



An
Coimisiún
Pleanála

Inspector's Report

ABP-322462-25

Development	Permission for the construction of 39 dwellings houses, ancillary site works and connection to public services.
Location	Church Road (R462), Tulla Townland, Tulla, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	2460622
Applicant(s)	Woodhaven Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party(s)
Appellant(s)	1) Michael O'Halloran, 2) Margaret and Kevin Scanlon
Observer(s)	None
Date of Site Inspection	25 th day of July 2025
Inspector	Fergal Ó Bric

1.0 Site Location and Description

- 1.1 The appeal site is located in the settlement of Tulla, Co. Clare, approximately 15 kilometres east of Ennis. The lands are located southwest of the Main Street in Tulla. The R462, Church Road bounds the site to the west. A private laneway (Rectory Lane) which connects the R462 to the town centre bounds the site to north, however access to the town centre is currently obstructed by a locked gate at the eastern end of this roadway. There are two existing dwellings located further east of the appeal site along this laneway, with the laneway effectively acting as a private access for the residents of these dwellings. A funeral home and an informal car parking area are located at the western end of this laneway, northwest of the appeal site. There is an existing residential development (Radharc an Chnoic) located south of the appeal site and an individual dwelling located southwest of the appeal site. There is a paddock area, where cattle were grazing immediately south-west of the appeal site.
- 1.2 The site area is stated to comprise 1.54 hectares. The site comprises agricultural grassland, however the entire field area is not included within the red line appeal site boundary. A narrow strip of land along the northern side of the site adjoining the roadway and another narrow strip of land to the east adjacent to the existing residential dwelling (Glebe House rectory) have been excluded from the appeal site boundary. The western boundary adjoining the R462 comprises a 1.2-metre-tall natural stone wall. The site slopes gradually uphill, from west to east and away from the R462. Mature trees are dispersed through the central part of the appeal site and located along the eastern, south-eastern and southern site boundaries.

2.0 Proposed Development

- 2.1 The proposed development is for the construction of a total of 39 dwelling units comprising 26 no. 3-bed houses and 9 no. 2-bed houses, 2 no. 4-bed houses, and 2no, units which can function as either 3 or 4 bed houses. The following is a breakdown of the unit types proposed:
- 5 no. 3-bed semi-detached dwellings (House Type A and A1)
 - 5 no. 3-bed semi-detached dwellings (house Type B and B1)
 - 14 no. 3-bed semi-detached dwellings (house Type C and C1)

- 2 no. 4-bed detached dwellings (House Type D)
- 5 no. 2-bed semi-detached dwellings (House Type E and E1)
- 4 no. 2-bed semi-detached bungalows (House Type F, F1, FA and F1A)
- 2 no. 3/4-bed detached two storey dwelling (House Type G)
- 1 no. 3-bed semi-detached dwelling (House Type G1)
- 1 no. 3-bed detached bungalow (House Type H)

2.2 The proposed development provides for a new site entrance from the R462. The layout involves one central access spine road leading from west to east with three southern spur roads off the main spine in a southerly direction. A total of 5 no. homezone areas are proposed. There are a number of pockets of public open space dispersed throughout the site, all in proximity to the homezone areas. Existing mature trees within the central part of the site and along the southern and south-eastern site boundary are proposed to be retained and incorporated within the residential layout.

2.3 The residential units range in size from 102 square metres (sq. m) to 134.25 sq. m for 3-beds, 78 and 78,22 sq. m for the 2-beds and from 134.25 square metres for the 3/4 bed dwellings and 146.63 sq. m for the 4 bed dwellings. The density of development proposed is 25.5 dwellings units per hectare (dph). It is proposed to provide 2 no. parking spaces for each unit as well as visitor parking spaces within the development.

2.4 Connections are proposed to the public water supply and public wastewater system. The application is accompanied by a number of reports including a Design Statement, landscape design statement, transport and mobility statement and a Civil Engineering Infrastructure Report.

2.5 Further information was submitted by the applicants to the Planning Authority in relation to the following matters: Details in relation to internal road signage and road markings/linings, turning bays and the inclusion of traffic calming measures at internal junctions The applicants submitted revised boundary treatment proposals between the appeal site and the private laneway located immediately north of the appeal site The applicants state that they have liaised with the local Area Engineer within the Killaloe Municipal District (MD) office and have agreed to undertake a joint

project with the Killaloe MD whereby a section of the public storm water network between the appeal site and the point of discharge would be relocated and upgraded.

- 2.6 The Planning Authority carried out an Appropriate Assessment (AA) screening exercise and concluded that 'Having regard to the nature and scale of the proposed development and the absence of proximity or connectivity to a European site, no Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually, or in combination with other plans or projects on a European site'.
- 2.7 The Planning Authority carried out a preliminary Environmental Impact Assessment (EIA) screening exercise and concluded 'Having regard to the nature and scale of the proposed development and the nature of the receiving environment, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required'.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority granted planning permission for the development subject to twenty-two planning conditions. The pertinent planning conditions are referenced below:

Condition number 2: Occupancy condition.

Condition number 3; Social and affordable housing agreement.

Condition number 4: Boundary treatment details.

Condition number 10: External finishes.

Condition number 6: Archaeological monitoring.

Condition number 9: landscaping.

Condition number 10: External finishes.

Condition number 11: House naming and numbering.

Condition number 11: Management Company to be established.

Condition number 14: Hours of construction.

Condition number 15: Construction Management Plan

Condition number 20: Details of surface and foul water connections to the public networks

Condition number 21: Development Contributions.

Condition number 22: Cash security deposit.

3.1 Planning Authority Reports

Planning Reports

The first Planners Report dated the 11th day of February 2025 noted that a multi-unit housing development would be acceptable in principle. However, the R2 site specific objective for the site requires that development proposals must provide pedestrian linkages to the Main Street via the mixed use zoned lands located to the north of the appeal site (on the opposite side of the private laneway) It is noted that the lane to the north of the site through which a link to the town centre must be provided is not included in the site boundary and that the applicant has only shown possible pedestrian access to the laneway. This does not comply with the provisions of the R2 development objective for the site. The housing mix and density are considered acceptable, however there are a number of concerns in relation to the proposed layout. Further Information was requested in relation to the items set out within paragraph 2.5 of this report above.

