



An
Bord
Pleanála

Inspector's Report

ABP-321829-25

Development	Hotel development consisting of an additional 35 bedrooms, new lift and all associated site works including provision of additional parking.
Location	Treacy's Oakwood Hotel, Airport Road, Smithstown, Shannon, Co. Clare.
Planning Authority	Clare County Council.
Planning Authority Reg. Ref.	24/149
Applicant(s)	Shannon Estuary Hotel Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	First vs Special Contribution Condition Third Party vs Decision
Appellant(s)	Shannon Estuary Hotel Limited. Stonehall Engineering Co. Limited. Woodhaven Developments Limited.
Observer(s)	None.

Date of Site Inspection

3rd April 2025.

Inspector

Kathy Tuck.

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 1.51ha, is located at the Treacy's Oakwood Hotel, Airport Road, Shannon, Co. Clare. The site lies on the northern side of An Bothar Mor (R471) approximately 650m to the east of the town centre. It lies to the northeast of the airport and Shannon Free Zone and to the south of Smithstown Industrial Estate.
- 1.2. Lands located immediately to the north and east of the site are currently under construction to provide for a residential development of a large number of two storey dwellings. There are retail uses associated with the existing petrol station located on lands to the west and are segregated from the subject site via the Tullyvarraga Road. This includes for a McDonalds fast food restaurant and associated drive thru facility. On the opposing side of the R471 lies the established Aidan Park residential area.

2.0 Proposed Development

- 2.1. Permission is sought for the provision of an extension to the existing Treacy's Oakwood Hotel located on Airport Road, Smithstown, Shannon, Co. Clare. The proposed extension will provide for an additional 29 bedrooms at second floor level and 6 no. bedrooms at first floor level.
- 2.2. The principal location pertains to the central section of the existing hotel which is indicated as being block E and D and reads as a dormer extension to the hotel.
- 2.3. Permission is also sought for the following:
 - alterations to existing layout of part ground floor and part first floor.
 - provision of additional parking
 - A new lift.
 - all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Following a request for further information the Planning Authority granted permission for the proposed development on the 17th January 2025 subject to 7 no. conditions.

Condition of note are as follows:

Condition no 2:

Section 48 development contribution of €23,862.60 in respect of public infrastructure.

Condition no 3:

Special Development Contribution of €40,000.00 in respect of upgrades of the L7178 adjacent to the hotel, between the junction of the R471 and L-7178 and the rear access to the hotel in accordance with Section 48(2) of the Planning and Development Act 2000 (as amended).

Condition no. 5:

All surface water generated within the site shall be disposed of in full accordance with the drainage proposal for this site and the Civil Engineering Report as received by the Planning Authority on 13th December 2024.

REASON: In the interest of traffic safety and to prevent pollution.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first report of the Planning Officer notes the location of the site, details of the proposed development, proposed services, relevant local planning policy, details of the planning history of the site, summary of the consultee reports and submissions received and presents an EIA and AA Screening determination.

The report notes that the proposed development would be in keeping with the land use zoning and that the proposal would not detract from the visual amenities of the area or the existing residential amenity of the adjoining residential area to the north-west.

However, the assessment also raises concern over issues surrounding land ownership, traffic issues and fire safety. As such a request for the following further information was requested on the 26th June 2024:

Item 1 – Submit full details of ownership of the subject site.

Item 2 – Submit full drainage proposals including calculations.

Item 3 – Address the following concerns relating to vehicular access:

- A. Vehicular tracking for fire tender highlights pinch points - Provide a one-way system or alter the sections of the internal road to provide a priority system.
- B. Submit signage and lighting layout.
- C. Schedule of car parking demonstrating compliance with Development Plan requirements.
- D. Submit details for car charging facilities.
- E. Revised layout showing more appropriate location for accessible car parking proximate to access.
- F. The following DMURS requirements must be met and demonstrated:
 - 6.1m circulation widths.
 - Dimensions of parallel parking - 6m X2.4m.
 - Dimension of perpendicular parking - 4.8m X 2.4m.
 - Depth of angular parking 4.2m for 60 degree angle and 3.6m for 45 degree angle.
- G. Bus spaces between increased and clarify where buses will drop off and pick up.

Item 4 – construct a footpath on the most southern vehicular access to the hotel through the existing green verges to end at the existing bus shelter that lies to the south east of subject site. Details to be agreed with Shannon Municipal Area Office.

Item 5 – With regard to fire safety submit the following:

- A. Proposed construction materials and level of fire resistance.
- B. Details of fire hydrants.

C. Details of water supply for firefighting purposes.

A response from the applicant was received on the 13th December 2024 and can be summarised as follows:

Item 1 – A letter from Ian Doyle Planning Consultants stating:

- Applicant bought the property in 2017 as is.
- No proposal to amend or impede upon boundaries.
- No evidence submitted to show objectors have legal interest.
- Section 34(13) of Act – person not entitled solely by a grant of permission to undertake permitted development.
- Development Management Guidelines State Planning System not designed to resolve disputes over title.
- Not reasonable to withhold permission in the instance of the basis of insufficient legal basis.

Item 2 – A engineer report was submitted setting out details of surface water management and foul water treatment.

Item 3 –

- (a) Auto tracking submitted showing proposal to overcome concerns.
- (b) Signage and lighting layout plan submitted.
- (c) Total requirement for car parking – 236 car parking space. 8 additional spaces being provided.
- (d) 50 no. spaces will be serviced for EV charging.
- (e) Layout plan 23-016-P-500 - provides revised location for accessible spaces.
- (f) Layout plan 23-016-P-500 - demonstrates compliance with DMURS.
- (g) Layout plan 23-016-P-500 – demonstrates revised set down and parking for bus.

Item 4 – proposed location of footpath would fall outside the land ownership. The applicant is prepared to undertake works with council or pay a special contribution.

