public during the 10 years.

(xi) obstruct any public right of way,

It is noted that the proposed development will not obstruct any public right of way.

For exempted development to apply, all conditions and limitations of Class 11 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) are required to be complied with. In this case, all conditions and limitation are considered to have been complied with and having examined Article 9(1)(a) of Planning and Development Regulations 2001 (as amended), I do not consider that same places any restrictions on the proposed works.

Conclusion

Having regard to the foregoing assessment, it is concluded that the development as proposed comprising repair and refurbishment works, along the Cliffs of Moher Coastal walk is development and is exempted development, having regard to Class 11 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Environmental Impact Assessment

In assessing this application I have had regard to the provisions of EU Directive 2014/52/EU (which amends EU Directive 2011/92/EU), and which has been transposed into Irish legislation by the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (SI No. 296 of 2018). The subject development does not fall within the mandatory requirements for EIA as set out in Schedule 5 of the Planning

and Development Regulations 2001, as amended. I therefore consider that the proposal constitutes a sub-threshold development and note the requirements of Article 103 (1)(a) and (b) of the Planning and Development Regulations 2001, as amended. As such having regard to the nature and scale of the proposed development and the nature of the receiving environment I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Appropriate Assessment

Having regard to the nature and scale of the works as proposed under the details contained in this Section 5 referral, no Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on the adjoining European Site. The appropriate assessment screening report and determination is attached to this report.

Conclusion

In considering this query I have had regard to Sections 2, 3 of the Planning and Development Act, 2000, as amended and Article 6, Class 11 and Article 9 of the Planning and Development Regulations. Having regard to the assessment in this report I conclude that the repair and refurbishment works, along the Cliffs of Moher Coastal walk constitutes works and development that is exempted development.

Recommendation

The following question has been referred to the Planning Authority:

Whether repair and refurbishment works, along the Cliffs of Moher Coastal walk is considered to be development or is not development and is or is not exempted development

The Planning Authority in considering this referral had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 Class 11 part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended
- (c) Article 9 (Restrictions on Article 6) of the Planning and Development Regulations 2001, as amended
- (d) The details including the AA screening report, the photographs, the condition of the existing pathway, the details of the proposed works as indicated in submitted documents from the referrer as received by the Planning Authority on the 28th October 22.

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

- (a) the proposed constitutes “works” which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended

(c) the said development consisting of repair and refurbishment works, along the Cliffs of Moher Coastal walk is exempted development having regard to Section 2 and 3 of the Planning and Development Act 2000 as amended, and Articles 6 Class 11 and Article 9 of the Planning and Development Regulations 2001, as amended

Ellen Corey
Executive Planner
Date: 23/11/22.

SEP
23/11/22

Clare County Council
Screening for Appropriate Assessment & Determination

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

Table 1: Project Details

Planning File Reference	R 22/71
Applicant Name	Rural Development Section
Development Location	Lislorkan
Application accompanied by an EIS	
Application accompanied by an NIS	
Description of the project (To include a site location map):	
<p>Section 5 referral</p> <p>Whether repair and refurbishment works, along the Cliffs of Moher Coastal walk is or is not development and is or is not exempted development.</p>	

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

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

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

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
Cliffs of Moher SPA 04005	Fulmar (<i>Fulmarus glacialis</i>) [A009] Kittiwake (<i>Rissa tridactyla</i>) [A188] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204] Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]	Within
Black head to Poulsallagh Complex SAC 00020	Annex I habitats: ☑ Reefs [1170] ☑ Perennial vegetation of stony banks [1220] ☑ Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche</i> = <i>Batrachium</i> vegetation [3260] ☑ Alpine and boreal heaths [4060] ☑ <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130] ☑ Semi-natural dry grasslands and scrubland facies on calcareous grasslands [6210] ☑ Lowland hay meadows (<i>Alopecurus pratensis</i> , <i>Sanguisorba officinalis</i>) [6510] ☑ Petrifying springs with tufa formation (Cratoneurion) [7220] ☑ *Limestone pavements [8240] ☑ Submerged or partially submerged	3.5km

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

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

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
	sea caves [8330] Annex II Species ☐ Petalwort <i>Petaphyllum ralfsii</i>	
Inagh River estuary SAC000036	Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	5.7km

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

Conclusion:

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

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Table 3: Identification of potential impacts.

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

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

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

4	Impacts on birds in SPAs <i>Please answer the following if the answer to question 5 in table 2 was yes.</i> <i>Does the development involve any of the following:</i>	
4a	Removal of or interference with habitats within an SPA. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	The proposed works do not involve the removal or interference of any habitat associated with the Cliffs of Moher SPA as detailed in the site-specific Conservation Objectives.
4b	Erection of wind turbines within 1km of an SPA.	NA
4c	All construction works within 100m of intertidal areas – Coastal SPAs, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4d	Infilling of coastal habitats within 500m of SPA, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4e	Discharges to coastal SPA, including any element of a discharge liable to give rise to disturbance of this habitat, either by direct, indirect, or in combination effects	NA
4f	Development of cycleways or walking routes within 100m of intertidal areas. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	No, through the design of the work programme and the emergency nature in terms of the health and safety risks the current condition of the path presents the works need to be carried out as soon as possible and therefore within the winter months outside of the bird nesting season
4g	Development within 1km of SPA of a scale or type which involves the production of an EIS. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	The nature and scale of the proposed works involve the repair and refurbishment of an existing portion of the Cliffs of Moher pathway as opposed to the construction of a new element. These works do not constitute development of a scale or nature that would trigger the requirement for EIAR.

Conclusion:

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

Appropriate Assessment Screening Determination	
Planning File Reference	R22/71
Proposed Development	Section 5 referral
Development Location	Lislorkan Liscannor
European sites within impact zone	Cliffs of Moher SPA Inagh River estuary SAC Blackhead to Poulsallagh Complex SPA
Description of the project:	
As above	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
Cliffs of Moher SPA Fulmar (<i>Fulmarus glacialis</i>) [A009] Kittiwake (<i>Rissa tridactyla</i>) [A188] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204] Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
Potential impact on the qualifying interest (bird species) associated with the COM SPA by way of noise, disturbance, and construction taking place within the nesting season.	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
Not significant – works to be implemented outside the nesting period of March to August inclusive by way of project design .	
Documentation reviewed for making this statement	
<ul style="list-style-type: none"> - County Development Plan (including Flood Maps, SEA & AA) - NPWS website - Documents received as part of the planning application - EPA Code of Practice 	

Conclusion of assessment (a, b, c or d)	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s)³	No
(b) There is no potential for significant effects to European Sites³	There is no potential for significant effects to European Sites³
(c) The potential for significant effects to European Site(s) cannot be ruled out⁴	The potential for significant effects to European Site(s) can be ruled out⁴
(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and	N/A

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

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

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

Development (Amendment) Act 2010⁵	
Completed By	Ellen Carey
Date	23 rd Nov 22

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

P07

CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR

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

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



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

FEE: €80

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

1. CORRESPONDENCE DETAILS.

(a) Name and Address of person seeking the declaration	<u>Rural Development,</u> <u>Clare County Council,</u> <u>New Road, Ennis,</u> <u>Co. Clare.</u>
(b) Telephone No.:	<u>(065) 708 6141</u>
(c) Email Address:	<u>sheila.browne@cliffsofmoher.ie</u>
(d) Agent's Name and address:	<u>Sheila Browne</u> <u>Cliffs of Moher Visitor Experience,</u> <u>Liscannor,</u> <u>Co. Clare</u>

2. DETAILS REGARDING DECLARATION BEING SOUGHT

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

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

Do repair and refurbishment works, as set out in the attached, along the Cliffs of Moher Coastal Walk constitute development and/or exempted development?