The Second Planners Report (dated the 15th day of April 2025) deemed that the further information response submitted by the applicants was acceptable in terms of internal road signage and markings, the introduction of raised tables at internal road junctions, the revised boundary treatment along the northern site boundary with the adjoining private laneway and the surface water management response. However, the Planning Authority was not fully satisfied with the response in relation to boundary treatment along the northern and south-western site boundaries. The Planning Authority (PA) conditioned (condition number 4) in revised boundary treatment around the full extent of the perimeter of the site. A grant of planning permission was recommended with changes to the boundary treatment proposals

3.2 Other Technical Reports

Area Engineer (AE) – Alternative proposals for surface water discharge to the storm water network were agreed with the AE whereby a new relocated section of storm water sewer over a distance of 350 metres and mainly outside of the red line appeal site boundary would be laid in a joint venture between the applicants and Clare County Council to a suitable outfall location. The AE stated that this new relocated section of storm water sewer would future proof storm water management for the village of Tulla and benefit the village.

Roads Design Office – Noted that the applicants have addressed the issues raised in item no 2 of the further information request in relation to internal road signage and marking and the introduction of traffic calming measures at the internal road junctions and turning bays in accordance with best practice standards.

Estates/Taking in Charge – No objection subject to conditions.

3.3 Prescribed Bodies

Department of Housing, Local Government and Heritage – Given the scale, extent and location of the proposed development it is possible that subsurface archaeological remains could be encountered during the construction phase that involves ground disturbance. It is recommended that an Archaeological Impact Assessment (including Archaeological Test Excavation) be submitted as further information.

3.4 Third Party Observations

The Planners report states that a total of five third party observations were received. The observations were from adjoining landowners and primarily related to the proposed boundary treatments, with each submission requesting that the boundary with their individual properties adjoining the appeal site would comprise a 1.8 – 2.0m block wall construction. A number of other matters were raised within the observations received in relation to the following issues:

- The previous refusal reason set out by the Board in relation to non-compliance with the R2 specific objective for the site is not addressed within the current proposals.
- A number of mature trees within the site were felled in late 2024.
- The R462 (Church Road) is heavily trafficked, and a traffic survey should have been conducted in order to determine if the road has adequate capacity to cater for thirty-nine homes.
- A creche facility should be provided within the development as Tulla is lacking in this type of social infrastructure.
- The proposed development would be located in proximity to an established commercial premises.
- The pedestrian footpath within the public open space links into private property and would provide access to an adjacent commercial premises.
- There is no record that the applicants have been provided with consent to access water services.
- No construction and demolition waste management plan has been submitted.
- The local wastewater treatment plant is non-compliant in terms of its discharge licence obligations.
- The local storm water overflow discharge is not being monitored.
- Timber panels are not suitable as a boundary treatment as they are not durable and solid block wall or concrete post, and panels should be erected along the site boundaries.

4.0 Planning History

On site:

Planning Authority reference number 22/406-In October 2022 the current applicants were refused planning permission for the construction of 36 residential units and associated site works. The reasons for refusal related to non-compliance with the R2 specific objective pertaining to the site and that that the development provided for a substandard layout, design and built form. In March 2023⁴ this decision was upheld by An Bord Pleanála under Board reference 315105-22 where the following refusal reason was set out:

1. Having regard to the characteristics of the development site which includes numerous mature trees and the configuration of the site relative to the Glebe house to the east, the roadway to the north, undeveloped lands to the west and existing development to the south, established built form adjoining the site, it is considered that the proposed development, by reason of its substandard layout, building form and design, does not adequately respond to the specific characteristics of the site or the pattern of development in the vicinity and would be an inappropriate form of development at this location. Having regard to the foregoing, it is considered that the proposed development would seriously injure the visual amenities of the area, would constitute a sub-optimal layout and design, would be of insufficient architectural quality and would fail to integrate appropriately with surrounding lands. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1 Clare County Development Plan 2023-2029

Tulla is identified as a small town in the County's Settlement Strategy. The CDP states that these towns are of fundamental importance as employment and tourist centres and as centres for the provision of services and facilities for their resident populations and their rural hinterlands. The following objective is relevant:

Development Plan Objective: Small Towns CDP 4.6 –

It is an objective of Clare County Council:

- a) To ensure that the small towns throughout the county continue to act as important local service centres that maintain sustainable communities, help to ensure a good quality environment, provide public transport to the main centres, and provide a high quality of life for those who live in the vicinity.
- b) To work with the relevant bodies and to seek investment for the timely and sustainable delivery of holistic infrastructure, to enhance the levels of amenity and design quality and to regenerate and rejuvenate the Small Towns throughout the county.
- c) To ensure that future growth is incremental and balanced in nature, and is relative and appropriate to the scale, size and character of the small towns and to seek to achieve centre out compact growth.
- d) To seek investment in the sustainable development of a “New Homes in Small Towns and Villages” initiative in the County and the provision of services and serviced sites to create “build your own home” opportunities within the existing footprint of small towns; and e) To monitor the cumulative effect of grants of planning permission on available wastewater capacity, where connection to a public wastewater treatment plant is included as part of a development proposal

Land Use Zoning

The strategy for the individual small towns is outlined in more detail in their respective settlement statements and land use plans, set out in Volume 3 of the Development Plan. A Settlement Plan for Tulla is set out in Volume 3(c) (Killaloe Municipal District Plans). In order to enhance residential amenity, specific objectives apply to a number of sites in Tulla, including the subject site as follows.

R2 North of the Former St. Joseph’s School

“This site is well located in relation to the town centre for the provision of housing. development proposals must provide for vehicular access to the mixed-use lands which are located to the rear of the Main Street as well as pedestrian linkages to the Main Street. The portion of the pedestrian/cycle link passing through R2 shall be integrated into the scheme design, availing of footpaths and lighting, and shall be overlooked by houses for passive surveillance in any new development. The scheme

shall observe and demonstrate the principles of design incorporated into the Sustainable Residential Development in Urban Areas and the Urban Design Manual.”

With regard to place making and regeneration, it is also states that “There is the potential to create a new link from the historic town core to the new developments to the west of the town, which could reactivate a historic passageway”.

