

An
Coimisiún
Pleanála

Direction
CD-021841-26
ABP-319225-24

The submissions on this file and the Inspector's report were further considered at a meeting held on 28/01/2026.

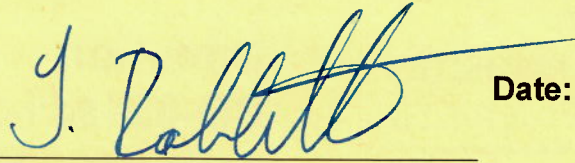
The Commission decided to refuse permission, generally in accordance with the Inspector's recommendation, for the reasons and considerations indicated hereunder.

At a Commission meeting held on the 16/12/2025 the Commission decided to defer the case and issue a notice under section 132 of the Planning and Development Act 2000 (as amended) to the applicant affording them an opportunity to respond to the concerns raised in the Inspector's recommended refusal reason. However, subsequent to that meeting, and prior to the issuing of that section 132 notice, the undersigned became aware of a legal/technical nature that was not considered at the meeting and warranted consideration. That legal/technical issue relates to the restrictions arising on An Coimisiun Pleanála from section 34(12) and Part XA of the Planning and Development Act 2000 (as amended). Those restrictions prohibit the Commission from considering an appeal relating to an application for retention permission that would require an appropriate assessment. As this matter warranted consideration, the original quorum of the Commission reconvened on the 28/01/2026 to further consider the matter in accordance with section 4.6.4 of 'An Coimisiun Pleanála Decision-Making Procedures' (November 2025). At that meeting it was decided to refuse permission generally in accordance with the Inspector's recommendation and not to issue the section 132 notice as the issue arising would require the submission of an appropriate assessment which the Commission could not consider having regard to the provisions of section 34(12) of the 2000 Act.

(Direction to issue with the Order)

Planning

Commissioner:



Date: 28/01/2026

Tom Rabbette

DRAFT WORDING FOR ORDER

Reasons and Considerations

The proposed development and development proposed to be retained is in proximity to the Murrough Wetlands Special Area of Conservation (Site Code: 002249) and the Murrough Special Protection Area (Site Code: 004186). There is an indirect hydrological connection to these sites by way of an unnamed tributary to the Kilcoole Stream along the northern boundary of the land which discharges into the Kilcoole Stream which in turn discharges into the Murrough Wetlands Special Area of Conservation (Site Code: 002249) and the Murrough Special Protection Area (Site Code: 004186). On the basis of the information provided with the application and on the appeal file, the Commission cannot be satisfied that the development would not be likely to have a significant effect on the Murrough Wetlands Special Area of Conservation (Site Code: 002249) and the Murrough Special Protection Area (Site Code: 004186) in view of the respective sites' conservation objectives, by reason of the site context and the stream along the northern boundary of the land that allows for indirect discharge to the Kilcoole Stream and in these circumstances the Commission is precluded from giving further consideration to a grant of planning permission. The proposed development and development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

Furthermore, the Commission is prohibited under section 34(12) of the Planning and Development Act 2000 (as amended) from considering an application to retain unauthorised development that would require an appropriate assessment.