

An
Coimisiún
Pleanála

Direction
CD-021665-26
ABP-320050-24

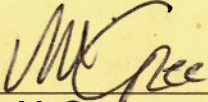
The submissions on this file and the Inspector's report were considered at a meeting held on 07/01/2026.

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

Planning

Commissioner:

Date: 13/01/2026


Liam McGree

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. Having regard to:

- (a) the provisions of Section 177K(1A)(a) of the Planning and Development Act 2000, as amended, which states that the Commission shall not grant substitute consent (whether subject to conditions or not) unless it is satisfied that exceptional circumstances exist that would justify the grant of such consent;

- (b) the provisions of Section 177K(1J) of the Planning and Development Act 2000, as amended, which sets out certain matters to which the Commission shall have regard to in considering whether exceptional circumstances exist under subsection (1A)(a) of the Act;
- (c) the planning history of the site, in particular application planning register reference 19/267 which sought planning permission to import soil and stone to raise an agricultural field, which was later withdrawn by the applicant, and which included the submission of a Natura Impact Statement as part of this withdrawn application; and
- (d) the case put forward by the applicant as part of the subject substitute consent application that exceptional circumstances exist due to the applicant's misinterpretation of the relevant legislation regarding exempted development and an initial lack of understanding on their part of the requirement to submit a Natura Impact Statement in this instance,

the Commission is not satisfied that exceptional circumstances exist that would justify the grant for substitute consent and that the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to the scale of the proposed development, and the precedent it would be likely to set for similar types of development in unzoned rural areas, it is considered that the proposed development would conflict with Objective ECON O35 (Rural Development), Policy CGR P4 (Revitalisation of Towns and Villages) and Objective CGR O17 (Development within Level 5 Settlements) of the Limerick Development Plan 2022-2028, which seek to provide for industrial/commercial development in or adjacent to settlements where infrastructure can be provided in line with the principle of sustainable development and would, therefore, be contrary to the proper planning and sustainable development of this rural area.

3. Having regard to the rural character of the area and the nature and extent of the proposed development, which includes extensive tree and hedgerow removal, notwithstanding the landscaping proposals submitted with the application and appeal, it is considered that the proposed development would be contrary to the provision of Objective EH O10 (Trees and Hedgerows), would detract from the established visual amenities character of this unzoned rural area, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: The Commission noted the concerns expressed by the Planning Inspector regarding the sourcing of materials to fill the subject site, the potential for introduction of invasive species, as well as the potential impact of the proposed development on the conservation objectives of the Lower River Shannon Special Area of Conservation (SAC) (Site Code 002165), having regard to a hydrological connection between the subject site and the SAC, but considered that these matters did not warrant further examination, or a request for the submission of further technical information, given the substantive reasons for refusal set out above.