



An
Coimisiún
Pleanála

Direction
CD-022217-26
ACP-324062-26

The submissions on this file and the Inspector's report were considered at a meeting held on 26/05/2026.

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

Planning

Commissioner:

Marie O'Connor
Marie O'Connor

Date: 27/05/2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

In coming to its decision, the Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

In coming to its decision, the Commission had regard to the following:

- the National Planning Framework, Project Ireland 2020, First Revision April 2025,
- the Regional Spatial & Economic Strategy for the Southern Region 2020-2032,
- the policies and objectives of the Clare County Development Plan 2023-2029,
- Delivering Homes, Building Communities 2025 – 2030, An Action Plan on Housing Supply and targeting Homelessness,
- Sustainable Residential Development in Urban Areas Guidelines, (2009),
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024),
- the Design Manual for Urban Roads and Streets (DMURS) (2013),
- the Planning System and Flood Risk Management (including the associated Technical Appendices) (2009),
- the location of the site on lands predominantly zoned for 'Low Density Residential' in the Clare County Development Plan 2023-2029,
- the nature, scale and design of the proposed development,
- the existing pattern of development in the area,
- the availability of a wide range of physical, social and community infrastructure and services in the area,
- the proposed infrastructure upgrade works that will improve the sites accessibility and connectivity,
- the submissions received,
- the report of the Inspector and the Addendum Report,

Appropriate Assessment (AA Screening)

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Natura Impact Statement Report submitted with the application and the further information received on 23rd October 2025, the Inspector's report and Addendum Report, and submissions on file. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in

Combination with other development in the vicinity, the proposed development could have a significant effect on the following European Sites;

- Lower River Shannon SAC (Site Code: 002165)
- Newhall and Edenvale Complex SAC (Site Code: 002091)
- Pouladatig Cave SAC (Site Code: 000037)
- Ballyallia Lake SAC (Site Code: 000014)
- Dromore Woods and Loughs SAC (Site Code: 000032)
- Ballycullinan Lake SAC (Site Code: 000016)
- East Burren Complex SAC (Site Code: 001926)
- Poulmagordon Cave (Quin) SAC (Site Code: 000064)
- Lough Gash Turlough SAC (Site Code: 000051)
- Moyree River System SAC (Site Code: 000057)
- Ballyogan Lough SAC (Site Code: 000019)
- Ballyallia Lough SPA (Site Code: 004041)
- River Shannon and River Fergus Estuaries SPA (Site Code: 004077)
- Corofin Wetlands SPA (Site Code: 004220)

Appropriate Assessment (Stage 2)

The Commission considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on the 14 no. European Sites listed above, in view of the sites' conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Commission considered, in particular, the following: a) the site-specific Conservation Objectives for the European Sites, b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and c) the proposed mitigation measures which are included as part of the current proposal. In completing

the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives. In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the sites' Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project, including mitigation measures proposed, and there is no reasonable doubt as to the absence of adverse effects.

Environmental Impact Assessment

The Commission completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the submissions from the Planning Authority, the appellants, the observer and prescribed bodies in the course of the application,
- (d) the Inspector's report and Addendum Report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Commission is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector.

Reasoned Conclusion on Significant Effects

The Commission considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- ***Biodiversity***

Bats: The site is used by bats for commuting and foraging. The removal of vegetation on site will reduce bat foraging habitat. Lighting during construction has the potential to cause disturbance to bats using the site for commuting and foraging. Mitigation measures are proposed to reduce any potential impacts on bats to non-significant levels, including the retention of linear features; provision of bat boxes and a day roost; lighting design; and the creation of a sheltered bat corridor.

- ***Land, Soils, Water, Air and Climate:***

Surface water: The stripping of topsoil, excavation on the site and earthworks during the construction phase could result in the potential for fuel spills, polluted run-off and sediment to enter the adjacent watercourse (Claureen River). Works in the vicinity of the Claireen River could also give rise to fugitive emissions to the river. Mitigation measures are proposed to address the potential release of sediment laden run-off and run-off contaminated with hydrocarbons, cement etc. into the Claireen River, which will reduce any potential impacts to non-significant levels.

Noise and Vibration: During the construction phase, site activities including site clearance and bulk excavation, foundations, building construction, road works, and landscaping, carried out by plant/machinery, will result in potential noise impacts on the surrounding environment and adjacent properties. Rock breaking and crushing activities will also result in potential noise impacts on the surrounding environment and adjacent properties. The proposed mitigation measures and a condition limiting rock breaking and crushing activities to be undertaken between the hours of 1000 to 1300 and 1400 to 1600 hours Monday

to Friday inclusive only will reduce any potential impacts to non-significant levels.