Item 5 – details have not yet been decided but the chosen method and material will meet REI standards.

The second report of the Planning Officer considered that the response submitted was acceptable to all concerns raised and having regard to the land use zoning of the subject site and the existing hotel on site that the proposed development was acceptable. A recommendation in line with the decision issues was made.

3.2.2. Other Technical Reports

Road Design Office

Dated 3rd May 2024 – Recommends further information (as set out above under items 3 and 4) be sought.

Dated 14th Jan 2025 – Considered further information response acceptable.

Area Engineer - Shannon MD Area Office

Recommends a contribution of €40,000.00 be sought for road upgrade.

Chief Fire Officer

Report dated the 25th June 2024 - Recommends further information as set out under item 5 above.

3.3. Prescribed Bodies

Uisce Éireann – Report dated the 20th May 2024 notes no objection subject to condition. The report states that the applicant has engaged with Uisce Éireann via a Pre-Connection Enquiry and confirms that a Confirmation of Feasibility has been issued to the applicant advising that water and wastewater connections are feasible.

3.4. Third Party Observations

The Planning Authority received one submission in light of the proposed development. Concerns raised can be summarised as follows:

- Dispute over boundaries.
- No letter of consent issued to undertake works outside red line boundary and not in ownership of the applicant.

- Sewer line transverses adjoining property serving the hotel – improper to allow intensification with this sewer with little cover on adjoining property.
- Premature until works permitted under PA Ref 20/102 to main vehicular entrance are undertaken.
- Plans fails to consider wider context.
- No foul water details.
- No consideration of recently permitted development on adjoining site.
- No biodiversity surveys submitted.
- Traffic movements at a scale which cannot be viewed.
- Proposal fails to take account of services required to serve bedrooms in roof space.

4.0 Planning History

Subject site

ABP- LV03.321809 Leave to appeal GRANTED to Woodhaven Developments Limited (Active). Reasons and consideration for granting leave to appeal was on that basis that Condition 1(a), 1 (b) and condition 5 would lead to the development being materially different from what was set out within the statutory notices and it would materially affect the applicants enjoyment of the adjoining land.

PA Ref 20102 Permission GRANTED for (A) Construction of a new external private patio area with boundary walls, landscaping and wall mounted sign. (B) Amended existing main vehicular entrance area and associated site works. (C) The erection of 2 No standalone signs located along the Southern boundary of site with associated landscaping, lighting and site works.

PA Ref 18242 Permission GRANTED for the change of use of existing Leisure Centre into 10 No. Bedrooms, corridor, and all associated elevational treatment and site works, all at the Oakwood Arms Hotel.

- PL03.244422(PA Ref 14689) Retention Permission GRANTED on appeal to An Bord Pleanála for a well to pump water for non-potable use along with all pumps, storage tanks, water treatment units and all associated site development works at the Oakwood Arms Hotel. Permission was originally refused by the Planning Authority.
- PA Ref 081910 Permission REFUSED to sink a bore well on site. Reason for refusal related to absence in yield, chemical or bacteriological results of water supply from bored well proposal would be prejudicial to public health.

Within the Vicinity

- PL03. 311994 (21/372) Permission GRANTED for the construction of 48 houses on lands locate at Smithstown, Shannon, Co Clare.

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029

5.1.1. Volume 1 – Written Statement

Chapter 9 of the Clare County Development Plan relates to Tourism and states Goal IX:

A county in which tourism growth continues to play a major role in its future development. A county which is the gateway to the west, delivering tourism experiences which reflect our strong commitment to sustainability, connectivity, innovation and new approaches to doing business. A place that is globally recognised as a sustainable destination and where the benefits of tourism are spread across the county throughout the seasons.

Section 9.2.4 of the Plan relates to visitor accommodation and recognises that the availability of a wide range of accommodation options is required to ensure that County Clare is an attractive and convenient tourism location for different categories of tourist. In this regard it is an objective of the Development Plan that new tourist accommodation is located in towns and villages and in close proximity to services and amenities

Objective CDP9.5 Visitor Accommodation:

It is an objective of Clare County Council:

- a) To promote, encourage and facilitate the provision of new visitor accommodation and the expansion/upgrade of existing hotels, guesthouses, B&Bs and other tourist accommodation at appropriate locations throughout the County, particularly in areas with existing services.
- b) To support the redevelopment of brownfield sites, both in settlements and in rural areas, for the provision of tourist accommodation.
- c) To support the development of new camping and glamping facilities and facilities for campervans/motor homes/touring caravans both within settlements and in rural locations at a variety of locations across the County. Sites in rural locations should be located in close proximity to, and have good connectivity to, existing tourism assets; and
- d) To support the development of overnight accommodation in the County ensuring existing visitor attractions deliver, as far as practicable, the aims of 'Our Rural Future: Rural Development Policy 2014-2022' and the 'Town Centre First Policy'.

Appendix 1 of the County Plan sets out the Development Management Guidelines.

A1.6.3 - Bicycle and Vehicle Parking Standards

Table A3 - Bicycle and Vehicle Parking Standard

5.1.2. Volume 2 Maps

The subject site is located within the Limerick Shannon Metropolitan Area and identified as being within a working landscape which is under a strong urban influence.

5.1.3. Volume 3B- Shannon Municipal District Settlement Plans

The vision for Shannon states 'A Metropolitan Town where people want to live and work sustainably and visit because of its strong identity and sense of place, high amenity value and quality of life. A sustainable, low carbon town, which continues to be the regional leader for economic development and employment, maximising its strategic location, accessibility and metropolitan status.'