Other Relevant Sections/Policies

The following policies/sections are also considered pertinent to the consideration of the subject proposal:

- Housing Mix CDP5.8 - It is an objective of the Development Plan:
 - a) To secure the development of a mix of house types and sizes throughout the county to meet the needs of the likely future population in accordance with the guidance set out in the Housing Strategy, Housing Need Demand Assessment (HNDA) and the Guidelines on Sustainable Residential Development in Urban Areas and any subsequent guidelines.
 - (b) To require new housing developments to incorporate a variety of plot sizes to meet the current and future needs of residents; and
 - (c) To require the submission of a Statement of Housing Mix with all applications for multi-unit residential developments in order to facilitate the proper evaluation of the proposal relative to this objective.
- Green Infrastructure in Residential Developments CDP5.16 - A number of criteria are listed under this objective including the following.
 - a) To ensure that green areas associated with new residential developments enrich the quality of life of local residents and provide ecologically rich areas that enhance biodiversity and contribute to the green infrastructure network in the County.
- Walking and cycling CDP11.5 - A number of criteria are listed under this objective including the following.
 - a) To require walkability and accessibility to be a central consideration in the planning and design of all new developments, transport infrastructure and

- Achieving Quality in the Public Realm CDP18.2 - It is an objective of Clare County Council:
 - a) To require both public and private developments to make a positive contribution to the public realm to ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
 - b) To require all proposals for developments in excess of 3 residential units or 300m² to be accompanied by a design statement demonstrating how the 12 criteria set out in the Best Practice Urban Design Manual have been addressed. A design statement may be required for smaller developments in instances where the proposed development is situated in a key location in the town or village (See also Appendix 1 Section A1.4.4 of this Volume); and
 - c) To promote the use of Health Place Audits (HPA) and develop projects that support the creation of attractive, enterprise development friendly, liveable, well-designed, high-quality places that are home to a diverse enterprise base mix and integrated communities that enjoy a high quality of life and wellbeing.
- Development Management Guidelines - Section A1.4.2 of Appendix 1 of the Plan sets out development management guidelines for urban residential development. Relevant guidelines are referenced within the assessment where appropriate.
- Cycle Design Manual (2023).

5.2 National Planning Framework

The National Planning Framework 'Project Ireland 2040' (as revised 2025) addresses the issue of 'making stronger urban places' and sets out a range of objectives to support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

- National Policy Objective 27 Continue to support programmes for 'new homes in small towns and villages' with local authorities, public infrastructure agencies such as Uisce Éireann and local communities to provide serviced sites with appropriate

infrastructure to attract people to build their own homes and live in small towns and villages.

Section 28 - Ministerial Guidelines

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

Under these Guidelines, Tulla is defined as a 'Rural Town and Village' with a population of 1,500 persons or less, that offers services to a wide rural hinterland. These settlements are not identified for significant population growth under the NPF and should grow at a limited pace that is appropriate to the service and employment function of the settlement, and the availability and capacity of infrastructure to support further development. New development should contribute to compact towns and villages and offer alternatives to urban generated housing in unserved rural areas.

Section 4 of the Guidelines deals with Quality Urban Design and Placemaking. The Guidelines outline the four key indicators of Quality Design and Placemaking which should inform the development strategy of settlements, neighbourhoods and/or an individual sites. The indicators are Sustainable and Efficient Movement, Mix and Distribution of Uses, Green and Blue Infrastructure and Responsive Built form

Section 5 of the Guidelines deals with Development Standards for Housing and includes a number of specific planning policy requirements (SPPRs). Specific policies (including SPPRs) and objectives are referenced within the assessment where appropriate.

Other Ministerial Guidelines

The following Section 28 - Ministerial Guidelines are also considered of relevance to the proposed development.

- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009).

- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Cycle Design Manual (2023).

5.3 Natural Heritage Designations

Slieve Aughty Mountains SPA – c.2.6km to the north of the site

Newgrove House SAC – c.3.7km to the west of the site

Cloonloun More Bog NHA – c.4km to the east of the site

Lough Cullaunyheeda pNHA- c.4.2km to the south of the site.

5.4 Environmental Impact Assessment- Preliminary Screening

(See Appendix 1 at the end of this report). Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. An EIA, or EIA screening determination, therefore, is not required.

5.5 Water Framework Directive-Screening

The appeal site is located approximately 12.9 kilometres north-east of the nearest boundary of the Lower River Shannon SAC (site code 002165).

The proposed development relates to the construction of thirty-nine residential units associated site works and connection to public water services. The detailed development description is set out within Section 2.0 of my report above.

Potential for impact upon water quality was not raised by the Planning Authority nor by any of the observers. The appeal site is an urban brownfield one which is fully serviced in that there is access to the public watermain and foul sewer network. The appeal site is located within Flood Zone C as per the flood mapping set out within the current Clare County Development Plan 2023 where a low risk of flooding is identified.

I have assessed the planning documentation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface and ground water bodies in order to reach good status

(meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, in relation to surface water management, I am satisfied that it can be eliminated from further assessment, as the applicant has demonstrated that there is no conceivable risk to the Galway Bay SAC in terms of its water quality.

The reason for this conclusion is as follows:

- The location of the subject site, removed from the nearest boundary of the the Lower River Shannon SAC.
- The absence of hydrological connections to the River Shannon.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

6.0 The Appeal

6.1 Grounds of Appeal

Appeals have been received from two adjoining third party landowners against Clare County Council's decision to grant planning permission. The grounds of appeal are summarised as follows.

Michael O'Halloran

- The submission notes that the observer is the original owners of the site. As part of the purchase agreement, a 9m strip of land along the access road and a 5m strip of land to the front of his dwelling is retained.
- Seeking to modify planning condition number 4 relating to the boundary treatment along the northern site boundary between points 'F' to 'I' as set out within the Site Layout Plan be altered to comprise block wall boundaries, with partial stone facing on the northern side of the boundary wall.

