

An  
Coimisiún  
Pleanála

Commission Order  
ACP-323400-25

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**Planning and Development Act 2000, as amended**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: 24/60410**

**Appeal** by Cyril O'Reilly of Parting Glass, Quin Gardens, Quin, County Clare against the decision made on the 1<sup>st</sup> day of August, 2025 by Clare County Council to grant subject to conditions a permission to Harcon Contractors Limited care of Arnold Leahy Architects of 1 Crescent Villas, O'Connell Avenue, Limerick.

**Proposed Development:** Residential development comprising of 56 number residential units (seven number detached houses, 46 number semi-detached houses and three number terraced houses), construction of public footpath to the existing road, ancillary surface car parking, vehicular and pedestrian access to the proposed development, connection to existing public water supply, foul water drainage services, including the provision of surface water attenuation and all associated site development and landscape works, all on lands at Quin Gardens, Quin, 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 zoning objectives of the subject site, its location within the existing settlement boundary of the village of Quin, the sites location within an area designated as Flood Zone C, the extensive retention of hedgerows within the site, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not exacerbate flood risk in the wider area and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission considered that:

- (a) Having regard to potential flood risk, the subject site is located in Flood Risk Area C and, therefore, is not located in a flood risk zone. In relation to the potential for flood risk elsewhere, the Commission noted that the planning authority comprehensively assessed the issue of flood risk and the potential for flood risk outside the site. The Commission had particular regard to storm water discharge arrangements proposed on site including the proposed sizing attenuation tanks to be constructed on site together with the modelling undertaken which demonstrates that with the incorporation of a restricted discharge rate of two litres per second per hectare, this will ensure that appropriate discharge rates and greenfield rates take place into the proposed stormwater drainage

infrastructure, and would not result in any flooding elsewhere. The Commission is therefore satisfied that the proposed development incorporating the surface water and storm water flow attenuation measures, as set out in the documentation submitted, can satisfactorily address the concerns of the appellant and the inspector in relation to the potential exacerbation of flood risk issues in the wider area.

- (b) In relation to the potential impact of the proposal the qualifying interests associated with the Poulmagordon Cave Special Area of Conservation (Site Code 000064) and the Old Domestic Building (Keevagh) Special Area of Conservation (Site Code 002010), the Commission considered the revised proposals submitted by the applicant, by way of further information the 30<sup>th</sup> of May 2025, resulted in a substantial reduction in the amount of hedgerow removal on site, which would result in no impact on commuting of foraging habitats associated with the lesser horseshoe bats associated with either SAC. The Commission also noted the submission of the Department of Housing, Local Government and Heritage, which concluded, in relation to the original scheme, that, subject to the implementation of mitigation measures, as set out in the Natura Impact Statement (NIS), Construction Environmental Management Plan (CEMP) and the Bat Survey, the Department did not advise against granting planning permission. The revised scheme which included the retention of more hedgerows within the site and the planting of additional hedgerows, would, in the Commission's opinion, result in a scheme that would be more beneficial in terms of habitat and would not present a threat to the Lesser Horseshoe Bat. As such it is considered that the proposed housing scheme does not present a conceivable risk to the qualifying interests associated with the European Sites in question. The Commission is also of the opinion that that the proposed larger attenuation tank can be designed (if necessary incorporate a depth greater than 1.2 meters to create a smaller surface area for the tank) so as to be constructed in the area of open space, in order to

ensure appropriate buffer zones, so that any excavation required to facilitate the underground tank will not adversely impact on the roots of the existing hedgerows thereby protecting this very important habitat for the Lesser Horseshoe Bat. The Commission was also satisfied that any boundary treatment associated with house numbers 4 and 7, which in itself would not require the removal of any hedgerow, and would therefore have a negligible impact on the hedgerows to be retained on site.

**Appropriate Assessment: Stage 1:**

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that Poulmagordon Cave Special Area of Conservation (Site Code 000064) and the Old Domestic Building (Keevagh) Special Area of Conservation (Site Code 002010) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the sites' Conservation Objectives and that Stage 2 Appropriate Assessment is, therefore, required.