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

The proposed works are located on the route of an existing historic road. The existing use for the route is an agricultural access point and the main walking route for the Coastal walk to Doolin so it sees high footfall.

All works are repair and reinstatement of the existing trail and consist of Various items as described below and in the attached documents.

- Maintenance of existing paths which is to repair and upgrade paths with clause 804 compacted and finished with a dust blinding.
- Replace existing sections of sheepwire fence and install new sheepwire fence and posts. See Drawing No. 2022-1028-003
- Provide additional drainage along path in sections highlighted on Drawing No. 2022-1028-003
- Install new limestone stiles at 4No. Locations along the route. See Drawing No. 2022-1028-003
- Repair and reinstatement of dry stone walls where required

- (c) List of plans, drawings etc. submitted with this request for a declaration:

(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)

2012-1028 Cliffs of Moher footpath upgrade: section 5 application

2022-1028-001 Site Location Map

2022-1028-002 Site Layout Map

2022-1028-003 Site Layout Map and Construction Details

AA Screening Report from MKO Environmental

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	<u>Cliffs of Moher Coastal Walk,</u> <u>Lislorkan North,</u> <u>Liscannor,</u> <u>Co. Clare</u>
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	<u>No</u>
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	<u>Currently negotiating leasing of the Coastal Walk.</u>
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	<u>Individual stakeholders</u>
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	<u>No</u>
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	<u>No</u>
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	<u>No</u>
(h) Date on which 'works' in question were completed are likely to take place:	<u>Jan 2023 – April 2023</u>

John Moylan

26th October 2022

SIGNED: _____

DATE: _____

GUIDANCE NOTES

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

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


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

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

FOR OFFICE USE ONLY

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

2022-1028 Cliffs of Moher Burren Way Path Resurfacing / Upgrade

Location Ref: 950m approx. North of Visitor Centre	Drawing Ref: 22-1028-001 Location Map	
Landowner: Gerard Keirn, Joseph Connole, Michael O'Brien, Alan Flaherty		
Description: <div>1. Repair and reinstate existing gravel path. 2. Dry stone wall to be repaired and reinstated where necessary. 3. Replace existing sheepwire fencing with new sheepwire fencing and posts along the extent of the existing path.</div>		Current Condition: 

4. Repair and reinstate existing path.
5. Dry stone wall to be repaired and reinstated where necessary.
6. Replace existing sheepwire fencing with new sheepwire fencing and posts along the extent of the existing path.
7. Install French drain beside path.



8. Repair and reinstate existing gravel path.
9. Dry stone wall to be repaired and reinstated where necessary.
10. Replace existing sheepwire fencing with new sheepwire fencing and posts along the extent of the existing path.
11. Install French drain beside path



12. Repair and reinstate existing gravel path.
13. Dry stone wall to be repaired and reinstated where necessary.
14. Replace existing sheepwire fencing with new sheepwire fencing and posts along the extent of the existing path.
15. Clean and maintain open drain.



Article 6 (3) Appropriate Assessment Screening Report

Cliffs of Moher-Footpath
Upgrade





DOCUMENT DETAILS

Client: **Clare County Council**

Project Title: **Cliffs of Moher - Footpath Upgrade**

Project Number: **220902**

Document Title: **Appropriate Assessment Screening Report**

Document File Name: **AASR F - 220902 - 2022.10.13**

Prepared By: **MKO
Tuam Road
Galway
Ireland
H91 VW84**



Planning and
Environmental
Consultants

Rev	Status	Date	Author(s)	Approved By
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1. INTRODUCTION

1.1 Background

MKO has been appointed by Clare County Council to allow the competent authority to conduct an Article 6(3) Screening for Appropriate Assessment of proposed upgrade works to the Cliffs of Moher Coastal Trail, Co. Clare.

Screening for Appropriate Assessment is required under Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive). Where it cannot be excluded that a project or plan, either alone or in combination with other projects or plans, would have a significant effect on a European Site then same shall be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives. This Screening Report has been prepared to provide information to the competent authority to assist them in their determination as to whether a Stage 2 Appropriate Assessment is required for the project.

The assessment in this report is based on a thorough desk study, and a field survey visit carried out on 15.09.2022. It specifically assesses the potential for the proposed development to result in significant effects on European sites in the absence of any best practice, mitigation or preventative measures.

This Appropriate Assessment Screening Report has been prepared in accordance with the European Commission's Assessment of Plans and Projects Significantly affecting Natura 2000 Sites: Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC (EC, 2021) and Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (EC, 2018) as well as the Department of the Environment's Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (DoEHLG, 2010) and the Appropriate Assessment Screening for Development Management. Office of the Planning Regulator, Dublin 7, Ireland OPR (2021).

In addition to the guidelines referenced above, the following relevant documents were also considered in the preparation of this report:

1. Council of the European Commission (1992) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora. Official Journal of the European Communities. Series L 20, pp. 7-49.
2. EC (2007) Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence. Opinion of the commission.
3. EC (2013) Interpretation Manual of European Union Habitats. Version EUR 28. European Commission.
4. EC (2020) Guidance document on wind energy developments and nature legislation

1.2 Appropriate Assessment

1.2.1 Screening for Appropriate Assessment

Screening is the process of determining whether an Appropriate Assessment is required for a plan or project. Under Part XAB of the Planning and Development Act, 2000, as amended, screening must be carried out by the Competent Authority. As per Section 177U of the Planning and Development Act, 2000, as amended 'A screening for appropriate assessment shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site'. The Competent Authority's determination as to whether an Appropriate Assessment is

required must be made on the basis of objective information and should be recorded. The Competent Authority may request information to be supplied to enable it to carry out screening.

Consultants or project proponents may provide for the competent authority, the information necessary for them to determine whether an Appropriate Assessment is required and provide advice to assist them in the Article 6(3) Appropriate Assessment Screening decision.

Where it cannot be excluded beyond reasonable scientific doubt at the Screening stage, that a proposed plan or project, individually or in combination with other plans and projects, would have a significant effect on the conservation objectives of a European site, an Appropriate Assessment is required.

Where an Appropriate Assessment is required, the Competent Authority may require the applicant to prepare a Natura Impact Statement.