Water Framework Directive Assessment

The Commission completed an assessment of the proposed development in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended. In completing the Water Framework Assessment, the Commission accepted and adopted the Water Framework Assessment carried out in the Inspector's report. The receiving water environment has been identified and assessed. Relevant water bodies within the zone of influence of the proposed development include river waterbody 'Fergus_060 (IE_SH_27F010700)', currently classified as 'Poor' (and 'At Risk'), and ground waterbody 'Ennis (IE_SH_G_080)' currently classified as 'Good' (and 'At Risk') on EPA mapping. Having regard to the nature, scale, and location of the proposed development, and the mitigation measures incorporated into the design, it is concluded that the proposed development will not:

- result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

Any residual risks are capable of being addressed through the proposed mitigation measures and implementation of a Construction Environmental Management Plan (CEMP). The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

Conclusions on Proper Planning and Sustainable Development

The Commission, having regard to the location, nature and scale of the proposed development and the planning history of the site, considered that, subject to compliance with the conditions set out below, the proposed development would

constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area or properties in the vicinity, would be acceptable in terms of layout, urban design, height and unit mix and would be acceptable in terms of traffic, pedestrian safety and convenience, would adequately be accommodated within the municipal wastewater network, would not be detrimental to Conservation Objectives of the European sites or to the quality of receiving waters, and would not result in significant environmental impacts. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area, be consistent with the Climate Action Plan, 2025 and the Climate Action and Low Carbon Development (Amendment) Act 2021, and would comply with the Clare County Development Plan 2023-2029.

The Commission, having regard to the planning history of the site, agreed with the Inspector that the proposed development on lands zoned 'Low Density Residential' would materially contravene the Clare County Development Plan 2023-2029, noting the description of 'Low Density Residential' as 'primarily detached family dwellings with the underlying priority to ensure that the character of the settlement/area is maintained and further reinforced by a high standard of design and where proposed developments must also be appropriate in scale and nature to the areas in which they are located'. The Commission considered that, having regard to Section 37(2)(a) of the Planning and Development Act 2000, as amended, the proposed development should be granted as the requirement for development on the site to comprise primarily detached dwellings would significantly compromise the delivery of compact development on zoned and serviced land, and would militate against achieving the density ranges set out in the Sustainable Residential Development in Urban Areas Guidelines (2009), which the Clare County Development Plan 2023-2029 states development should be compliant with, and also the density ranges in the Sustainable Residential Development and Compact Settlement Guidelines, 2024. The Commission further considered that the character of the area would be maintained and would be reinforced by the quality of the design and layout of the scheme which would be appropriate in scale and nature to the location.

The Commission noted that the Inspector considered that the nonprovision of ground floor showers was a material contravention of the Development Plan and noted that 20 bungalow units had provided ground floor low level access shower and toilet but that the remaining units had not specifically provided for a shower in addition to the toilet. Having considered the internal and external layout and design of the units, which provide a WC (toilet and sink) and adjacent store at ground floor level, the Commission considered the layout would not preclude the modification of the dwellings to ensure adaptability to future needs of the occupiers during their lifetime and as such while on the facts of the case this may be considered a contravention of the plan it is not considered that there was a material contravention of the County Development Plan.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the Further Information and particulars received by the Planning Authority on the 23rd day of October 2025 and the 18th day of December 2025, 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 number of units permitted by this planning permission is 300.

Reason: In the interest of clarity.

3. (a) The developer shall ensure that all mitigation and monitoring measures set out in the Environmental Impact Assessment Report (EIAR), submitted with the application, and as amended by way of Further Information on the 23rd day of October 2025, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.

(b) The applicant shall appoint an Ecological Clerk of Works with suitable ecological and construction expertise to oversee the mitigation measures contained in the Environmental Impact Assessment Report (EIAR).

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

4. The mitigation measures contained in the revised Natura Impact Statement (NIS), submitted to the Planning Authority on the 23rd day of October 2025, shall be implemented and shall be supervised by a suitably qualified ecologist.

Reason: To protect the integrity of European Sites.

5. Prior the commencement of felling, trees with bat roosting potential shall be surveyed by a suitably qualified ecologist who is appropriately qualified and experienced in undertaking bat surveys and in line with best practice at the appropriate time of year to confirm the absence of roosting bats. In the event that a previously undetected bat roost is identified, and is likely to be disturbed, the applicant shall acquire a derogation under Regulation 54 of the European Communities (Bird and Natural Habitats) Regulations, 2011, prior to the commencement of felling. Prior to the removal of trees, the bat survey results, methodologies for felling and any derogations shall be submitted for the written agreement of the Planning Authority.

Reason: To ensure the protection of bats, a protected species.

6. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

(b) Internal roads, footpaths and lighting shall be fully completed within each phase of the development, indicated on *Drawing No. 24150/P/007, Rev. P2*, and in-situ prior to any dwelling within that particular phase being occupied.