The development of tourism in Shannon is vital in order to encourage people to visit the town. Shannon is home to an international airport and gateway to the County and

region located on the highly accessible Atlantic corridor, with many tourist attractions in the immediate area such as the Aviation Museum, Bunratty, Dromoland Castle, and Ennis. The tourism industry in Shannon and indeed in the Mid-West Region is uniquely placed to forge links with the internationally renowned Shannon College of Hotel Management which is situated adjacent to the airport. This accessibility and locational advantage provides the baseline for Shannon to increase its share of the tourist market in County Clare. Objectives for development of tourism in Shannon are set out under Chapter 9 of Volume 1 of this plan which is informed by the County Clare Tourism Strategy 2030. The further promotion and development of tourism in Shannon and its environs will be explored in the forthcoming Local Area Plan.

5.2. Shannon Town and Environs Local Area Plan 2012-2018 (as amended).

The Shannon Town and Environs Local Area Plan 2012-2018 was extended by the Local Authority on the 20th of June 2017 for a period of 5 years up until September 2022. The LAP has now expired.

Reference is made within the Planning Assessment to the now expired LAP.

5.3. Natural Heritage Designations

The site is not located within or directly adjacent to any Natura 2000 sites. The site is located c. 1.4km to the south of the Lower River Shannon SAC (site code 002165) and the River Shannon and River Fergus Estuaries SPA (site code 004077).

6.0 EIA Screening

The development does fall within a class of development set out in Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended) under section 10(b) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

However, the scale of the proposed development does not exceed the thresholds set out and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore,

be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

7.0 The Appeal

7.1. Grounds of Third-Party Appeals

7.1.1. Two separate third party appeals have been received in relation to the proposed development. The third-party appellants are:

- Woodhaven Developments LTD.
- Stonehall Engineering Co. LTD.

7.1.2. The third-party grounds of appeal may be summarised as follows:

Woodhaven Developments LTD

I note that the appellant was granted a leave to appeal under LV03.321809 details of which have been set out within Section 4 of my report above.

Procedural Items

- Planning Authority did not request new planning notices to be erected on foot of the furnishing of further information to allow submissions to be made.
- Only 1 site notice was erected – there are 3 entrances to the Hotel.
- Private communication from An Bord Pleanála placed on public file.

Pedestrian Connectivity

- Applicant proposes the construction of a public footpath outside the red line boundary – no mobility study has submitted.
- Contributions associated with footpaths not subject to special contributions – there is a need for footpath connectivity and should have been requested to be provided in order to achieve connectivity.
- Applicants' response to Item 4 of the request for Further Information – Board needs to judge the bona fides on appeal with regard special contribution.
- Item needs to be referred to Council as regards to how they propose to provide required connectivity from hotel to bus stop.

Special Contribution

- ABP-311994-21 – appeal relating to adjoining development against a special contribution which the board included.
- Contribution being levied is not equitable as traffic can approach the Hotel from both sides of towards the entrance.
- Previously levied €187,000 for 48 houses while hotel has only being levied €40,000 for 35 bedrooms and associated works.
- Vehicle movement on the L-7178 resulting from proposed development – widespread benefit of upgrading hotel and the cost should be shared.
- Surprised at rate of levy being €50 per sq.m when adjoining development was at a rate of €99.63 per sq.m.
- Special contribution must be amenable to implementation under the terms of Section 48(12) of the Planning and Development Act 2000 (as amended) – essential that the basis for the calculation of the contribution should be explained in the decision.
- Necessary for the Planning Authority to identify the nature/scope of the works, the expenditure involved and the basis for the calculation including how it is appropriate to the particular development.
- The proposal should be levied against the total length of roadway from the entrance of the hotel to the section of the roadway to the south.
- Special contribution under ABP-311994-21 has been paid in full – no upgrade has been undertaken to the L-7178 to date.

Lands not in the ownership of the applicant.

- Lands proposed for the extension to the foul drainage and footpath is not in the ownership of the Hotel.
- This application is an attempt to circumvent the issue of land ownership.
- The applicant has applied for permission on lands not in their ownership.

- Guidelines do not give the applicant the right to apply for permission on another person's lands – reliance on such is a clear admission that they do not own the land.
- Planning Authority should have requested applicant to show ownership of the land.
- The Board have previously refused permission in the facilitation of an entrance which would require the transversing of lands not in applicants' ownership and no legal consent or sufficient legal interest demonstrated.

Location of Foul Drainage (sewer) and additional capacity

- Existing foul sewer serving the hotel transverses the appellants land and is currently problematic.
- Improper to allow any intensification of this sewer and that proper development should include for the diversion of the sewer outside of the neighbouring property.
- Concerns about the capacity and fall of the sewer - CCTV survey should have been undertaken.
- No letter of consent has been submitted for the upgrading of this foul line outside the boundary of the hotel site.
- Uisce Eireann have been paid a substantial amount for the adjoining residential development (appellants lands).
- Connection agreement did not include for a connection to intermediate services linking to discharge point.

Partial completion of PA Ref 20-102

- Recess of the front boundary wall as permitted under PA Ref 20-102 has not been completed.
- Failed to provide permitted visibility splays entering and the exiting the hotel.
- Subject application is premature pending the completion of works permitted under PA Ref 20-102.

Privacy & Shadow Light to adjoining owners.

- Housing units under construction to the north and east of the hotel development.
- No account been taken of the privacy of future residents or the light shadow that will be cast.
- Application should have been requested to submit additional reports regarding these concerns.

Effects the hotel function room will have on the future growth of the hotel.

- Application has failed to consider the impact the function room will have on the future growth of the hotel – applicant should have been requested to address this.

General.

- No NIS or EIA Screening submitted.
- No Traffic Impact Assessment submitted.
- No details of roof ventilations – cursory visit to the rear of the hotel shows piece meal of ventilation units.