The term Natura Impact Statement (NIS) is defined in legislation¹. An NIS, where required, should present the data, information and analysis necessary to reach a definitive determination as to 1) the implications of the plan or project, alone or in combination with other plans and projects, for a European site in view of its conservation objectives, and 2) whether there will be adverse effects on the integrity of a European site. The NIS should be underpinned by best scientific knowledge, objective information and by the precautionary principle.

This Article 6(3) Appropriate Assessment Screening Report has been prepared in compliance with the provision of section 177U of the Planning & Development Act 2010 as amended.

Statement of Authority

Baseline ecological surveys have been undertaken by Patrick Ellison (B.Sc., M.Sc., ACIEEM). This report has been prepared by Brónagh Boylan (BSc.) and has been reviewed by Patrick Ellison (B.Sc., M.Sc., ACIEEM). Patrick has over 6 years' experience in professional ecological consultancy, management and assessment and is an Associate member of the Chartered Institute of Ecology and Environmental Management (CIEEM).

¹ As defined in Section 177T of the Planning and Development Act, 2000 as amended, an NIS means a statement, for the purposes of Article 6 of the Habitats Directive, of the implications of a proposed development, on its own and in combination with other plans and projects, for a European site in view of its conservation objectives. It is required to include a report of a scientific examination of evidence and data, carried out by competent persons to identify and classify any implications for the European site in view of its conservation objectives

2. DESCRIPTION OF THE PROPOSED DEVELOPMENT

2.1 Site Location

The proposed works are to be carried out along the Cliffs of Moher (CoM) Coastal trail in Lough South, Co. Clare (IG: R 04383 93436, ITM: 504388.5, 693565.1). The project comprises of five sections of the path to be upgraded, covering a distance of 1.02km running North from the Cliffs of Moher Visitors Centre.

2.2 Characteristics of the Proposed Development

2.2.1 Description of the project

The project comprises a proposal to complete upgrade works along the Cliffs of Moher (CoM) coastal trail. The proposed works will be completed in five discrete locations referenced A to E. The proposed site layout drawings are included in Appendix 1 of this report (Drawing ref: 2022-1028-102, Clare County Council, 22.08.2022). The location of each area is shown in Figure 2.1. The individual elements of the proposed upgrade works and baseline conditions at each area are outlined in Table 3.1 below.

All works are to be carried out outside of the March-August bird nesting season aside from the repair of dry-stone walls which will be repaired by hand.



Map Legend

- Sec A-B
- Sec B-C
- Sec C-D
- Sec D-E
- Sec E-F




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Drawing Title	Proposed Footpath Upgrade Sections		
Project Name	Cliffs of Moher Coastal Walk Redevelopment		
Drawn By	BB	Checked By	PE
Project No.	220902	Drawing No.	Figure 2.1
Scale	1:12,112	Date	29.09.2022






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Tennishall Road
Inch, Wexford
+353 (0) 91 725611
enquiries@mkofireland.ie
Website: www.mkofireland.ie


Table 2.1 Proposed upgrade works & baseline condition of site


Area	Description of Proposed Works & Baseline Ecological Environment	Current Condition
Section A-B	<p><u>Description of Proposed Works:</u></p> <p>Located along an existing gravel track. Contains an existing dry-stone wall which will be repaired where necessary. Walls will be repaired using dry stone by hand. The existing gravel path will be repaired and improved. The track repair will involve the use of a minidigger which will be used to take up existing surface material. The existing material will be removed off site and new pat build up will be brought in to create a new surface. The new path surface will be composed of 150mm compacted clause 804 with <10mm limestone quarry dust on Teram T1000 geotextile on 200mm subbase consisting of compacted crushed stone. PDM posts (4m) will be erected with sheep wire, barbed wire, and bull wire used to fence the field side of the track (see proposal drawings: Appendix 1).</p> <p><u>Baseline Ecological Environment:</u></p> <p>Both the verges and track itself in places consisted of:</p> <ul style="list-style-type: none"> • Perennial ryegrass <i>Lolium perenne</i> • Yorkshire fog <i>Holcus lanatus</i> • Creeping bent grass <i>Agrostis stolonifera</i> • Ribwort plantain <i>Plantago lanceolata</i> • Dandelion <i>Taraxacum</i> • Silverweed <i>Potentilla anserina</i> 	

	<ul style="list-style-type: none"> • Broadleaved dock <i>Rumex obtusifolius</i> • Sow thistle <i>Sonchus oleraceus</i> • Creeping buttercup <i>Ranunculus repens</i> • Nettle <i>Urtica dioica</i> • Clover <i>Trifolium</i> • Creeping thistle <i>Cirsium arvense</i> (occasional) • Common knapweed <i>Centaurea nigra</i> (occasional) • Bramble <i>Rubus fruticosus</i> • Yarrow <i>Achillea millefolium</i> <p>The section is bordered on the east and west by Improved Agricultural Grassland fields: GA1 on the western side due to better drainage, while the eastern side could be classified as GS4 Wet Grassland due to the abundant rush cover in place.</p>	 
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<p>Section B-C</p>	<p><u>Description of Proposed Works:</u></p> <p>The entire section needs to be resurfaced (with drainage). Resurfacing will be achieved using 150mm compacted clause 804 with limestone quarry dust on teram T1000 geotextile on 200mm subbase consisting of compacted crushed stone. Lies along the western side of the stone wall and contains stock fencing. Drainage will be carried out using perforated pipe with a gravel and geotextile surround.</p> <p><u>Baseline Ecological Condition:</u></p> <p>The route of the path veers to the right at point B, into a wet grassland field and skirts the western side of the stone wall additionally stock fencing is present here. The route is heavily trodden by walkers, grass is closely cropped (<10mm). There is abundant rush (soft and hard) within the field. Sections of the trail are composed of bare earth and are very wet in places.</p>	
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Section C-D	<p><u>Description of Proposed Works:</u></p> <p>The existing stone wall at point C is to be removed and the path is to continue through the existing grassland. The existing route located on the other side of the drain is to be left to revert. Walls will be repaired using dry stone by hand. The existing gravel path will be repaired and improved. The track repair will involve the use of a minidigger which will be used to take up existing surface material. The existing material will be removed off site and new pat build up will be brought in to create a new surface. The new path surface will be composed of 150mm compacted clause 804 with <10mm limestone quarry dust on Teram T1000 geotextile on 200mm subbase consisting of compacted crushed stone. PDM posts (4m) will be erected with sheep wire, barbed wire, and bull wire used to fence the field side of the track (see proposal drawings: Appendix 1).</p>	