- Seeking that planning condition number 8 be modified whereby no access would be provided between the appeal site and the private laneway immediately north of the appeal site which is outside of the applicants' ownership. He is seeking that a 1.8 metre solid wall boundary be provided on the northern part of public open space number 2 with no pedestrian opening onto the adjoining private laneway.
- He is not opposed to providing access to his lands for access to water services but seeking that his property be reinstated to the condition they were in prior to the works being undertaken.
- Special Condition 15 of the sales agreement between the appellant and the applicants clearly stated that the only link between the private roadway and the sale of the subject site, was that the purchaser or his workers, were allowed to enter on to the road for the sole purpose of relocating a combined storm and sewer drain, part of which runs under the road. The sales agreement does not allow for any other form of access onto his lands or roadway. He is opposed to the insertion of the pedestrian gate within the walled boundary to the north of public open space number 2 which would access onto his property Rectory Lane).
- There is no ambiguity regarding the ownership of the road and lands. Prior to the sale of the subject site, Folio CE 20961 F showed the full extent of the land holding (Appendix C of observation submitted).

Margaret & Kevin Scanlon

- Seeking to modify planning condition number 4 relating to the boundary treatment along the southern site boundary between points 'D' to 'C' and 'B' and 'C' as set out within the Site Layout Plan be altered to comprise block wall boundaries, with partial stone facing and topped with a steel railing adjoining their property.
- The timber/concrete fencing proposed is not acceptable as they farm the land beside their home and have livestock

6.2 Planning Authority Response

The Planning Authority's response to the appeal is summarised below.

- The laneway to the north of the appeal site is in private ownership.
- The planning documentation sets out that an access to services is via the appellants' lands and this was agreed as part of the contract of sale. The appellants did not raise this as an issue within their observation to the PA.
- With regard to the boundary treatment along the northern boundary of the appeal site, the PA agreed with the appellants that the concrete post and fill timber panels were inappropriate. The PA is satisfied that the permitted boundary treatment (as per condition number 4) is robust and appropriate to this location comprising mainly of a 1.8 metre block wall with natural stone facing on the northern side, towards the appellants' property.
- Contrary to the grounds of appeal, the permitted plans do not provide for a gateway access from the appeal site to Rectory Lane, nor is there a post and rail fence permitted to the north of public open space area number 2. This boundary treatment can be modified should access to the lane be agreed with the relevant landowner in the future.
- Any reinstatement works along Rectory Lane (in private ownership) must be agreed directly between the developers and the appellant (Mr O Halloran).

6.3 Observations

None received.

6.4 Applicants response to the issues raised within the third-party appeal submissions

- In principle, the applicants' have no issue in altering the boundary treatments from those conditioned by the Planning Authority under condition number 4 of its decision.

- The applicants accept that Rectory Lane is in private ownership and outside of the ownership of the applicants, but that the applicants have been permitted access to the lane for the servicing of the development proposals.
- No gateway access to Rectory Lane has been illustrated within the planning documentation/drawings, however, future connectivity can be facilitated as illustrated within the Site Layout Plan drawing,
- The applicants references Special Condition 15 of the sales agreement between the appellant and the applicants clearly stated that the only link between the private roadway and the sale of the subject site, was that the purchaser or his workers, were allowed to enter on to the road for the sole purpose of relocating a combined storm and sewer drain, part of which runs under the road. The sales agreement does not allow for any other form of access onto his lands or roadway. Condition number 20 within the planning decision seeks that piped water services are put in place to serve the proposed development, part of which require access to Rectory Lane.
- The imposition of condition number 20 will not adversely impact the enjoyment of the adjoining lands nor reduce their value.

7.0 Assessment

Having examined the planning documentation submitted, the content of the third-party appeals received, and the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national planning policies and guidance, I consider that the main issues in this appeal are as follows.

- Zoning and Principle of Development
- Design and Layout
- Appropriate Assessment

7.1 Zoning and Principle of Development

- 7.1.1 The subject appeal is assessed under the County Development Plan 2023-2029. The subject site is identified as R2-Residential within the Tulla Settlement Plan with a site-specific objective which requires that 'development proposals must provide for

vehicular access to the Mixed-Use lands which are located to the rear of the Main Street as well as pedestrian linkages to the Main Street'. The lane to the north of the appeal site (Rectory Lane) is indicated in the Tulla Settlement Plan as a 'New Link' to the Main Street. The Tulla Settlement Plan also states that "There is the potential to create a new link from the historic town core to the new developments to the west of the town, which could reactivate a historic passageway". This new link is not included within the scope of this current the application. Furthermore, a 9m strip of land has been retained by the vendor of the subject lands and excluded from the site boundary where the site meets the public road to the north.

7.1.2 However, the applicant has indicated a future 'pedestrian access' point within the Site Layout Plan at the northern boundary of the site within public open space number 2. However, the current arrangement whereby the vendor retains a 9m strip of land between the proposal site and the laneway to the north, inhibits the achievement of this particular aspect of the development objective for the site. The applicant has not provided for vehicular access to the mixed-use lands which are located to the rear of the Main Street but has shown possible future pedestrian access to the private laneway/mixed use zoned lands located immediately north of the subject site. The third-party appellant (Mr. O Halloran' clearly states within his appeal submission that he will never allow public access to the private laneway which immediately adjoins the mixed use zoned lands to the rear of the Main Street. Therefore, it is apparent from the information submitted that the realisation of this specific part of the R2 objective is hindered due to land ownership matters, which are beyond the control of the current applicants.

7.1.3 The information on file indicates that the vendor of the site requested that the access road to his home be retained as private access. A third-party observation from the vendor contends that this lane is in private ownership and future occupiers of the site have no right of access. The Planning Authority in their submission to the Board (concluding statement) acknowledge 'that the laneway to the north of the development site is privately owned, and the development proposals were assessed on that basis....this is evident in the considerations set out in the Planner's Reports'. The issue of landownership is clearly a contentious issue. I consider that favourable consideration is possible in this instance, given the background to the land ownership issue shave been clearly provided by the applicants, the vendor of the

lands and owner of the adjoining private laneway and also in the correspondence received from the Planning Authority (PA).

7.1.4 The issue of permeability is central to the assessment of these proposals, and this is evident from the wording within the R2 site objective. The site is located in close proximity to the town centre of Tulla and the facilities and services on offer therein. The applicants have submitted a transport and mobility statement, included as Section C within the design statement. This statement addresses the matters of connectivity to adjacent services and facilities and permeability. The applicants have detailed the distances from the appeal site to Tulla town centre and various local services and facilities including the nearest bus stop/route, local shop, local Montessori and schools.

