

An
Coimisiún
Pleanála

Commission Order
ABP-320978-24

Planning and Development Act 2000, as amended

Planning Authority: Clare County Council

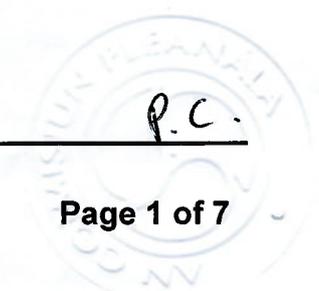
Planning Register Reference Number: 24/60357

Appeal by Paul McGrath against the decision made on the 20th day of September, 2024 by Clare County Council to grant subject to conditions a permission to Martin and Mary O'Sullivan care of Alex Russell Associates in accordance with plans and particulars lodged with the said Council.

Proposed Development: Refurbish an existing house and to construct a ground floor and a dormer roof extension, which includes the provision of a supported living accommodation unit, and all associated site works, all at Cloonfadda Townland, Killaloe, County Clare.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.



Reasons and Considerations

Having regard to the nature of the proposed development, the location and character of the site, together with the policies and objectives 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 be in accordance with the requirements of Objective CDP5.9 (Ancillary Living Accommodation), and associated criteria set out in Section 5.2.8 and Objective CDP15.4 (Requirement for Appropriate Assessment) of the development plan, would not seriously injure the visual or residential amenities of the area, or have an adverse impact on the receiving environment, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of objective information provided by the applicant, the Commission concluded that the proposed development could result in significant effects on the Lower River Shannon Special Area of Conservation (Site Code: 002165) in view of the Conservation Objectives of a number of qualifying interest features of those sites. It is, therefore, determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000, as amended, of the proposed development is required.

Appropriate Assessment: Stage 2:

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lower River Shannon Special Area of Conservation (Site Code: 002165) in view of the Conservation Objectives of the site and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the Natura Impact Statement and all associated material submitted, the Commission considered that adverse effects on the site integrity of the Lower River Shannon Special Area of Conservation (Site Code: 002165) can be excluded in view of the Conservation Objectives of the site and that no reasonable scientific doubt remains as to the absence of such effects.

This conclusion is based on the following:

- (a) A detailed assessment of construction impacts.
- (b) The effectiveness of mitigation measures proposed.
- (c) The application of planning conditions to ensure the application of these measures.
- (d) The proposed development will not affect the attainment of Conservation Objectives for the Lower River Shannon Special Area of Conservation (Site Code: 002165).

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented in full.

Reason: To protect the integrity of European Sites.

3. The external finishes of the proposed extension (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. Prior to commencement of development, an invasive species management plan, which shall include details of a programme for the control, monitoring and eradication of Himalayan Knotweed on the site, shall be submitted to, and agreed in writing, with the planning authority.
Reason: In the interest of the proper planning and sustainable development of the area.
6. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply.
Reason: In the interest of public health and to ensure adequate water/wastewater facilities.
7. (a) The existing wastewater treatment system shall be upgraded and maintained in accordance with the recommendations included in the site assessment report submitted with the application and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

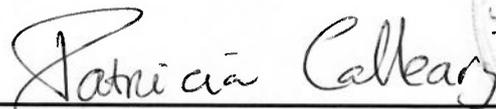
(c) Within three months of completion of the proposed development, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

8. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

9. 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.



Patricia Calleary

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this 27th day of January 2026.