Stonehall Engineering Co. LTD

Overview

- Planning Authority has given little regard to concerns raised in observation submitted.
- Applicant has failed to address the issue of ownership in response to item 1 of the further information request.
- Not opposed to the proposed development- opposed to and being outlined in red as part of the application site that's not in applicants ownership.
- Numerous portions of land within the application site which remains unresolved and are firmly within our landholding – Folio CE 45063F submitted demonstrates such.

- Land Registry/Property Registration Authority operate a non-conclusive boundary system – the most recent maps are not sufficient evidence.
- Concerned that the Planning Authority would grant permission on land which is clearly not within the applicant's folio – which was raised through a submission.
- Sets a highly dangerous precedent for a local authority to knowingly permit development on land outside of the applicants' ownership without the benefit of a letter of consent.
- Further information was not deemed to be significant which denied opportunity to make further submission.

History of site

- Boundaries between sites have been in dispute since c.2016/2017.
- Negotiations were on going with previous owner to resolve disputes.
- Applicant was aware of negotiations and numerous attempts made to resolve disputes in interviewing years.
- Relevant areas have been highlighted on attached map.
- Previous applications have been submitted with a letter of consent – PA Ref 20/102 – demonstrating that the applicants are aware of legal boundaries.
- Section A (identified on map furnished) is within the red line of the subject application and not in applicants' ownership.
- Object to the applicant's use of land not in their ownership and included in this planning application.

Further Information Response.

- Item 1 of the Further Information requested required applicant to furnish land registry details and maps to demonstrate their ownership or a letter of consent if land was not in their ownership.
- Response from applicant stated that objectors have not demonstrated sufficient evidence that they were legal owners of land associated with the hotel.
- Two no. land registry maps submitted showing substantial area in the north-western part of the site is in our ownership – attached to 3rd party appeal.

- Applicant has not demonstrated ownership to Planning Authority – response does not address item 1 of Further Information adequately.
- Applicant has sought to negate the issue by stating that it is not the councils' functions to adjudicate on such matters – while this is accepted, it is a common practice for a local authority to request a letter of consent.
- Further information was not deemed to be significant – not afforded an opportunity to respond to the applicants submission and address points outlined.

7.2. Applicant Response to Third Party Appeals

7.2.1. A response was received from the Applicant to the 3rd Party appeal received from Stonehall Engineering Co. LTD on the 3rd March 2025 and notes the following:

- Not denying ongoing land dispute – attempted to resolve the issues on numerous occasions.
- Applicant purchased the hotel in 2017 – boundaries of the hotel are long established and no alterations to such are being proposed and no development near boundaries are proposed.
- Section 34(13) of the P&D Act 2000 – notes '*A person shall not be entitled solely by reason of a permission under this section to carry out any development.*'
- Development Management Guidelines Section 5.13 – '*The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. These are ultimately matters for resolution in the Courts.*'
- Land and Conveyancing Law Reform Act 2009 – deal with disputes relating to land.

Principle of Development

- Appellant notes not opposed to the principle of development but strenuously opposed to what they perceive to be their lands being included.
 - no alterations to boundaries are being proposed and no development near boundaries are proposed.
 - Proposal has no implications for the disputed lands.

- Appellants forcing a resolution to a boundary dispute via planning system.

Evidence of Ownership

- Appellants have submitted land registry maps and states Land Registry/Property Registration Authority operate a non-conclusive boundary system – therefore land registry map are not sufficient to demonstrate evidence of ownership.

7.2.2. A response was received from the Applicant to the 3rd Party appeal received from Woodhaven Developments LTD on the 31st March 2025 and notes the following:

Procedural Items

- Extent of alteration at further information stage did not constitute significant further information – no need for re-advertisement.
- Connection to the mains services (water supply and foul drainage) has not been altered.

Pedestrian Connectivity

- Provision of footpaths is accommodated under the Councils general development contribution scheme – special levy cannot be applied.
- Requested footpath required a third party's consent – land not in applicants ownership.
- Consent from appellants is required – clear in appeal documents appellant will not give consent.
- Applicant is happy to work with council to provide footpath in line with Section 38 of the Road Traffic Act.

Special Contribution

- Appellant is seeking a reduction to their levies and penalise the applicant through the subject application.
- Appellants contribution was reduced under their appeal.

Land Ownership

- Addressed in response to other 3rd party appeal – no development is proposed in any land subject to dispute.

- Comments regarding unplanned access and pathways with no legal consent are disingenuous – vehicle and pedestrian access to the hotel are long established and within the applicants ownership.

Foul Drainage Sewer.

- A portion of foul sewer serving site is located outside the subject site – location predates current ownership of subject site and that of adjoining site.
- Problematic nature of sewer as referenced by appellant has been repaired and does not relate to its regular use.
- Sufficient capacity exists in current system – confirmed by Uisce Eireann as connection enquiry was submitted with application.
- Applicant currently in talks with Uisce Eireann to facilitate a future upgrade of the sewer and to have the point of discharge relocated from the Aviation Museum to the new public sewer closer to the road.

Previous Planning Permission

- Reference made to PA Ref 21/102 – this does not pertain to the subject site.
- Reference is made to failure to show visibility splays – no amendments proposed to the entrance of the hotel.

Privacy and Shadow Light to Adjoining Landowners

- Layout of the proposed extension has been orientated in a manner where no 1st floor windows are directly opposing.
- Distance from the proposed development to the nearest dwelling is in excess of 16m (required by the Sustainable Residential Development and Compact Settlements Guidelines).
- The proposal will not cast shadow outside of the boundary of the site.

Impact on future growth of the hotel.

- Use of the hotel function room will not impact on proposed or existing hotel rooms.
- Previous concerns raised by the applicant with the conflicting uses of the hotel and proposed adjoining residential development – valid concerns.

- Condition recommended by the previous assessment with regard to noise mitigation insulation was not included by the Board.
- Applicant undertook a noise assessment and implemented mitigation measures recommended.