	<p><u>Baseline Ecological Condition:</u></p> <p>The drain running along section C to D contains:</p> <ul style="list-style-type: none"> • Devil's-bit scabious <i>Succisa pratensis</i> • Ling heather <i>Calluna vulgaris</i> • Cross-leaved heather <i>Erica tetralix</i> • Bracken <i>Pteridium</i> • Tormentil <i>Potentilla erecta</i> (occasionally) • Horsetail <i>Equisetum</i> • Hard & soft rush <i>Juncus spp.</i> 	
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<p>Section D-E</p>	<p><u>Description of Proposed Works:</u></p> <p>An upgraded path section with piped drainage installed. Includes retaining the drain through cleaning and maintenance, widening the path, and moving the fence to the north slightly to bring the path away from the drain. The dry-stone wall has collapsed on the southern side in places and is to be repaired by hand using dry stone.</p> <p><u>Baseline Ecological Conditions:</u></p> <p>The path turns north-west with some dense scrub associated with the ditch. The drains flood the path in places making it very muddy currently. The drain reappears at the northern end and the path is dry here.</p>	
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3. IDENTIFICATION OF RELEVANT EUROPEAN SITES

3.1 Identification of the European Sites within the Likely Zone of Impact

The following methodology was used to establish which European Sites are within the Likely Zone of Impact of the proposed development:

- Initially the most up to date GIS spatial datasets for European designated sites and water catchments were downloaded from the NPWS website (www.npws.ie) and the EPA website (www.epa.ie) on the 29/09/2022. The datasets were utilized to identify European Sites which could feasibly be affected by the proposed development.
- All European Sites that could potentially be affected were identified using a source-pathway - receptor model. To provide context for the assessment, European Sites within a distance of 15km surrounding the development site are shown on Figure 3.1. Information on these sites with regard to their conservation objectives is provided in Table 3-1².
- The catchment mapping was used to establish or discount potential hydrological connectivity between the site of the proposed development and any European Sites. The hydrological catchments are also shown in Figure 3.1.
- In relation to Special Protection Areas, in the absence of any specific European or Irish guidance in relation to such sites, the Scottish Natural Heritage (SNH) Guidance, 'Assessing Connectivity with Special Protection Areas (SPA)' (2016) was consulted. This document provides guidance in relation to the identification of connectivity between proposed development and Special Protection Areas. The guidance takes into consideration the distances species may travel beyond the boundary of their SPAs and provides information on dispersal and foraging ranges of bird species which are frequently encountered when considering plans and projects.
- Table 3.1, provides details of all relevant European Sites as identified in the preceding steps and assesses which are within the likely Zone of Impact. The assessment considers any likely direct or indirect impacts of the proposed development, both alone and in combination with other plans and projects, on European Sites by virtue of the following criteria: size and scale, land-take, distance from the European Site or key features of the site, resource requirements, emissions, excavation requirements, transportation requirements and duration of construction, operation and decommissioning were considered in this screening assessment.
- The site synopses and conservation objectives of these sites, as per the NPWS website (www.npws.ie), were consulted and reviewed at the time of preparing this report 29/09/2022.
- Where potential pathways for Significant Effect are identified, the site is included within the Likely Zone of Impact and further assessment is required.

² Office of the Planning Regulator (2021) guidance; 'OPR Practice Note PN01 Appropriate Assessment Screening for Development Management', utilises the Source-Pathway-Receptor model. This Appropriate Assessment Screening Report follows this guidance as well as providing information on European sites located within 15km of the proposed development as recommended in guidance provided by DEHLG (2010).

Table 3.1 Identification of Designated sites within the Likely Zone of Impact

European Sites and distance from proposed development	Qualify Interests (QI) / Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 04/10/2022 (*denotes priority habitat))	Conservation Objectives	Likely Zone of Impact Determination
Special Areas of Conservation (SAC)			
Black Head-Poulsallagh Complex SAC [000020] Distance: 3.5km	<ul style="list-style-type: none"> > [1170] Reefs > [1220] Perennial vegetation of stony banks > [1395] Petalwort <i>Petalophyllum ralfsii</i> > [3260] Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation > [4060] Alpine and Boreal heaths > [5130] <i>Juniperus communis</i> formations on heaths or calcareous grasslands > [6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>)(*important orchid sites) > [6510] Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>) > [7220] Petrifying springs with tufa formation (Cratoneurion) > [8240] Limestone pavements* > [8330] Submerged or partially submerged sea caves 	<p>Generic conservation objectives for this site³ were reviewed as part of the assessment and are available at: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000020.pdf</p>	<p>There will be no direct impact on the SAC as it is located entirely outside of the footprint of the proposed developmental site.</p> <p>The proposed development site is within the same sub-catchment as the SAC; however no potential hydrological connectivity has been identified between the development site and the SAC.</p> <p>Due to the intervening distance, the nature and the small scale of the proposed works, there is no potential for indirect effects on the terrestrial habitats for which the SAC has been designated.</p> <p>This SAC is <i>not</i> within the Likely Zone of Impact and no further assessment is required.</p>
Inagh River Estuary SAC [000036] Distance: 5.7km	<ul style="list-style-type: none"> > [1310] <i>Salicornia</i> and other annuals colonising mud and sand > [1330] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) 	<p>Detailed conservation objectives for this site (Version 1, January 2017⁴) were reviewed as part of the assessment and are available at: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000036.pdf</p>	<p>There will be no direct impact on the SAC as it is located entirely outside of the footprint of the proposed developmental site.</p>

³ NPWS (2021) Conservation objectives for Black Head-Poulsallagh Complex SAC [000020]. Generic Version 8.0. Department of Housing, Local Government and Heritage.

⁴ NPWS (2017) Conservation Objectives: Inagh River Estuary SAC [000036]. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

European Sites and distance from proposed development	Qualify Interests (QI) / Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 04/10/2022 (* denotes priority habitat)	Conservation Objectives	Likely Zone of Impact Determination
	<ul style="list-style-type: none"> > [1410] Mediterranean salt meadows (<i>Juncetalia maritima</i>) > [2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) > [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes*) 		<p>The proposed development site is located within a separate hydrological sub-catchment to the SAC, and no hydrological connectivity exists between the development site and the SAC. There is no potential pathway for indirect effects on any of the aquatic or groundwater dependent QI habitats or species of the SAC as a result of deterioration in water quality.</p> <p>Due to the intervening distance, the nature and the small scale of the proposed works, there is no potential for indirect effects on the terrestrial habitats for which the SAC has been designated.</p> <p>This SAC is <i>not</i> within the Likely Zone of Impact and no further assessment is required.</p>
<p>Inishmaan Island SAC</p> <p>[000212]</p> <p>Distance: 14.2km</p>	<ul style="list-style-type: none"> > [1170] Reefs > [1220] Perennial vegetation of stony banks > [1230] Vegetated sea cliffs of the Atlantic and Baltic coasts > [2110] Embryonic shifting dunes > [2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) > [21A0] Machairs (* in Ireland) 	<p>Detailed Conservation Objectives (Version 1, December 2014) for this site⁵ were reviewed as part of the assessment and are available at: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000212.pdf</p>	<p>There will be no direct effects as the project footprint is located entirely outside the designated site.</p> <p>The proposed development site is located within a separate hydrological sub-catchment to the SAC, and no hydrological connectivity exists between the development site and the SAC. There is no potential pathway for</p>