(c) All roads and footpaths shown to adjoining lands to the east of Units 269 - 288 shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended. These areas shall be shown in a drawing which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of amenity, permeability and traffic and pedestrian safety.

7.
 - (a) The phasing of the development hereby permitted shall be as submitted to the Planning Authority on the 23rd day of October 2025 and indicated on *Drawing No. 24150/P/007, Rev. P2*.
 - (b) The childcare facility/Creche shall be made available for occupation in Phase 1 unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed (at this time).
 - (c) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase.

Reason: In the interest of the orderly development of the site and to ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

8.
 - (a) The landscaping Plan, as submitted to the planning authority on the 23rd day of October, 2025 shall be carried out within the first planting season following substantial completion of external construction works.
 - (b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be

replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

(c) The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled and/or contoured, as applicable, soiled, seeded, and landscaped in accordance with the landscape plans and report submitted to the Planning Authority with the application, unless otherwise agreed in writing with the Planning Authority. The area(s) of public open space within each respective phase of the development indicated on *Drawing No. 24150/P/007, Rev. P2* shall be made available before any of the dwellings within the particular phase are made available for occupation, and shall be maintained as public open space by the developer until taken in charge by the Local Authority.

(d) No walls, fences or other boundary treatment shall be constructed around the front gardens of the dwellings, and front gardens shall be kept as "open plan".

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose, and in the interest of visual amenity.

9. Prior to the commencement of development activity, protective fencing in accordance with best practice, shall be installed to protect all trees identified to be retained. The fencing shall be installed in such a manner as to provide protection to the critical root zone of trees to be protected and it shall be retained on site until all construction works are completed. No soil, spoil, construction material or waste will be stored or tipped within the fenced off area and no construction plant or vehicles will be parked within the spread of trees/hedgerows identified to be retained. The fencing shall be retained until such time as works are completed.

Reason: In the interests of protecting biodiversity value within the site.

10. Details of the materials, colours and textures of all the external finishes to the proposed buildings, structures and boundary walls shall be submitted to, and agreed in writing with the Planning Authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

11. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and surface water management.

12. Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Uisce Éireann.

Reason: In the interest of public health.

13. The construction of the development, and demolition works, shall be managed in accordance with an updated Construction and Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

b) Location of areas for construction site offices, staff car parking, and staff facilities;

c) Details of site security fencing and hoardings;

e) Measures to obviate queuing of construction traffic on the adjoining road network;

f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

h) Details of appropriate mitigation measures for noise, overspill from artificial lighting, dust (including wheel wash facility) and vibration, and monitoring of such levels including noise and vibration monitoring locations;

i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

j) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

k) Confirmation regarding the party responsible for taking charge of the proposed day roosts for bats and the upkeep and maintenance of same.

Reason: In the interest of amenities, public health and safety.

14. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall be prepared in accordance with the "Best practice guidelines for the preparation of resource & waste management plans for construction & demolition projects", published by the EPA, 2021. The plan shall include details of waste to be generated during site clearance and construction phases, including potential contaminated soil, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

15. Proposals for naming and numbering of the proposed scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the Planning Authority. No advertisements/marketing signage relating to the name(s) of the

development shall be erected until the developer has obtained the Planning Authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

16. All of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Off-curtilage and Creche Parking shall be provided with EV Charging as indicated in the Electric Vehicle Charging Strategy submitted with the application received on 30th June 2025. Details of how it is proposed to comply with these requirements shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

Reason: In the interests of sustainable transportation.

17. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

18. Site development and building works shall be carried out only between the hours of 0700 to 1900 Monday to Friday inclusive, between 0800 to 1400 hours on Saturday, and not at all on Sundays and public holidays.

Rock breaking and crushing activities shall be carried out only between the hours of 1000 to 1300 and 1400 to 1600 hours Monday to Friday inclusive, and not at all on Saturdays, Sundays and public holidays.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

Reason: In order to safeguard the amenities of property in the vicinity.

19. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located

underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

20. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the Local Authority in the event of the development being taken in charge. Detailed proposals in this regard, including a taking in charge map indicating areas which are to be taken in charge by the Planning Authority shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development. All areas not intended to be taken in charge by the Local Authority, shall be maintained by a legally constituted management company.

Reason: To ensure the satisfactory completion and maintenance of this development.

21. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority pursuant to Section 47 of the Planning and Development Act 2000, that restricts any such residential units permitted (the number and location of each housing unit being specified in such agreement), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the Planning Authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the Planning Authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

22. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of Section 94(4) and Section 96(2) and (3) (Part V) of the Planning and Development Act, 2000, as amended, unless an exemption certificate shall have been applied for and been granted under Section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which Section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act, 2000, as amended, and of the housing strategy in the development plan of the area.

23. 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 Coimisiún 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.

24. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the Local Authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.