General

- Proposal in minor in nature – does not require an NIS or a Traffic Impact Assessment.
- Issue with car parking was dealt with over the course of the Planning Authorities assessment.
- Absence of a Local Area Plan does not preclude the Board from making a decision.

7.3. Grounds of First Party Appeal

- 7.3.1. The first party appeal was submitted on behalf of the applicant, concerning the imposition of Condition 3.

Condition no. 3 states:

Before development commences a Special Development, Contribution shall be paid to Clare County Council as a special contribution toward the upgrade of a section of the L-7178 local road, adjacent to the subject hotel, between the junction of the R471 and the L-7178 and the rear access to the hotel by the proposed development.

The Contribution payable will be based on the Contribution rate applicant at the time of payment in existence when permission is granted. The amount of Development Contribution is set out below and is subject to annual revision with reference to the Wholesale Price Index (Building and Construction) and is accordance with the terms of the Councils Development Contribution Scheme. The amount is currently €40,000.00.

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

7.3.2. The grounds of the 1st Party appeal are as follows:

- Section 7.12 of the Development Management Guidelines for Planning Authorities states:

“A condition requiring a special contribution must be amenable to implementation under the terms of section 48(12) of the Planning Act; therefore it is essential that the basis for the calculation of the contribution should be explained in the planning decision. This means that it will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development.”

- Section 48(2)(c) of the Planning and Development Act 2000 (as amended) states :

“A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.”

- Section 48(12) of the Planning and Development Act 2000 (as amended) states:

Where payment of a special contribution is required in accordance with subsection (2) (c), the following provisions shall apply—

- a) the condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates,*
- b) where the works in question—*
 - i. are not commenced within 5 years of the date of payment to the authority of the contribution (or final instalment thereof, if paid by phased payment under subsection (15)(a)),*
 - ii. have commenced, but have not been completed within 7 years of the date of payment to the authority of the contribution (or final instalment thereof, if paid by phased payment under subsection (15)(a)), or*

iii. (iii) where the local authority decides not to proceed with the proposed works or part thereof.

the contribution shall, subject to paragraph (c), be refunded to the applicant together with any interest that may have accrued over the period while held by the local authority,

c) where under subparagraph (ii) or (iii) of paragraph (b), any local authority has incurred expenditure within the required period in respect of a proportion of the works proposed to be carried out, any refund shall be in proportion to those proposed works which have not been carried out.

- Three essential requirements or characteristics are necessary to justify the attachment of a special contribution:
 1. In respect of a particular development.
 2. Specific exceptional costs must be incurred as a result of or in order to facilitate it.
 3. Such costs cannot be covered by an adopted Development Contribution Scheme.

The appellant contends that the following question are applicable:

1. What is/are the nature of the works being levied:

- Condition no. 3 of the grant of permission states:

A Special Development, Contribution shall be paid to Clare County Council as a special contribution toward the upgrade of a section of the L-7178 local road, adjacent to the subject hotel, between the junction of the R471 and the L-7178 and the rear access to the hotel by the proposed development.

- Condition does not identify the nature and scope of the works – other than the word upgrade.
- Roads design report refers to the contribution to cover works to address the long-term damage impacts on the road infrastructure.
- Email correspondence from the Executive Planner refers to “A special contribution to go towards the junctions by which this property is accessed.”

- Area Engineer states that the contribution *“will relate to road surface upgrade as a result of additional traffic generated and construction related traffic.”*
- Planners report initial draft of condition was subject to edit by the Senior Executive Planner - refers to *“road surface upgrade”* as a result of *“construction related traffic”*.

Having regard to the above – the nature and scope of the works being levied are not clearly identified as required by the Development Management Guidelines.

2. Do costs arises for the Local Authority as a result of the development:

- Inability to define the scope of the works being levied makes it difficult to determine the extent of cost and whether or not such costs can be deemed reasonable.
- Planner and Area Engineer makes reference to the need for a special contribution – both refer to the Engineer from Shannon MD to determine the extent of the fee.
- Engineer from Shannon MD establishes the cost of €40,000 and the basis of the cost as 800 sq.m @ €50/sq.m.
- Engineer from Shannon MD report states that the levy will relate to *“road surface upgrade required as a result of additional traffic generated and construction traffic.”*
- No details of the extent of the construction traffic accompanied the application.
- Stated clearly throughout the application additional rooms will be used to accommodate bus tours during peak season – additional use of road will therefore be minimal.
- While there is a general cost associated to resurface the road – the extent of traffic as a result of the proposed development does not justify a levy of €40,000.

Costs associated with resurfacing this section of the road providing access to the Hotel are covered under the general contribution scheme and do not require a special levy.

3. Are the works “specific exceptional costs”?

- Resurfacing the road falls under the provisions of the general development contribution scheme.
- Council have already received €450,000 for the provision of a junction upgrade and €137,000 for road widening from an adjoining developer.
- An additional €40,000 for road resurfacing is not justified in the context of the proposed development.

Resurfacing of a minor section of road does not constitute an exceptional cost in this instance – extent of potential additional need to re-surface the road post construction as a direct result of the subject proposal has not been established and also does not constitute an exceptional cost in this instance.

4. Are the works “public infrastructure and facilities” which benefit the proposed development?

- Resurfacing of roads does not constitute public infrastructure and all roads providing access to the property are considered to benefit the proposed development.

The general levy scheme as associated with condition no. 2 of the grant of permission (€23,862.60) more than adequately covers the extent of works described by the Engineer from Shannon MD.

5. Are such costs covered under the Development Contribution Scheme made under Section 48 (2) of the Act?

- Adopted Clare County Council Development Contribution Scheme states that the scheme provides funding for:

Transport: This includes the provision of roads, refurbishment, upgrading, enlargement or replacement of roads, car parks, provision of bus corridors and other infrastructure to facilitate public transport, cycle and pedestrian facilities, traffic calming measures and smarter travel projects not covered by National Transport Authority grants.

