



An
Coimisiún
Pleanála

Inspector's Report PL-500221-CE-25

Development	Construction of 3 houses along with all associated site works. A Natura Impact Statement (NIS) will be submitted with the application
Location	Riverside Court, Clonroad More, Ennis, Co. Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	2560506
Applicant(s)	Connellan Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Connellan Developments Ltd.
Observer(s)	
Date of Site Inspection	18 th January 2026.
Inspector	Kathy Tuck

1.0 Site Location and Description

- 1.1. The subject site which has a stated area of 0.134ha is situated within the Riverside Court estate located to the south-west of Ennis town centre. Access is provided to Riverside from Clonroad More road (L-4506) which is a Local Primary road, to the north of the subject site. The N85 bypass road is located to the south of the subject site.
- 1.2. The site is relatively flat in nature and comprises a green area which is enclosed by a post and rail fence on the western boundary and an existing block wall and hedging to the north, south and east.

2.0 Proposed Development

- 2.1. This is an application for the construction of three no. new dwelling houses, consisting of one pair of semi-detached houses and one no. detached house, along with all associated site works and services. A Natura Impact Statement (NIS) will be submitted with the application.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to grant planning permission on the 9th October 2025 subject to 16 no. conditions. The condition relevant to this appeal, Condition no. 16, states the following:

- Prior to the commencement of development the developer / applicant shall pay a contribution of €16,647 to Clare County Council in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided for 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. At the time of payment, the contribution will be subject to any applicable adjustment in accordance with the relevant provisions of the

Planning Authority's development contribution scheme in place at the time of payment. Any contributions owing post commencement of development may be subject to interest penalties.

Reason: It is considered appropriate that the developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the Planning and Development Act 2000 as amended, and that the level of contribution payable should be adjusted at a rate in the manner specified in that scheme.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer sets out detail of the site, the proposed development, the planning history of the subject site, the land use zoning pertaining to the site and relevant policy, technical reports received from the internal and external consultees and a summary of third-party summaries received. Also, the report provided for an assessment of the NIS which accompanied the application and an EIA Screening determination.

The assessment considered that the principle of development was acceptable and provided for a robust consideration of the impact the proposal would have upon the visual, residential amenity of the existing residents. The report concluded with a recommendation that reflected the decision of the Planning Authority.

3.2.2. Other Technical Reports

Ennis MD: The report notes no objection subject to condition.

Environmental Officer: The report notes no objection subject to condition.

3.3. Prescribed Bodies

TII – Requests that the Planning Authority has regard to official policy.

3.4. Third Party Observations

The Planning Authority received 3 no. letters of observation. The Planning Officer provides for a detail summary of such within their assessment.

4.0 Planning History

PA Ref 11/617 Extension of duration granted for permission granted under PA Ref 04/1980.

PA Ref 04/1980 Permission GRANTED for A) Revised house design with 2 No. car parking spaces, b) Revised site layout showing: 1 Reduction of No. of houses from 11 no. detached to 8 No semi-detached and 1 No. detached; (2) Increased public open space; (3) Details of water mains, foul sewer and storm/surface water networks (4) Turning bays in accordance with section 2.6 of ; recommendations for site development work for housing areas: (5) Existing contour levels relative to finished floor levels of proposed houses; (6) Relocation of existing high tension power lines; (7) Detailed landscaping proposals.

PA Ref 01/197 Permission GRANTED to divert a 38 KV electric line from a point on the existing line in the townland of Clonroad More, over or in the vicinity of the following townlands Clonroad More, to the existing 38KV electric line in the townland of Clonroad More

5.0 Legislative Context (Financial Contributions)

5.1.1. Section 48 Development Contributions:

(1) A planning authority may, when granting a permission under section 34, include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that it is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding for the infrastructure and facilities);

(2) (a) Subject to paragraph (c), the basis for the determination of a contribution under subsection (1) shall be set out in a development contribution scheme made under this section, and a planning authority may make one or more schemes in respect of different parts of its functional area.

(b) A scheme may make provision for payment of different contributions in respect of different classes or descriptions of development.

(c) A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.

(3) (a) A scheme shall state the basis for determining the contributions to be paid in respect of public infrastructure and facilities, in accordance with the terms of the scheme.

(b) In stating the basis for determining the contributions in accordance with paragraph (a), the scheme shall indicate the contribution to be paid in respect of the different classes of public infrastructure and facilities which are provided or to be provided by any local authority and the planning authority shall have regard to the actual estimated cost of providing the classes of public infrastructure and facilities, except that any benefit which accrues in respect of existing development may not be included in any such determination.

(c) A scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme.

3A) Where a permission which includes conditions referred to in subsection (1) has been granted under section 34 in respect of a development and the basis for the determination of the contribution under subsection (1) has changed—

(a) where the development is one to which Part II of the Building Control Regulations 1997 applies and a commencement notice within the meaning of that Part in respect of the development has not been lodged, or

(b) where the development comprises houses and one or more of those houses has not been rented, leased, occupied or sold,

the planning authority shall apply that change to the conditions of the permission where to do so would reduce the amount of the contribution payable.