7.1.5 Given the proximity of the subject site to the centre of Tulla town which is approximately 700 metres when walking in a northerly direction from the appeal site, and the location of the appeal site in close proximity to the a local shop, Montessori and school services and the bus route which serves between Tulla and Ennis, I consider that the site is sequentially appropriate and future residents would benefit from meaningful pedestrian connections to local services and connections, even in the absence of a more direct pedestrian route to the Main Street via the adjacent mixed use zoned lands. I note that the mixed use zoned lands remain undeveloped to date and that to date, no development proposals have been submitted to the PA/Board in relation to same. However, the applicants have stated that connectivity to the town centre could be facilitated in the future as provided for within their layout via public open space area number 2, which I consider to be both reasonable and acceptable given the specific set of circumstances that have been articulated by all parties to the appeal, including an appellant, the applicants and the Planning Authority .

7.1.6 I consider that the facilitation of this future linkage is important for the proper planning and sustainable development of the subject lands. Section 4.4 of the Sustainable and Compact Settlements Guidelines, together with Appendix D of the guidelines set out key indicators of Quality Urban Design and Placemaking, which include 'Sustainable and Efficient Movement'. The guidelines support the transition away from private car use and support the ease of movement for pedestrians, cyclists and public transport at every level of settlement. I also note CDP Objective

11.5 requires walkability and accessibility to be a central consideration in the planning and design of all new developments. The Development Management Guidelines set out in Appendix 1 of the CDP also require proposals for housing developments comprising 10 units or more shall be accompanied by a Transport and Mobility Statement outlining how convenient pedestrian and cyclist connectivity to the surrounding community has been integrated into the design and layout of the proposed development. I consider that the applicants have adequately demonstrated pedestrian and cyclist connectivity to the adjacent services and facilities.

7.2 Design and Layout

- 7.2.1 As set out in Section 4 of this report above, the applicants were previously refused planning permission in this site for the development of thirty-six residential units by the Planning Authority and this decision was subsequently upheld by the Board under 315105-22. The refusal reason set out by the Board related to a substandard layout, building form and design which did not respond to the specific characteristics of the site, that the development was of insufficient architectural quality and failed to integrate appropriately with surrounding lands.
- 7.2.2 However in this instance, the Planning Authority permitted the residential development, and they have acknowledged that the applicants have made material changes to the design and layout of the proposals previously refused planning permission. The current proposals have been informed by the design statement prepared by their architects. The design statement also includes a landscape plan, a transport and mobility statement as well as referencing architectural, cultural and historical aspects relating to the site and its vicinity. All of these elements have fed into the evolution of the revised residential layout as well as having regard to the issues raised within the previous Planning Authority reports and issues raised by the Planning inspector and the Board under Board reference number 315105-22.
- 7.2.3 The design statement provides a rationale for the design and layout as presented. The design statement sets out that the layout generally follows the boundaries of the lands purchased and existing field boundaries with trees and hedgerow preserved where possible. The design approach uses the natural contours of the site to

accommodate the development which would require the minimum amount of 'cut and fill'.

- 7.2.4 Issues relating to design and layout were raised in the first planning report of the Case Planner. The issues raised included the failure to adequately address the private laneway immediately north of the appeal site, the capacity of the local stormwater network to cater for the surface water generated on site and in relation to internal road signage and markings, the provision of turning bays to meet the current road standards and also to address road safety at the internal road junctions. These issues were raised in the further information request, and the responses received were largely to the satisfaction of the Planning Authority (PA) subject to a number of issues being addressed by means of planning conditions, specifically in relation to boundary treatment along the northern and southern site boundaries, in particular.

Connectivity and linkages:

- 7.2.5 Within the design statement, the applicants have outlined a number of issues which have influenced the layout of the development including that two strips of land have been excluded by the vendor of the lands, including a 9 metre strip of land between the proposal site and the private roadway to the north and a 5 metre strip in front of the vendors dwelling (Glebe Hose Rectory) located immediately east of the appeal site, both of which have influenced the layout and design for the site. I note the R2-site-specific development objective for the site requires that 'the portion of the pedestrian/cycle link passing through R2 shall be integrated into the scheme design, availing of footpaths and lighting, and shall be overlooked by houses for passive surveillance in any new development.' The submitted design proposal provides connectivity to the adjacent mixed use zoned lands to the north when and if access is required in the future. The applicants have also provided for a possible future access from the appeal site to the adjoining residential zoned lands, located south-west of the appeal site as per their Site Layout-General arrangement drawing. The applicants set out that Special condition number 15 of the sales agreement stated 'that the only link between the private roadway and the sale of the subject site, was the purchaser or his workers were allowed to enter onto the road for the sole purpose of relocating a combined storm and sewer drain, part of which runs under the road. The sales agreement does not allow for any form of access onto his lands or roadway'.

7.2.6 The concept for the five homezone areas as provided for within the Design Manual for Urban Roads and Streets (DMURS) 2013 encourages the provision shared surfaces within residential layouts. The design approach seeks to provide for a sustainable community delivering safe, convenient and attractive networks of connections. The connectivity within the site and to the adjoining town centre and local facilities and amenities are detailed within the Transport and Mobility statement. This identifies the distance to the local (Tulla) town centre as being 705 metres, the local shop a being 126 metres (approximately a four minute walk) from the appeal site, which is also the location of the local bus stop (Route 335) linking Tulla with Ennis which runs every week day between 7.40am at 17.15, a local Montessori facility is located on the opposite side of the R462 from the appeal site and the local primary and secondary schools are within 300 metres of the appeal site. I consider that the transport and mobility statement has demonstrated that there are opportunities for future residents to avail of more sustainable travel modes/patterns given the proximity of local facilities and services within a relatively short distance of the appeal site. There are currently no dedicated cycle lanes within Tulla at present and cyclists are required to use the existing roadway. Dropped kerbing and tactile paving will be provided at all crossing points and the internal footpaths will connect into the existing footpath network, along the R462. Streetlighting will also be provided to optimise safety for pedestrians. The applicants have stated that they are happy to accept a condition for the submission of a Construction Management Plan (CMP) for the written agreement of the PA prior to the commencement of development.