It is asserted that the works described by the Engineer from Shannon MD for which the special contribution is required for is covered within the scope of the Development Contribution Scheme.

7.4. Planning Authority Response

A number of responses were received from Clare County Council and are summarised below:

1. Received the 7th of March 2025: In response to 1st Party Appeal

- Condition no. 3 (Special Development Contribution) is considered to be valid and reasonable relating to specific costs which will be incurred by the Planning Authority in accommodating the proposed development.
- Surface upgrade works to the junction of the L7178 and the R471 in order to accommodate additional traffic generated at both construction and operation phase.
- Request that the Board uphold the decision.

2. Received the 7th of March 2025

- Request that the Board uphold the decision of the Planning Authority.

3. Received the 1st of April 2025: In response to 3rd Party Appeal from Wooddhaven Developments Limited.

- Request that the Board uphold the decision of the Planning Authority.
- Planning Authority considered the development to be in accordance with the best interests of Sustainable Development of the area and takes full account of the established commercial use (Hotel) at this site and the requirements for additional hotel facilities within the town of Shannon.
- Further information received was not considered to be materially significant as it was not deemed to meet the requirements for a new newspaper notice and site notices.
- It would appear that Wooddhaven Developments did not avail of their right to make a submission – clear notices were in place and application was advertised in accordance with the regulations. Using appeal process to address this oversight.
- Proposal is seeking an extension to a long existing and established hotel.
- Ownership – Issues over title of land are not a matter for determination by the planning process. A person shall not be entitled solely by reason of a

permission under this section to carry out any development. This is a civil matter.

- Connection to public sewer – applicant must liaise with Uisce Eireann.
- Screening for AA and EIA was undertaken.

4. Received the 1st of April 2025: In response to 1st Party Appeal.

Details of calculation of special contribution:

- This has been calculated on the basis of the Area Engineer at a rate of € 50 per sq.m for an area of 800sq.m.
- Additional traffic will be generated utilising the section of the L719 between the junction of this road with the regional road and the rear access to the hotel – resulting in an requirement for upgrades.
- These upgrades are outside the scope and in addition to the general road improvement works that are covered or provided by the normal Development Contribution Scheme of Clare County Council – hence a Special Contribution was deemed necessary.
- Clare County Council has not received funding from the State or European Union in relation to this section of road and no other funding is available.

7.5. **Observations**

None received.

7.6. **Further Responses**

A response from Stonehall Engineering was received on the 10th March 2025 which notes no further comment.

8.0 **Assessment**

Having reviewed the 3rd party appeals and 1st party appeal and all-other documentation on file including the reports and responses of the local authority, having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Land Ownership.
- Foul Sewer.
- First Party Special Contribution Appeal.
- Other Issues.

8.1. Land Ownership

- 8.1.1. It is contested by the 3rd party appellants that the Planning Authority has granted permission for a development on lands that are not within the applicant's ownership. The appellants state that numerous portions of the subject site, which are within the red line boundary of the subject application, are within their landholding and subject to ongoing dispute. One of the appellants has submitted a copy of their land deeds (folio number CE 45063F) which they consider provides clarity of ownership.
- 8.1.2. While the appellants note that the Planning Authority sought clarity on the issue of ownership under item 1 of the request for Further Information, the response provided by the applicant failed to address the issue of ownership and as such the Planning Authority should not have granted permission. The appellant notes that they are not opposed to the principle of development but rather land in their ownership being included within the red line boundary of the planning application without the benefit of consent.
- 8.1.3. The applicant in their response to the appellants note that they have attempted to resolve the land dispute issues on numerous occasions and that the boundaries of the hotel are long established and no alterations to such are being proposed.
- 8.1.4. Furthermore, it is stated by the applicant that the development subject to this application is not within the vicinity of the area of the site subject to the land dispute. Reference is made by the applicant to Section 34(13) of the Planning and Development Act 2000 (as amended) which recognises that a person shall not be entitled solely by reason of a permission under this section to carry out any development and section 5.13 Development Management Guidelines which states that *"The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. These are ultimately matters for resolution in the Courts"*.

- 8.1.5. While I note that the appellant has submitted evidence, in the form of land registry maps, demonstrating their landholding, which I further note does overlap in areas, mainly along the north-western and eastern boundary, with the red line boundary of the subject application, the area of the site subject to the works proposed under this application are outside those areas subject to the land dispute.
- 8.1.6. I am therefore satisfied that the applicant has provided sufficient evidence of their legal interest to make this application. Any further legal dispute is considered a Civil matter and are outside the scope of this planning appeal. The Board is not an arbiter of title and this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

8.2. Foul Sewer

- 8.2.1. The 3rd party appellant has raised concern over the location of the foul sewer that transverses their land holding and serves the existing hotel. It is contended that it is improper of the Planning Authority to allow any intensification of this sewer and that proper development should include for the diversion of the sewer outside of the neighbouring property. Further concerns were raised over the current status of the sewer and that the applicant should be requested to undertake a CCTV survey to ascertain the current status of the sewer.
- 8.2.2. It is further stated that no letter of consent has been submitted for the upgrading of this foul line outside the boundary of the hotel site and the connection agreement submitted with the application did not include for a connection to intermediate services linking to the discharge point.
- 8.2.3. The applicant in response recognises that part of the foul sewer is located outside of their ownership and that this predates the current ownership of subject site and that of adjoining site. It is stated that the problematic nature of the sewer, as referenced by the appellant, has not been repaired. It is asserted that sufficient capacity exists in the current system to serve the proposed extension, and this has been confirmed by Uisce Eireann within the response received to the connection enquiry which was submitted to the Planning Authority as part of the application documentation.