⁵ NPWS (2021) Conservation objectives for Inishmaan Island SAC [000212]. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

European Sites and distance from proposed development	Qualify Interests (QI) / Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 04/10/2022 (*denotes priority habitat)	Conservation Objectives	Likely Zone of Impact Determination
	<ul style="list-style-type: none"> > [4030] European dry heaths > [6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) > [6510] Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>) > [8240] Limestone pavements* 		<p>indirect effects on any of the aquatic or groundwater dependent QI habitats or species of the SAC as a result of deterioration in water quality.</p> <p>Due to the intervening distance, the nature and the small scale of the proposed works, there is no potential for indirect effects on the terrestrial habitats for which the SAC has been designated.</p> <p>This SAC is <i>not within</i> the Likely Zone of Impact and no further assessment is required.</p>
<p>Ballyteige (Clare) SAC [000994] Distance: 11.5km</p>	<ul style="list-style-type: none"> > [3150] <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>) 	<p>Detailed conservation objectives for this site (Version 1, October 2021⁶), were reviewed as part of the assessment and are available at https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000994.pdf</p>	<p>There will be no direct effects as the project footprint is located entirely outside the designated site.</p> <p>Due to the intervening distance, the nature and the small scale of the proposed works, there is no potential for indirect effects on the terrestrial habitats for which the SAC has been designated.</p> <p>This site is <i>not within</i> the likely zone of impact and no further assessment is required.</p>

⁶ NPWS (2016) Conservation Objectives: Ballyteige (Clare) SAC 000994. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaelic Affairs.

European Sites and distance from proposed development	Qualify Interests (QI) / Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 04/10/2022 (*denotes priority habitat)	Conservation Objectives	Likely Zone of Impact Determination
<p>Carrowmore Point to Spanish Point and Islands SAC</p> <p>[000611]</p> <p>Distance: 14.2km</p>	<ul style="list-style-type: none"> > [1150] Coastal lagoons* > [1170] Reefs > [1220] Perennial vegetation of stony banks > [7220] Petrifying springs with tufa formation (Cratoneurion)* 	<p>Detailed conservation objectives for this site (Version 1, February 2014⁷) were reviewed as part of the assessment and are available at:</p> <p>https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001021.pdf</p>	<p>There will be no direct effects as the project footprint is located entirely outside the designated site.</p> <p>The proposed development site is located within a separate hydrological catchment to the SAC. No hydrological connectivity to the SAC has been identified and there will be no effect on groundwater within the locality. No pathway for indirect effects on the aquatic dependant and marine habitats of the SAC exists.</p> <p>This SAC is <i>not within</i> the Likely Zone of Impact and no further assessment is required.</p>
<p>Inisheer Island SAC</p> <p>[002214]</p> <p>Distance: 9.4km</p>	<ul style="list-style-type: none"> > [1150] Coastal lagoons > [1170] Reefs > [4030] European dry heaths > [6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates > (Festuco Brometalia)(*important orchid sites) > [6510] Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>) > [8240] Limestone pavements* 	<p>Detailed conservation objectives for this site (Version 1, September 2014⁸) were reviewed as part of the assessment and are available at:</p> <p>https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001275.pdf</p>	<p>There will be no direct effects as the project footprint is located entirely outside the designated site.</p> <p>The proposed development site is located within a separate hydrological catchment to the SAC. No hydrological connectivity to the SAC has been identified and there will be no effect on groundwater within the locality. No pathway for indirect effects on the aquatic dependant and marine habitats of the SAC exists.</p>

⁷ NPWS (2014) Conservation Objectives: Carrowmore Point to Spanish Point and Islands SAC [000611]. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.

⁸ NPWS (2014) Conservation Objectives: Inisheer Island SAC [002214]. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.

European Sites and distance from proposed development	Quality Interests (QI) / Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 04/10/2022 (*denotes priority habitat))	Conservation Objectives	Likely Zone of Impact Determination
			This site is <i>not within</i> the likely zone of impact and no further assessment is required.
Special Protection Area (SPA)			
Cliffs of Moher SPA [004005] Distance: 0km	<ul style="list-style-type: none"> > [A009] Fulmar <i>Fulmarus glacialis</i> > [A188] Kittiwake <i>Rissa tridactyla</i> > [A199] Guillemot <i>Uria aalge</i> > [A200] Razorbill <i>Alca torda</i> > [A204] Puffin <i>Fratercula arctica</i> > [A346] Chough <i>Pyrrhocorax pyrrhocorax</i> 	<p>This site has the following generic conservation objective:⁹</p> <p><i>'To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA'</i></p> <p>https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004005.pdf</p>	<p>The proposed development site is located within this SPA.</p> <p>However, the proposed works are small-scale in nature and will primarily take place along existing trackways. There will be no loss of nesting habitat for any SCI species and significant displacement effects are not anticipated given the nature of the SCI species and the location and scale of the proposed works.</p> <p>There will therefore be no significant loss of nesting or foraging habitat for any SCI species, and significant disturbance/displacement effects are not anticipated.</p> <p>There will be no significant effects on the SCI species of this SPA and no further assessment is required.</p>

⁹ NPWS (2022) Conservation objectives for Middle Shannon Callows SPA [004006]. Generic Version 9.0. Department of Housing, Local Government and Heritage.

European Sites and distance from proposed development	Qualify Interests (QI) / Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 04/10/2022 (*denotes priority habitat))	Conservation Objectives	Likely Zone of Impact Determination
<p>Mid-Clare Coast SPA [004182] Distance: 14.2km</p>	<ul style="list-style-type: none"> > [A017] Cormorant <i>Phalacrocorax carbo</i> > [A045] Barnacle Goose <i>Branza leucopsis</i> > [A137] Ringed Plover <i>Charadrius hiaticula</i> > [A144] Sanderling <i>Calidris alba</i> > [A148] Purple Sandpiper <i>Calidris maritima</i> > [A149] Dunlin <i>Calidris alpina alpina</i> > [A169] Turnstone <i>Arenaria interpres</i> > [A999] Wetlands 	<p>This site has the detailed conservation objectives (Version 1, September 2014¹⁰) which can be found on the National Parks and Wildlife Services website at: https://www.npws.ie/sites/default/files/protected-sites/conservation-objectives/CO004182.pdf</p>	<p>The proposed development site is located entirely outside of this SPA, therefore there is no potential for direct effects on the SCIs.</p> <p>No suitable supporting habitat for the SCI species exists within the proposed development site itself, and these species were not observed during the survey.</p> <p>There is therefore no potential supporting habitat for the species and thus no potential for disturbance/displacement effects on the species where they occur outside of the SPA.</p> <p>The proposed development is within a separate hydrological catchment to the SPA. Therefore, no hydrological connectivity between the SPA and the proposed development has been identified and there will be no potential for any degradation of water quality to affect wetland habitat of this SPA.</p> <p>This SPA is <i>not</i> within the Likely Zone of Impact; no further assessment is required.</p>

¹⁰ NPWS (2014) Conservation objectives for Mid-Clare Coast SPA [004182]. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.