7.2.7 On balance, I consider that the applicants have made sufficient alterations to the layout and have provided a strong rationale for the layout as presented within their design statement. It is clear that the adjoining laneway immediately north of the appeal site is in private ownership and is not under the control of the applicants, as was clearly stated within the appeal submission received from Mr O Halloran and also within the submission received by the Board from the Planning Authority. I note that the layout as presented provides for connectivity from public open space are 2 to the mixed-use zoned lands on the northern (opposite) side of the private laneway, Rectory Lane. This leaves the possibility open to the PA at a future stage to provide for pedestrian/vehicular connectivity to the adjacent Mixed use zoned lands, as

envisaged with the R2 objective. Unfortunately, the R2 site specific objective has not taken account of land ownership matters, and specifically that Rectory Lane is in private ownership, a matter that the Council did not previously have knowledge of, from the information set out within documentation under Board reference 315105-22. The PA would have to engage with the owner(s) of the private laneway (Rectory Lane) and reach a voluntary agreement or through the use of compulsory purchase powers in order to realise this particular aspect of the R2 specific objective in terms of connectivity to the Tulla town centre. In any event, connectivity is achievable by means of the footpaths along the existing adjoining public roads and footpaths, albeit a greater distance is involved, and the route is more circuitous to Tulla town centre. However, as set out within Section 7.2.7 above, strong connectivity to the local town centre, local services and facilities is available from the subject site.

- 7.2.8 Section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. Section 34(13) of the Planning and Development Act 2000 (as amended) states: A person shall not be entitled solely by reason of a permission under this section to carry out any development. I am satisfied that the provisions outlined above give the Board sufficient comfort to permit the alterations to the commercial building as proposed.

Residential density, type and range

- 7.2.9 The development would provide for a total of thirty-nine residential units within a site area of 1.54 hectares, resulting in a density of 25.34 dwellings per hectare (dph). The Core Strategy within the current Clare County Development Plan (CDP) provides for densities of 25 units per hectare for small towns including Tulla as per table 3.4. A residential allocation of 62 residential units for the settlement has been allocated for the period 2023-2029. Therefore, the current proposals are within the parameters set out with the Core Strategi provisions within the current Development Plan.
- 7.2.10 I note the overall density of the development is in keeping with the densities of adjoining housing and in accordance with the Sustainable Residential Development

and Compact Settlements Guidelines for Planning Authorities (2024). Similarly, the housing mix is considered to be in accordance with Objective CDP5.8. The Compact Settlement Guidelines contain several Specific Planning Policy Requirements (SPPRs) with which the proposed development must comply. I note that a housing quality assessment and schedule of dwelling types and floor areas has been submitted as part of the planning documentation to demonstrate compliance with the standards. The submitted plans achieve the minimum required private open space of 30sqm for 2-bed houses, 40sqm for 3-bed houses and 50sqm for 4-bed houses (SPPR 2), and a separation distance of at least 16 metres between opposing windows above ground floor level (SPPR 1). In accordance with SPPR 3, the applicant has also proposed 2 no. parking spaces for each dwelling in accordance with the maximum rate allowed for peripheral areas.

7.2.11 I note that the development includes one main area of public open space to the north of the appeal site, that adjoins Rectory Lane and a number of smaller pockets of public open space at the in the access to the site off the R462, and along the southern site boundary in an area where there are presently several mature beech and Sycamore trees, (to be retained) totalling 0.309ha, stated to comprise 20.6% of the total site area. I note that the applicants have submitted a landscape plan as part of their planning documentation, outlining how the mature trees would be protected during the construction period and that there are active areas of open space located within each of the five homezone areas and directly overlooked by the residential units in order to optimise the extent of passive surveillance. The applicant has had regard to the context of the site and its natural features. I consider that the layout has been informed by the ecological and environmental constraints of the site through the carrying out detailed tree surveys and ecological assessments to gain a true appreciation of the natural assets that exist within the site which in turn have informed the current layout.

7.2.12 The applicants set out within the design statement that 'future linkages to Rectory Lane have also been facilitated (within the Site Layout) if at a future date uptake is taken as regards adjoining zonings and future agreement between Clare County Council and the owner of the laneway'. The layout as presented provides for five homezone areas, all of which are located in proximity to an area of public open space. The applicants have provided for a range of house types within the layout

ranging in bedspace size from two bedrooms to four bedrooms and the floor areas vary from 78 square metres (sq. m) to 147 square metres, with the end dwellings being dual aspect whereby they address both internal roads that they have an aspect towards. Unit numbers 30-35 now directly address the R462, at a location where dwellings previously backed onto to the R462 under Board reference 315105-22, providing for a more visually pleasing aspect from both perspectives. The house designs incorporate a deep plan format and will be constructed in accordance with current building regulation standards, delivering a minimum A2 building energy rating. The principles of universal design have been incorporated within the dwelling designs.

7.2.13 The site layout and the dwelling design has also been improved, and I consider has addressed the previous reason for refusal as set out by the Board in relation to substandard layout, building form and design. The design statement sets out a layout which provides for five home zones, each in proximity to a pocket of public open space, and the design of the dwellings have been improved, providing for a great range and size of house type and improved design including dual aspect elevations, where dwellings directly address public open space and/or internal street corners. The layout generally follows existing field boundaries, and a significant amount of existing hedgerow and mature trees will be preserved within the proposed development.

7.2.14 The homezones provide for small residential clusters in proximity to public open spaces. The homezones promote the principle of shared surfaces, where the roads within these zones comprise of short and curved stretches. These curved features create a safe environment for pedestrians and drivers and are recognised as a passive method of managing speeds of vehicular traffic within residential developments. I consider that the layout as presented has adequately addressed the reasons for refusal as set out by the Board under 315105-22 in that there is a greater distribution of public open space throughout the development, the range of dwelling types and sizes and their design has been improved in that dwelling numbers 30-35 specifically address and face towards the R462 and providing for a dual aspect design where a dwellings form part of the end of an internal street and in terms of provision has been made for connectivity to the mixed use zoned lands on the opposite side of Rectory Lane, which is in private ownership.

