



An
Coimisiún
Pleanála

Direction
CD-021705-26
ACP-323119-25

The submissions on this file and the Inspector's report were considered at a meeting held on 13/01/2026.

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

Planning

Commissioner:

Date: 16/01/2026

Mary Gurrie

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DRAFT WORDING FOR ORDER

Reasons and Considerations

1. On the basis of the information provided with the application and appeal, and having regard to the proposed layout compared to that granted under planning permission Reg Ref 22/249 which necessitates the further removal of hedgerow, and in the absence of a Natura Impact Statement the Commission cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse impacts on the integrity of the Ratty River SAC (002316) and the Lower River Shannon SAC (002165) and River Shannon in view of the site's Conservation Objectives. The likely significant effects cannot be ruled out having regard to the precautionary principle and the lack of information submitted. The

proposal would thus be contrary to objective CDP 15.3 of the Clare County Development Plan 2023-2029 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Based on the planning history of the site, the proposed layout compared to that granted under planning permission Reg Ref 22/249, and the lack of details submitted in terms of the potential for the proposed development to impact on ecology at this location, the Commission is not satisfied that the proposed development, would by itself and the precedent it would set for other similar developments, not result in adverse impact on features of ecological interest. The proposal would thus be contrary to objective CDP 15.8 of the Clare County Development Plan 2023-2029 and would, therefore, be contrary to the proper planning and sustainable development of the area.

Note

The Commission noted the Inspector's first recommended reason for refusal in relation to the location of the site on lands zoned as Strategic Residential Reserve (SRR) in the Clare County Development Plan 2023-2029. However, on the specific facts of this case, and in particular having regard to the extant planning permission which provides for the construction of 15 dwellings on these lands, the existing infrastructure in place to service the dwellings, the revised National Planning Framework 2040 (2025), and the Delivering Homes, Building Communities 2025-2030 housing plan (2025) which seek to accelerate the delivery of housing, the Commission considered that refusal was not warranted on that basis. Further, the Commission considered that, even if the grant of permission in this instance was considered a material contravention of the development plan with respect to the zoning objective, having regard to the NPF Implementation: Housing Growth Requirements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage under Section 28 of the Planning and Development Act, 2000 (as amended) in July 2025, which require planning authorities to *'review of the adequacy of existing zoned lands to cater for the Housing Growth Requirement figures and the potential for 'additional provision' as set out above for the full duration of the current adopted development plan should be*

assessed, with a particular focus on the likelihood that the lands identified for residential development within the plan will come forward for development within the remaining period of the plan. This assessment should take into account factors including the planning history of zoned lands and activation of sites, and the availability of or potential for servicing' the Commission may have granted permission under Section 37(2)(b)(iii) of the Planning and Development Act 2000 as amended.