4. IN-COMBINATION EFFECTS

The proposed Cliffs of Moher Coastal trail works was considered in combination with other plans and projects in the area that could result in cumulative impacts on European Sites.

4.1 Likely Cumulative Impact of the Proposed Works on European Sites, in-combination with other plans and projects

A search and review in relation to plans and projects that may have the potential to result in cumulative and/or in-combination effects on European Sites was conducted. The assessment focuses on the potential for cumulative in-combination effects on European Sites and included a review of online Planning Registers, development plans and other available information and served to identify past and future plans and projects, their activities and their predicted environmental effects.

4.1.1 Review of Plans

The following development plans have been reviewed and taken into consideration as part of this assessment:

- › Clare County Development Plan 2017–2023
- › National Biodiversity Action Plan 2017-2021

The review focused on policies and objectives that relate to European Sites. None of the objectives reviewed had the potential to result in cumulative adverse effects on any European Site.

Table 3.2: Review of development plans

Plans	Key Policies/Issues/Objectives Directly Related To European Sites, Biodiversity and Sustainable Development In The Zone of Influence	Assessment of development compliance with policy
Clare County Council Development Plan 2017-2023	<p>CDP 2.1 Development Plan Objective: Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment It is an objective of the development plan to:</p> <ol style="list-style-type: none"> To require the preparation and assessment of all planning applications in the Plan area to have regard to the information, data and requirements of the Natura Impact Report, SEA Environmental Report and Strategic Flood Risk Assessment Report contained in Volume 10 of this Development Plan. To require projects to be fully informed by ecological and environmental constraints at the earliest stage of project planning and any necessary assessment to be undertaken, including assessments of disturbance to species, where required; To require compliance with the objectives and requirements of the Habitats Directive, the Bird Directive, Water Framework Directive, all other relevant EU Directives and all relevant transposing legislation <p>CDP8.21: Water Framework Directive <ol style="list-style-type: none"> To facilitate the implementation of the Shannon River Basin Management Plan and the Western River Basin Management Plan (together with any subsequent National River Basin Management Plan) for groundwaters and surface waters in the plan area as part of the implementation of the EU Water Framework Directive; </p>	<p>Having reviewed Clare County Council Development Plan, the proposed development is in accordance with the objectives described in relation to biodiversity and Nature 2000 sites. In addition, the proposed development is in keeping with the Water Framework Directive.</p>

Plans	Key Policies/Issues/Objectives Directly Related To European Sites, Biodiversity and Sustainable Development In The Zone of Influence	Assessment of development compliance with policy
	<p>b. To protect groundwater resources in accordance with the statutory requirements and specific measures as set out in the relevant River Basin Management Plan;</p> <p>c. To consider proposals for development where it can be clearly demonstrated that the development will meet the requirements of the relevant River Basin Management Plan.</p> <p>CDP8.22: Protection of Water Resources</p> <p>a. To protect the water resources of County Clare having regard to the requirements of the relevant EU Directives;</p> <p>b. To ensure that developments that would have an unacceptable impact on water resources, including surface water and groundwater quality and quantity, designated sources protection areas, coastal and transitional waters, river corridors and associated wetlands are not permitted;</p> <p>c. In areas of potable groundwater resources or over vulnerable aquifer areas, development proposals will only be considered if the applicant can clearly demonstrate that the proposed development will not pose a risk to the quality of the underlying groundwater;</p> <p>d. To protect groundwater resources, in accordance with statutory requirements and specific measures as set out in the Shannon and Western River Basin Management Plans;</p> <p>e. To ensure that proposals for development which infringe on a river boundary, or an associated habitat, including their connection by groundwater, will only</p>	

Plans	Key Policies/Issues/Objectives Directly Related To European Sites, Biodiversity and Sustainable Development In The Zone of Influence	Assessment of development compliance with policy
	<p>be considered where it can be clearly demonstrated that:</p> <ul style="list-style-type: none"> ○ The character of the area will be conserved; ○ An acceptable physical riparian zone will be maintained with all natural vegetation preserved; ○ There will be no impact on the ecological, aquatic or fishing potential of the waters or associated waters; ○ All proposals are in compliance with the requirements of the Habitats Directive, where appropriate. <p>CDP8.24: Water Services</p> <ul style="list-style-type: none"> a. To work closely with Irish Water to identify and facilitate the timely delivery of the water services required to realise the development objectives of this Plan; b. To facilitate the provision of integrated and sustainable water services through effective consultation with Irish Water on the layout and design of water services in relation to the selection and planning of development areas and the preparation of master plans; c. To ensure that adequate water service will be available to service development prior to the granting of planning permission and to require developers to consult Irish Water regarding available capacity prior to applying for planning permission; 	

Plans	Key Policies/Issues/Objectives Directly Related To European Sites, Biodiversity and Sustainable Development In The Zone of Influence	Assessment of development compliance with policy
	<p>d. To ensure that development proposals comply with the standards and requirements of Irish Water in relation to water and waste water infrastructure to facilitate the proposed development.</p> <p>CDP8.27: Waste Water Treatment and Disposal</p> <p>a. To advocate the provision, by Irish Water, of adequate waste water services and capacity to accommodate the target population and employment potential of County Clare in accordance with the statutory obligations set out in EU and national policy;</p> <p>b. To support Irish Water in the promotion of effective management of trade discharges to sewers in order to maximise the capacity of the existing sewer networks and minimise detrimental impacts on sewage treatment works;</p> <p>c. To permit the development of single dwelling houses only where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with the 'Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses EPA (2009)';</p> <p>d. To permit the development of treatment systems for small businesses/community facilities in unserviced areas where they are in single ownership and where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with 'Code of Practice Wastewater</p>	

Plans	Key Policies/Issues/Objectives Directly Related To European Sites, Biodiversity and Sustainable Development In The Zone of Influence	Assessment of development compliance with policy
	<p>Treatment and Disposal Systems Serving Single Houses EPA (2009) and Wastewater Treatment Manuals-Treatment Systems for Small Communities, Business, Leisure Centres and Hotels, EPA (1999)';</p> <p>e. To encourage and support a changeover from septic tanks/private waste water treatment plants to public collection networks wherever feasible, subject to connection agreements with Irish Water and to ensure that any future development connects to the public wastewater infrastructure where it is available.</p> <p>CDP 12.1: European Designations in Coastal Areas To require proposals for development which may impact on a European site to submit a Natura Impact Statement in accordance with the requirements of the Habitats Directive as part of any planning application.</p> <p>CDP14.2 Development Plan Objective: European Sites It is an objective of the Development Plan:</p> <ol style="list-style-type: none"> To afford the highest level of protection to all designated European sites in accordance with the relevant Directives and legislation on such matters; To require all planning applications for development that may have (or cannot rule out) likely significant effects on European sites in view of the site's Conservation Objectives, either in isolation or in combination with other plans or projects, to submit a Natura Impact Statement in accordance with the 	