7.2.15 The applicants have modified the design in proximity to public open space number 2, where dual frontage houses are provided which face onto the internal spine road and also onto public open space area number 2. A footpath/cyclepath through public open space area 2 has also been provided to facilitate possible future connectivity to the adjacent mixed use zoned lands to the rear of the Main Street. I am satisfied that public open space area 2 will benefit from passive surveillance which will provide for great usage and functionality within that area of public open space. The current proposals will provide for dwellings which will back/side onto the private laneway along the northern site boundary. However, the Planning Authority are seeking (within planning condition number 4) that a high quality walled boundary, topped with metal railings would be faced with natural stone on the northern side of the northern site boundary would provide for a high quality of finish when the development would be viewed from the private laneway and I consider this to be a prudent approach by the PA.

Landscaping and boundary treatment

7.2.16 The layout also has had regard to the existence of the mature beech and sycamore trees that are within the southern and central parts of the appeal site. Fifteen mature trees will be maintained under the proposal and the applicants have submitted details of protective Harras fencing that would be used around the trees during the construction phase to ensure their integrity is maintained. The applicants have explained that three trees (1 Sycamore, Hawthorn and Weeping Ash) have been recently felled, due to their poor condition. The layout as proposed have also been influenced by the retention of the mature trees on site which are stated to be in good condition. The retention of these mature trees as is considered to be an important part of the overall layout and is to be welcomed and will assist in assimilating the residential development within the local townscape.

7.2.17 With regard to boundary treatments, I note that all the third-party submissions have raised the issues of boundaries, requesting that the boundary with each of their respective properties consist of a 1.8 - 2.0m block wall. This would have the effect of encircling the site within a large block wall which would have a significant negative visual impact on the amenities of the area. I note that condition 4 as set out within the PA's planning decision has identified a range of boundary treatments for various section of the site perimeter. The majority of the perimeter boundaries as conditioned

by the PA would comprise block walls ranging in height from 450 millimetres up to a height of 1.8 metres, with many sections incorporating natural stone facings where the walls would adjoin residential properties and also facing north, towards Rectory Lane. However, between points D-E-F along the southern and western site boundaries, a 1.8-metre-tall concrete post and panel fence is proposed, which I consider inappropriate, particularly where points E-F are immediately adjoining an appellants' dwelling. These boundaries should be treated sensitively to respect the amenities of neighbouring dwellings and provide for a 1.8 metre block wall and faced in natural stone to the south and west facing sides of those boundaries. This is a matter that can be addressed by means of an appropriate planning condition, in the event that a grant of planning permission is being recommended.

- 7.2.18 In conclusion, Having regard to the considered design of the proposed residential development, having regard to the particular characteristics of the site in terms of the existence of mature trees within the site, the rising site contours within the site and the existence of existing established residential dwellings adjoining the site, I consider that the design and layout as proposed has addressed the issues of sub-optimal layout, building quality and design previously raised as issues by the Planning Authority and the Board. I consider that the layout as presented has had regard to the asymmetrical site configuration, the existence of mature trees along the south and south-eastern site boundaries and within the central part of the site and has had regard to the amenities of neighbouring dwellings. I consider that the layout as presented responds to the specific characteristics/features of the site. I consider that this has substantially contributed to the quality of the layout and design. The proposed development would contribute positively to the public realm or place-making, would provide for integrated development in accordance with policy objectives CDP4.6 in relation to sustainable development in small towns and policy objective 5.8 in relation to in terms of providing an adequate mix of house types to meet the needs of the likely future population within the current Clare Development Plan and is considered to accord with the proper planning and sustainable development of the area.

7.3 Other Issues

- 7.3.1 I note the comments received from the Department of Culture Heritage and the Gaeltacht who recommended that the applicant submit an Archaeological Impact

Assessment (AIA) as part of a further information request. I consider that this matter can be addressed by means of an appropriate planning condition in the event that a grant of planning permission is being recommended.

7.3.2 The applicants have submitted correspondence that they received from Uisce Eireann (UE) regarding the servicing of the appeal site. Uisce Eireann confirm that there is adequate capacity available within the watermains and foul sewer networks to serve the proposed development. UE make a number of specific points in relation to having sufficient fire storage capacity within their development. The issue of compliance Fire Regulations will be evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal. UE state that there is an existing public foul sewer that traverses the site. The proposed development is likely to impact and impinge on this sewer. The applicant should locate and survey the sewer and revise the site layout to ensure no dwelling or structure is located within 5m of the public sewer. Alternatively, the applicant may propose to divert this sewer within the site. The applicants state that they are proposing to divert the foul sewer, details of which should be agreed in writing with UE prior to the commencement of development.

7.3.3 Following the issuing of the further information response the applicants liaised with the local Area Engineer within the Killaloe Municipal District (MD) office and have agreed to undertake a joint venture project with the Killaloe MD whereby a section (stated to be 350 metres by the Area Engineer) of the public storm water network between the appeal site and the point of discharge would be relocated and upgraded. The AE states within his report that the storm water pipe would be upsized from 300mm to 600mm at the expense of the applicants. This is a matter that can be addressed by means of an appropriate planning condition.

8.0 Appropriate Assessment

8.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 2.6 km to the south of the Slieve Aughty Mountains SPA and 3.7 km to the east of Newgrove House SAC. The development description was set out within Section 2 of the report above. Neither of the appellants made reference to the

potential for adverse impacts to arise upon Natura 2000 sites. The applicants did not submit an Appropriate Assessment (AA) Screening Report as part of their planning documentation. The PA also conducted an AA screening exercise, referenced in Section 2.5 of this report above.