- 8.2.4. The Planning Authority in their response notes that issues over the public sewerage systems are in the charge of Uisce Éireann and the appellant should therefore liaise with them with regard to the concerns raised.
- 8.2.5. The existing hotel is currently served via a connection to the main municipal wastewater and water supply services which also serves the wider area and are in the control of Uisce Éireann. The applicant submitted a pre-connection enquiry to Uisce Éireann prior to the lodgement of the subject planning application. During the assessment period the Planning Authority received a submission from Uisce Éireann dated the 20th May 2024, which notes no objection to the proposed development subject to condition. The report states that the applicant has engaged with Uisce Éireann via a Pre-Connection Enquiry and Uisce Éireann can confirm that a Confirmation of Feasibility has been issued to the applicant advising that water supply and wastewater connections are feasible.
- 8.2.6. While I note the concerns of the 3rd party appellant relates to the location of the sewer being on lands outside the ownership of the applicant, I consider this to be a usual occurrence in an urban context, such as the location of the subject site, where numerous sites are being serviced by public services. I therefore do not consider that this is an issue for the Board to consider as part of their assessment.

8.3. First Party Appeal.

- 8.3.1. The first party appeal is against Condition No. 3 which requires payment of a special contribution in respect of road upgrades, namely a section of the L-7178 local road, adjacent to the subject hotel, between the junction of the R471 and the L-7178 and the rear access to the hotel by the development. The first party appellant's grounds of appeal are summarised in section 7.3 of this report.
- 8.3.2. The first party contends that the proposed condition is invalid on account that the nature and scope of the works being levied are not clearly identified within the assessment or conditions as required by Section 48(12) of the Planning and Development Act 2000 (as amended) and reiterated within section 7.12 of the Development Management Guidelines 2007. It is further asserted that costs associated with resurfacing this section of the road providing access to the Hotel are

covered under the general contribution scheme, as per condition no. 2 of the grant of permission, and therefore a special levy is not required.

- 8.3.3. Condition no. 2 of the grant of permission requires a development contribution of €23,862.60 be paid in respect of public infrastructure in accordance with Section 48 of the Planning and Development Act (2000).
- 8.3.4. The Planning authority in their response to the 1st party Appeal have stated that additional traffic will be generated utilising the section of the L719 between the junction of this road with the regional road and the rear access to the hotel will result in a requirement for upgrade works and that these works are considered to be outside the scope and in addition to the general road improvement works that are covered or provided by the normal Development Contribution Scheme of Clare County Council hence a Special Contribution was deemed necessary.
- 8.3.5. A 3rd Party appellant has also made reference to the special contribution levy and considers that the proposal should be levied against the total length of roadway from the entrance of the hotel y and also that the rate applied differed significantly to what was applied via a special levy to the development permitted under ABP-311994-21 (PA Ref 21/372) for 48 no. houses.
- 8.3.6. I do not consider that the concerns raised by the 3rd party appellant with regard to the special levy applied to be relevant in the instance of this appeal. The concerns relate primarily to a rate which was previously applied to a separate development. With regard to the area to which the level should be applied to, this is at the control of the Planning Authority.
- 8.3.7. Condition no. 3 makes specific reference to the upgrade works to a section of the L719 which serves the subject site. Details of this is also set out within the final Planners Report dated the 17th January 2025 and also within a report reciv by the Plannig Officer from the Area Engineer in the Shannon MD Office. As such, I do not accept the 1st party first assertion that the nature and scope of the works being levied are not clearly identified.
- 8.3.8. I note that that Clare County Council are in the process of adopting a new Development Contribution Scheme which is currently on Public Display. Page 3 of the current Clare County Development Contribution Scheme 2017-2023 sets out details of what the scheme will provide funding for. Under the heading of transport, on page

3 of the document, it states *“this includes for the provision of roads, refurbishment, upgrading, enlargement or replacement of roads ...”*

- 8.3.9. While I note the comments made by the Planning Authority with regard to the works being outside the scope of and in addition to the general road improvement work that are covered within the adopted Development Contribution Scheme, no further details or justification of how the works are considered to be ‘outside the scope’ have been provided.
- 8.3.10. Having regard to the wording of condition 3 which states that the special levy is required for ‘the upgrade of a section of the L-7178 local road’, I consider that any works to the upgrade of roads within the administrative area of Clare County Council have been covered within the adopted Development Contribution Scheme 2017-2023 and also the Draft Development Contribution Scheme 2025-2029.
- 8.3.11. I do not consider that the Planning Authority are in accordance with Section 48(2)(c) of the Planning and Development Act 2000 (as amended) by applying condition no. 3 as the works detailed are already included for within the Clare Development Contribution Scheme 2017-2023 and I therefore recommend that if the Board are minded to grant permission that this condition be omitted.

8.4. Other Issues

8.4.1. Procedural Issues

Concerns were raised over a number of procedural issues which relate to the assessment of the Planning Authority. It is contended that the further information received should have been deemed significant to allow parties and non-parties to submit their concerns in writing. The Planning Authority in response to the concerns raised stated that the further information received was not considered to be materially significant and it was not deemed to meet the requirements for a new newspaper notice and site notices.

On review of the further information submitted, I do not consider that the information provided alters the original description of development to have rendered it significant and as such I consider the Planning Authority to be correct in their determination.

Concern was further raised with regard to the quantum of public notices erected on the site. I note that this is a function of the Planning Authority, and the location and number of notices erected was considered to be acceptable.

8.4.2. Pedestrian Connectivity

The appellant contends that the applicant should have been requested to provide permission from the adjoining landowner to obtain consent to facilitate connectivity from the site to the existing bus stop via a new footpath. It is argued that the Board have to judge the applicants reason put forward against the inclusion of a special levy in this instance.