Plans	Key Policies/Issues/Objectives Directly Related To European Sites, Biodiversity and Sustainable Development In The Zone of Influence	Assessment of development compliance with policy
	<p>requirements of the EU Habitats Directive and the Planning and Development Act, 2000 (as amended);</p> <p>c. To recognise and afford appropriate protection to any new or modified SPAs or SACs that are identified during the lifetime of this Plan, having regard to the fact that proposals for development outside of a European site may also have an indirect effect.</p> <p>CDP14.3 Development Plan Objective: Requirement for Appropriate Assessment under the Habitats Directive It is an objective of the Development Plan:</p> <p>a. To implement Article 6(3) and where necessary Article 6(4) of the Habitats Directive and to ensure that Appropriate Assessment is carried out in relation to works, plans and projects likely to impact on European sites (SACs and SPAs), whether directly or indirectly or in combination with any other plan(s) or project(s). All assessments must be in compliance with the European Communities (Birds and Natural Habitats) Regulations 2011;</p> <p>b. To have regard to 'Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities 2009' or any updated version.</p> <p>CDP 14.7: Non-Designated Sites</p> <p>a. To ensure the protection and conservation of areas, sites, species and ecological networks/ corridors of biodiversity value outside of designated sites throughout the county and to require an ecological assessment to accompany development proposals likely to impact on such areas or species;</p>	

Plans	Key Policies/Issues/Objectives Directly Related To European Sites, Biodiversity and Sustainable Development In The Zone of Influence	Assessment of development compliance with policy
	b. To ensure that available habitat mapping is taken into consideration in any ecological assessment undertaken;	
National Biodiversity Action Plan 2017-2021	<p>Target 4.2: Principal pollutant pressures on terrestrial and freshwater biodiversity substantially reduced by 2020.</p> <p>Target 6.2: Sufficiency, coherence, connectivity, and resilience of the protected areas network substantially enhanced by 2020</p>	<p>Having reviewed the conservation objectives and supporting documents for Cliffs of Moher and Mid-Clare Coast SPA, there will be no barrier to achievement of this target as a result of the proposed development.</p> <p>There will be no significant effects on designated sites or biodiversity as a result of the development works.</p> <p>There will be no significant effects on designated sites or other natural heritage interests as a result of deterioration of water quality.</p> <p>There will be no significant effects on sensitive aquatic receptors listed as QIs/SCIs of European Sites as a result of deterioration in water quality.</p>

Review of other projects

The potential for the proposed works to contribute to a cumulative impact on European Sites was considered. The online planning system for Clare County Council was consulted on the 04/10/2022. A search was made for projects within a 1km radius of the site of the proposed development in the last five years, which yielded the following results:

- Permission to construct a private garage and fuel shed, 115.50 sqm. Lough South, Doolin Co. Clare (Planning ref: 12143).
- Permission to construct a domestic garage together with ancillary site works, Lough South, Doolin Co. Clare (Planning ref: 18628).
- Permission for the following proposed development as part of the upgrading of the Cliffs of Moher Visitor Centre Car Park: The development shall entail the following works: Provision of New Surfacing, Kerbing, Footpaths and Paving, Signage and Lining, Fencing, Ducting, E-Car Charging Points, Raised Uncontrolled Internal Crossing point, a defined Overflow Coach Parking area and increased number of Disabled Parking spaces. The following works shall also take place: Re-grade of existing internal footway, installation of a surface water drainage system, earthworks and all other associated works. (Planning ref: 178001).

In the review of the other projects that was undertaken, no connection that could potentially result in additional or cumulative impacts was identified. Neither was any potential for different (new) impacts resulting from the combination of the various projects and plans in association with the proposed development.

4.1.2

Conclusion of in-combination/cumulative assessment

Following the detailed assessment provided in the preceding sections, it is concluded that the proposed developments will not result in any potential for significant cumulative effects on any of the European Sites, their integrity or their conservation objectives when considered on its own. There is therefore no potential for the proposed developments to contribute to any potential for significant cumulative effects on any European Site when considered in-combination with other plans and projects.

5.

ARTICLE 6(3) APPROPRIATE ASSESSMENT SCREENING STATEMENT AND CONCLUSIONS

The findings of this Screening Assessment are presented following the European Commission's Assessment of Plans and Projects Significantly affecting Natura 2000 Sites: Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC (EC, 2021) and Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (EC, 2018) as well as the Department of the Environment's Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (DoEHLG, 2010).

5.1

Data Collected to Carry Out Assessment

In preparation of the report, the following sources were used to gather information:

- Review of NPWS Site Synopses, Conservation Objectives for the European Sites
- Review of 2019, 2013 and 2007 EU Habitats Directive (Article 17¹¹ & 12¹²) Reports.
- Review of online web-mappers: National Parks and Wildlife Service (NPWS), Teagasc, EPA, Water Framework Directive (WFD)
- Review of OS maps and aerial photographs of the site of the proposed project.
- Review of relevant databases including National Biodiversity Ireland Database and available literature of previous surveys conducted in the area.
- Review of other plans and projects within the area.

5.2

Concluding Statement

It can be concluded beyond reasonable scientific doubt, in view of best scientific knowledge, based on objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, will not have any significant effect on any European Designated Sites.

There is no requirement for a Natura Impact Statement (NIS).

¹¹ Status of Habitats and Species - Article 17 Reports, Online, Available at: <https://www.npws.ie/publications/article-17-reports> Accessed 04.10.2022

¹² NPWS, 2020, The status and trends of Ireland's bird species - Article 12 Reports, Online, Available at: <https://www.npws.ie/status-and-trends-ireland%E2%80%99s-bird-species%E2%80%93article-12-reporting> Accessed 04.10.2022