- 8.2 The nearest European sites to the appeal site are the Slieve Aughty Mountains SPA to the south and Newgrove House SAC, 3.7 km to the west of the subject site. I consider that the appeal site is not hydrologically/ecologically connected to any of the European sites, located south and east of the appeal site. There were no drainage ditches evident within the confines of the appeal site or along its boundaries. Therefore, I am satisfied that there is no apparent surface water hydrological link between the appeal site and any European site connected to the west or south of the site.
- 8.3 I am satisfied that once the proposed development is constructed in accordance with best practice standards and in accordance with a construction traffic and environmental plan (to be conditioned) and given that the site would be connected to the public piped water services that no adverse impacts on water quality, or the qualifying interests or conservation objective of any European site would arise.
- 8.4 I am satisfied that with the implementation of the standard control construction measures including those of surface water management in the form of attenuation tanks and a hydrocarbon interceptor will not result in the residential development adversely impacting upon surface nor groundwater quality in this area. I consider that even in the unlikely event that the standard control measures should fail, an indirect hydrological link (via the underlying groundwater body) represents a weak ecological connection. I consider this to be the case given the separation distance to the nearest SPA and SAC sites, the absence of suitable habitat on site to serve the particular protected species for foraging/feeding purposes. As such any pollutants from the site that should enter groundwater during the construction stage, via spillages onto the overlying soils, or via spillages into the surrounding drains, will be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the Lower River Shannon unlikely. This conclusion is supported within the Planning Authority's AA screening Report, which set out the following 'It is

concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites’.

8.5 Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The relatively modest scale of the proposed residential development, which would connect to the public piped water services,
- The separation distance from the nearest European site and the lack of hydrological or ecological connectivity to any Natura 2000 site.
- The AA screening exercise conducted by the Planning Authority which concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites.

8.6 I conclude that on the basis of objective information, the proposed development would not have a significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and, therefore, Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

9.0 Recommendation

I recommend that planning permission be granted subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the location of the site within the ‘existing built up area’ of Tulla on zoned and serviced lands, the provisions of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024), specifically Table 3.7-Areas and Density ranges-for Rural towns and villages and the Clare County Development Plan 2023-2029, specifically Policy Objective 4.2.3 regarding Settlement hierarchy and Strategy, Policy Objective 4.6 which seeks investment in the sustainable development of new homes in small towns, including Tulla’, and Policy Objective 5.8 in terms of securing the development of a mix of house types to meet the needs of the likely future population 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 consistent with the Core Strategies of the Development Plan, that the proposed density of development is appropriate and that the development would not result in the creation of a traffic hazard or seriously injure the amenities of neighbouring residential properties within the area and would be well connected to local services and facilities. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 9th day of December 2024 and as amended by the further plans and particulars submitted on the 19th day of March 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 Water supply and 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.

- 3 The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann prior to the commencement of this development. Specifically details in relation to the rerouting of the public foul sewer shall be agreed in writing with Uisce Eireann prior to the commencement of development.

Reason: In the interest of public health.

- 4 Details of the materials, colours, and textures of all the external finishes to the proposed development, including external lighting throughout the development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenities.

- 5 (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.

(b) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of pedestrian, cyclist, and traffic safety.

6. a) Final details of the setting back of the appeal site along the western boundary of the appeal site along Church Road and reconstruction of the public footpath at this location shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

b) The developer shall apply for and be issued with a road opening licence from Clare County Council prior to the commencement of any works along the perimeter of Church Road.

Reason: In the interest of public safety and sustainable transportation.

- 7 a) Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development except for the areas subject to condition 7 b) below.

b) The site perimeter between points D-E-F as part the Site Layout-General arrangement-drawing number WDT2-01-PL24 shall comprise a 1.8 metre block wall with natural stone face on the southern side between points D-E and on the western side between points E-F.

Reason: In the interest of visual and residential amenity.

8. Proposals for a naming and 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 numbers shall be provided in accordance with the agreed scheme.

Reason: In the interests of amenity and of the proper planning and sustainable development of the area.

9. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

- 10 The landscape and tree planting plan as submitted on drawing number TAH-TPP-1-24, as submitted to the planning authority on the 9th day of December 2024, shall be implemented within the first planting season following substantial completion of external construction works.

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.

The existing mature trees on site as identified within drawing number TAH-TPP-1-24 shall be adequately protected with the use of Harras type fencing or other suitable protective fencing for the full duration of the construction works.

Reason: In the interest of residential and visual amenity.

11. All the communal/visitor parking spaces serving the residential units shall be provided with functional electric vehicle charging points to allow for the provision of future electric vehicle charging points. 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.
12. All of the houses with on-curtilage parking shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

13. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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 residential amenities of property in the vicinity.

14. The construction of the development shall be managed in accordance with a Construction Traffic and Environmental Waste Management Plan, 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, management of construction waste and materials on site, environmental control measures, including noise, dust and vibration management measures, working hours, construction traffic and parking, management of laying of independent foul sewer line, liaisons with neighbours during the construction period, measures for managing construction sediment run-off and off-site disposal of construction/demolition waste.

15. The construction of the development shall be managed in accordance with a Construction Waste Management Plan, 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

16. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority full details of the proposed public lighting along Church Road and throughout the residential scheme, including the lighting levels within the public open space areas of the development.

Reason: In the interests of public safety and residential amenity.

17. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority full details of the proposed connection to the storm water sewer, including details of the re-routing of the network and upsizing of the piped network up until its discharge point. The upgrading and re-routing costs shall be borne by the developer and at no cost to the Local Authority, unless otherwise agreed.

Reason: In the interests of public health.

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 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 Bord 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. 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 Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

20. 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.

- 21 The developer shall engage a suitably qualified archaeologist to carry out an Archaeological Impact Assessment (AIA) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The AIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork, the latter to include, where applicable - geophysical survey, metal detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts). The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA. Any further archaeological mitigation requirements specified by the Local Authority Archaeologist, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

REASON To ensure the continued preservation either in situ or by record of places, sites, features or other objects of archaeological interest.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Fergal Ó Bric
Planning Inspectorate

20th day of August 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	322462-25		
Proposed Development Summary	Permission for the construction of thirty-nine residential units, all associated site works and connections to public services.		
Development Address	Church Road, Tulla, Co. Clare		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	x	
	No		

2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank		
No	Tick or leave blank	A residential scheme of this scale does not fall within a class of development as per the P & D Regulations. Class 10, (b), (i) (threshold is 500 dwelling units)	x
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		
No	Tick/or leave blank		X
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	Proposals relate to the development of a thirty-nine-unit residential scheme.	X

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	X
Yes		

Inspector: _____ **Date:** _____