The applicant was requested to provide for a footpath linking the subject site to the bus stop but in response noted that they would not have sufficient legal interest to do so. This was accepted by the Planning Authority.

I accept the assessment of the Planning Authority and note that the land required to provide the footpath is in private ownership as demonstrated on Land Direct when I undertook a review on the 9th May 2025.

The special levy which was attached to the grant of permission by the Planning Authority, which I discussed in detail under Section 8.3 of my report, was to provide for an upgrade to the access road and is not relevant in this instance.

8.4.3. Impact on Amenity

Concerns have been raised over the impact the proposed extension will have upon the amenity of the potential residents of the houses currently under construction to the north and east of the subject site. It is contended that the applicant should have been requested to submit a shadows analysis and address the impact the proposal may have. It is further contended that the applicant has failed to consider the impact the existing function room would have upon the amenities of the occupants of the proposed additional hotel rooms.

In the first instance, I note that this appeal relates to an extension at 1st floor level and attic level to the central section of the hotel building which is segregated from the northern boundary of the site via the existing rear block of the hotel. The relevant section of the building is set c.26m from the eastern boundary of the site.

Having regard to the orientation of the subject site relative to the path of the sun together with the separation distances provided I do not consider that the proposed development would give rise to any undue negative impacts, in terms of overshadowing and overlooking, of the adjoining properties to the north and east.

In terms of the impact of the function room on the proposed guest bedrooms, a function room is a common component of a hotel facility and as noted by the applicant certain level of mitigation insulation will be implemented to overcome this concern.

8.4.4. Permission Granted under PA Ref 20/102

The appellant notes that not all works permitted under the previous grant of permission with particular reference to landscaping and amendments to the main vehicular entrance area have been completed to date.

I note that non-compliance with previous grant of permission should be dealt with through the enforcement process which is a function of the Planning Authority. As such I submit to the Board that this issue is therefore outside the remit of this appeal.

8.4.5. EIA and AA Screening

The appellant contends that the applicant failed to submit either an AA or EIA screening report for the proposed development. I note that there is no statutory requirement to submit these assessments and that the Planning Authority being the competent Authority undertook their own screening determinations which were included within the Planners Report.

I would draw the Boards attention to section 6 and section 9 of my report in addition to the appendices of my report which all relate to AA Screening determinations and EIA Screening determinations which I undertook relating to the proposed development.

9.0 AA Screening

- 9.1. I have considered the project in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located at the Treacy's Oakwood Hotel, Airport Road, Shannon, Co. Clare and situated c. 1.4km to the south of the Lower River Shannon SAC (site code 002165) and the River Shannon and River Fergus Estuaries SPA (site code 004077).

- 9.2. The proposed development consists of an extension to the existing hotel to provide for an additional 35 no. bedrooms.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.4. The reason for this conclusion is as follows:
- Nature of works and the limited scale of what is being proposed.
 - The location of the site from nearest European site and lack of connections
- 9.5. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

I recommend that permission is granted subject to the following conditions, and that Condition 3 of PA Ref 24/29 relating to a Special Contribution be omitted.

11.0 Reasons and Considerations

Having regard to:

- (a) The design, scale and layout of the proposed development,
- (b) Noting the existing hotel that is in operation on the subject site which is serviced by the existing public services in terms of water supply and wastewater/drainage.
- (c) The provisions of the Clare County Development Plan 2023-2029,

It is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of

the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 3rd day of may, 2024 and, as amended, by the further plans and particulars submitted on the 13th day of December 2024 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

3.	Details of the materials, colours and textures of all the external finishes shall be as submitted with the application, unless otherwise agreed in writing with the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. Reason: In the interest of visual amenity.
4.	Prior to the commencement of development, the developer shall enter into water and/ or wastewater connection agreements with Uisce Éireann. Reason: In the interests of orderly development.
5.	Surface water arrangements shall comply with the requirements of the planning authority for such services and works. Reason: In the interests of public health
6.	Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority. Reason: To safeguard the amenities of property in the vicinity.

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

Kathy Tuck
Planning Inspector

14th May 2025

Appendix 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321829-25		
Proposed Development Summary	Hotel development consisting of an additional 35 bedrooms, new lift and all associated site works including provision of additional parking.		
Development Address	Treacy's Oakwood Hotel, Airport Road, Smithstown, Shannon, Co. Clare.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X.
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Schedule 5 Part 2 10(b) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		EIA Mandatory EIAR required
No	X	Schedule 5 Part 2 10(b) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Schedule 5 Part 2 10(b) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of	Preliminary examination required (Form 2)

		other parts of a built-up area and 20 hectares elsewhere.	
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5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ Date: _____

Appendix 2

EIA Preliminary Examination

Case Reference	
Proposed Development Summary	ABP- 321579-25
Development Address	Treacy's Oakwood Hotel, Airport Road, Smithstown, Shannon, Co. Clare.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	This is an application for an extension to an existing hotel to provide for an addition 35 no. bedrooms. The area of the proposed extension is given as c.1325.7sq.m. The development also includes for an amendment to the parking layout. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development proposed is located within the footprint of the existing Treacy's Oakwood Hotel, Airport Road, Smithstown, Shannon, Co. Clare. The prevailing context of the area comprises of a mix of residential and commercial development. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the location of the subject site within the Shannon Town which is removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

Appendix 3

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the project in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located at the Treacy's Oakwood Hotel, Airport Road, Shannon, Co. Clare and situated c. 1.4km to the south of the Lower River Shannon SAC (site code 002165) and the River Shannon and River Fergus Estuaries SPA (site code 004077). The proposed development consists of an extension to the existing hotel to provide for an additional 35 no. bedrooms.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Nature of works and the limited scale of what is being proposed.
- The location of the site from nearest European site and lack of connections

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.