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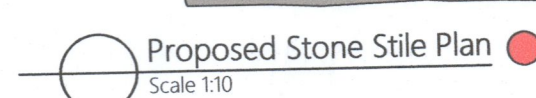
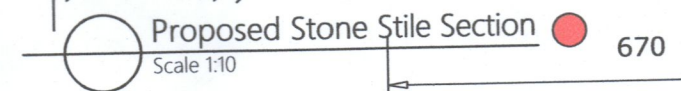
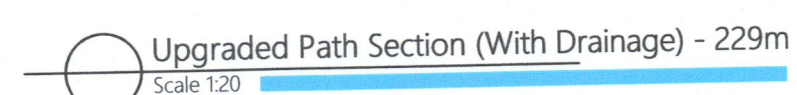
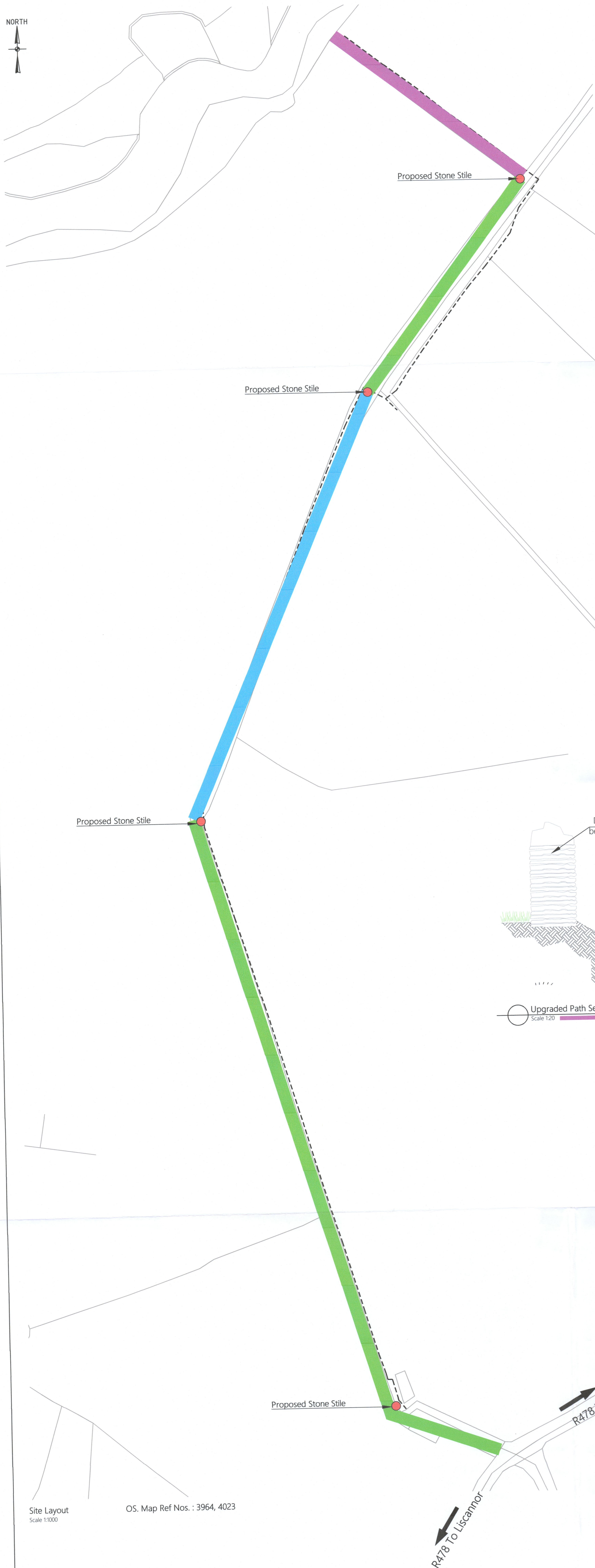
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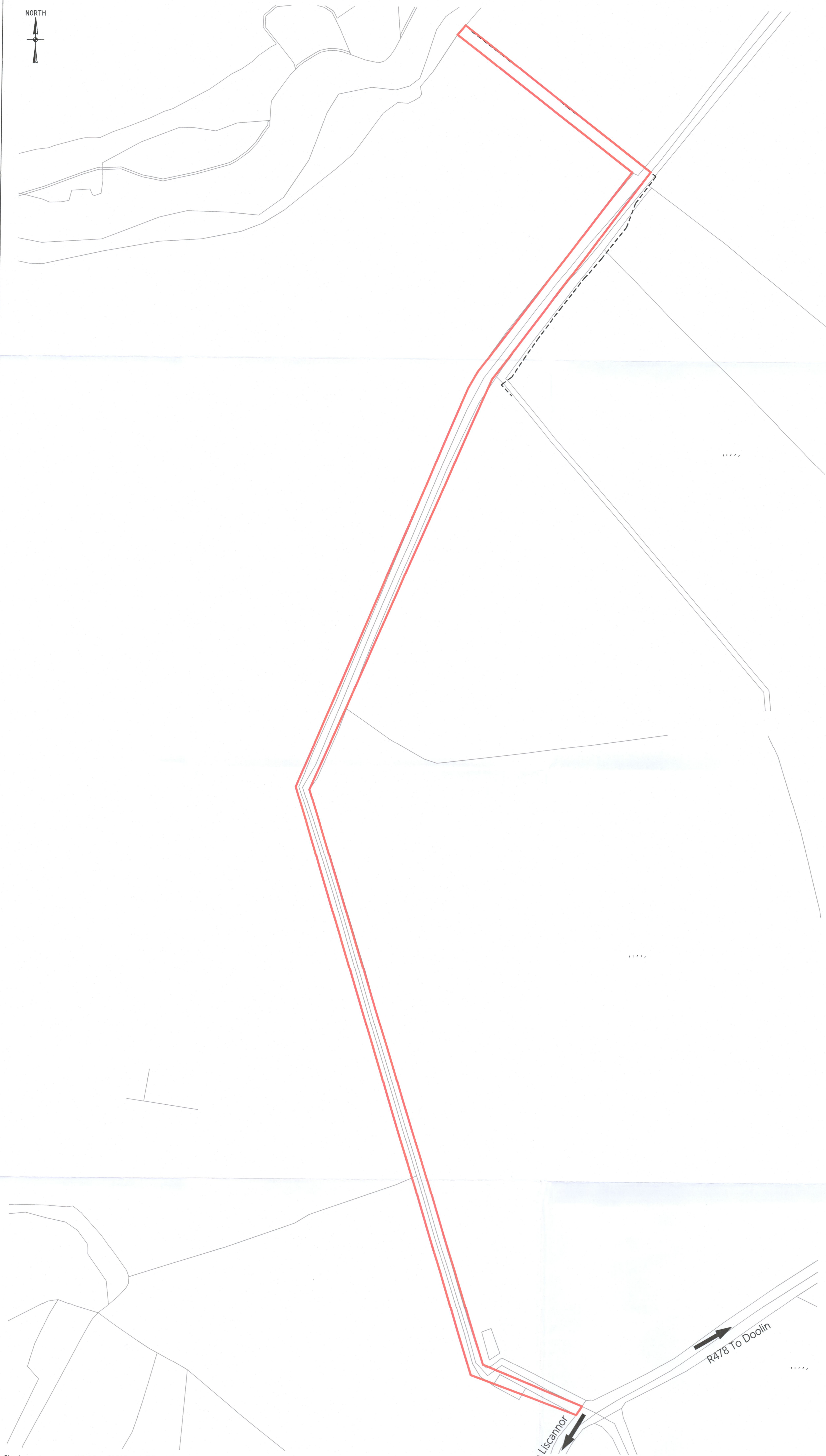
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APPENDIX 1

SITE LAYOUT DRAWINGS






Site Layout
Scale 1:1000

OS. Map Ref Nos. : 3964, 4023

Site Boundary Shown Thus: —



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Project Title: **CLIFFS OF MOHER LOOP WALK UPGRADE**

Drawing Title: **SITE LAYOUT**

Drawing No.:	2022-1028-102	Rev.:	-	Status:	SURVEY	Scale:	AS SHOWN
Design By:	db	Drawn By:	db	Checked By:	JM	Date:	22-08-22
Project Ref.:	2022-1028						

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