**Appropriate Assessment: Stage 2:**

The Commission considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on Poulmagordon Cave Special Area of Conservation (Site Code 000064) and the Old Domestic Building (Keevagh) Special Area of Conservation (Site Code 002010), in view of the sites' conservation objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation

to the conservation objectives of the sites using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Commission had regard to the mitigation measures contained in the NIS, and was satisfied that, subject to the implementation of mitigation measures, as set out in the Natura Impact Statement (NIS), and the associated documents including the Construction Environmental Management Plan (CEMP) and the Bat Survey, that the proposed development would result in a scheme that would be more beneficial in terms of retention of hedgerow habitat and would not present a threat to the Lesser Horseshoe Bat. The Commission is also satisfied that surface water attenuation arrangements can be designed by way of condition so as not to result in the removal of hedgerow. As such it is considered that the proposed housing scheme does not present a conceivable risk to the qualifying interests associated with the European Sites in question.

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 the European Sites in view of their conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

## 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 plans and particulars submitted on the 30<sup>th</sup> day of May 2025, 09<sup>th</sup> July 2025 and 24<sup>th</sup> of July 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. This grant of permission is for 49 residential units only, in accordance with the amendment attached by the planning authority in their grant of permission.

**Reason:** In the interest of clarity.

3. Recommendations, mitigation and monitoring measures set out in the Natura Impact Statement, the Construction and Environmental Management Plan and the Bat Survey Report submitted with the application shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

4. (a) Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details shall include a revised Storm Water Layout, providing the required 1,100 cubic metres of attenuation capacity on the site, with hydrobrake mechanism to ensure a maximum release rate of 2 litres per second, and a suitable gradient from site to outfall, in accordance with the calculations contained in the applicant's response to the grounds of appeal.
- (b) The developer shall employ a suitably qualified Engineer to oversee and inspect the construction of the storm water network and attenuation area including the sizing and installation of the proposed attenuation tanks. Upon installation of the system, certification from a suitably qualified Engineer shall be submitted to the planning authority providing that the storm water system and the network has been installed as per the designer's requirements and the manufacturer's instructions. The development shall not be occupied unless and until this certification has been received by the planning authority.
- (c) The attenuation tanks to be located in the largest area of open space shall be designed and placed beneath the area the open space so as to incorporate an appropriate buffer zone between the tank and the roots of the existing hedgerow so as to ensure that there is no damage to the hedgerow.

**Reason:** In the interest of protecting the environment.

5. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection networks.

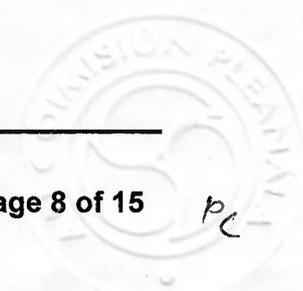
**Reason:** In the interests of public health.

6. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual amenity.

7. Proposals for a naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed names 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:** To ensure the use of locally appropriate place names for new residential areas.



8. The finished floor levels of all permitted dwellings shall be in accordance with the Site Layout Plan: Temporary Entrance and Sightlines drawings (Ref: 24/130-312) received by the Planning Authority on the 30<sup>th</sup> day of May 2025.

**Reason:** In the interest of clarity.

9. The outdoor lighting scheme shall be carried out in accordance with the mitigation measures set out in the Bat Survey Report, submitted to the planning authority on the 29<sup>th</sup> day of August 2024, and in accordance with the Outdoor Lighting Layout, Outdoor Lighting Report and the Lighting and Power Specification received by the planning authority on 30<sup>th</sup> day of May 2025.

**Reason:** In the interest of environmental amenity and public safety.

10. The scheme shall be landscaped in accordance with the landscape plans submitted to the planning authority on the 30<sup>th</sup> day of May 2025, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following substantial completion of the external construction works. All planting shall be adequately protected from damage until established. Any trees, plants or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. Unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

11. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

12. 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 interest of visual and residential amenity.

13. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To ensure that the development is carried out and completed to an acceptable standard of construction.

14. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs access road to the service area 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). Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. 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.

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

15. Upon completion of the development and prior to the taking in charge of the road infrastructure, the developer shall complete a Stage 3 Road Safety Audit, to be carried out by an independent, approved and certified auditor. The recommendations contained in the Road Safety Audit and agreed actions shall be signed off by the audit team.

**Reason:** In the interest of pedestrian and traffic safety.

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on 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.

17. (a) Prior to the commencement of development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers, that is, 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.

18. 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 on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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 for the area.

19. 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.

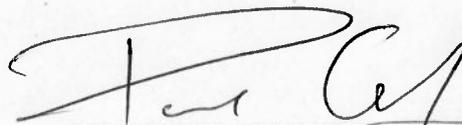
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

20. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, to facilitate safe pedestrian activity from the proposed development to the village centre, which benefits the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

21. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.



**Paul Caprani**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate**

**the seal of the Commission.**



Dated this *17<sup>th</sup>* day of *December* 2025.