3B) Where a development referred to in subsection (3A) comprises houses one or more of which has not been rented, leased, occupied or sold the planning authority shall apply the change in the basis for the determination of the contribution referred to in that subsection only in respect of any house or houses that have not been rented, leased, occupied or sold.

(3C) Where the planning authority applies a change in the basis for the determination of a development contribution under subsection (3A) it may amend a condition referred to in subsection (1) in order to reflect the change.

5.1.2. Section 48(10) provides:

(a) Subject to paragraph (b), no appeal shall lie to the Board in relation to a condition requiring a contribution to be paid in accordance with a scheme made under this section.

(b) An appeal may be brought to the Board where an applicant for permission under section 34 considers that the terms of the scheme have not been properly applied in respect of any condition laid down by the planning authority.

(c) Notwithstanding section 34(11), where an appeal is brought in accordance with paragraph (b), and no other appeal of the decision of a planning authority is brought by any other person under section 37, the authority shall make the grant of permission as soon as may be after the expiration of the period for the taking of an appeal. provided that the person who takes the appeal in accordance with paragraph (b) furnishes to the planning authority security for payment of the full amount of the contribution as specified in the condition.

6.0 Policy Context

6.1. Clare County Council Development Contribution Scheme 2025-2029

- 6.1.1. The current Scheme is the Kildare County Council Development Contribution Scheme 2023-2029, prepared under Section 48 of the Planning and Development Act 2000, as amended.
- 6.1.2. Table A of the adopted Development Contribution Scheme provides details and a breakdown of the financial contributions required for residential development. It provides a rate per unit either located within a rural village and one for proposals other than rural village.

(A) **RESIDENTIAL DEVELOPMENT**

RESIDENTIAL UNIT	Rural Village* Rate per Unit (up to 200m ²)	Other than Rural Village Rate per Unit (up to 200m ²)	Rate per m ² greater than 200m ²
Transport	€1,400	€2,220	€8
Amenities & Community Facilities	€1,400	€2,220	€8
Climate Resilience	€700	€1,109	€4
TOTAL	€3,500	€5,549	€20

6.2. Development Contributions, Guidelines for Planning Authorities (Department of the Environment, Community and Local Government 2013)

- 6.2.1. The principal aim of these guidelines is to provide non-statutory guidance on the drawing up of development contributions to reflect the radical economic changes that have impacted across all sectors since guidance last issued in 2007. It is stated that the primary objective of the development contribution mechanism is to partly fund the provision of essential public infrastructure, without which development could not proceed.
- 6.2.2. Page 11 of the guidelines refers to double-charging and states that the practice of “double charging” is inconsistent with both the primary objective of levying development contributions and with the spirit of capturing “planning gain” in an equitable manner. Authorities are reminded that any development contribution already levied and paid in respect of a given development should be deducted from the

subsequent charge so as to reflect that this development had already made a contribution.

6.3. Development Management Guidelines (Department of the Environment, Community and Local Government 2013)

- 6.3.1. Section 7.12 refers to conditions requiring development contributions (sections 48 and 49 of the Planning Act), advising that Development contribution conditions may only be attached if they accord with the provisions of either section 48 or section 49 of the Planning Act and these are based on the application of the terms of one or more development contribution schemes which have been formulated and adopted in accordance with those sections of the Act, or on the need for a special financial contribution.

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal was lodged against condition no. 16 of PA Ref 25/60506 (permission for retention) which relates to a Section 48 contribution of €16,647. The appellant submits that the Planning Authority have incorrectly applied the contribution for the following reasons:

- The subject site forms part of the existing Riverside Court housing estate – permitted under PA Ref 04/1980 (as extended under 11/167) for 9 houses (8 semi-detached and 1 detached).
- Full development contributions totally €60,885 was paid in 2007 to the former Ennis Town Council prior to the commencement of development fully satisfying Condition no. 8 of PA Ref 04/1980.
- 6 of the 9 houses were completed prior to the economic downturn – house 1 and 2 (both semi-detached) were not built but still fully covered by the contribution paid.
- The current permission granted permission for:
 - 2 no semi detached dwellings (House 1 and 2) – previously permitted under 04/1980 and already covered by the contribution paid.

- 1 new detached dwelling – not previously permission for which the applicant acknowledges a new contribution is required for.
- For clarity the original permission (04/1980) was granted to Hilltop Development Ltd. Hilltop and Connellan Developments are under common ownership and management and the 2007 payment by Hilltop related directly to the same serviced plots not proposed for completion.
- Condition no. 16 requires the payment of €16,647 – this condition is double charging for the semi-detached permitted and paid for under PA Ref 04/1980.
- A letter from Clare County Council, dated 12th February 2016, confirms that development contributions were paid for the development permitted under PA Ref 04/1980.
- Section 48(10)(c) of the Planning and Development Act 2000 (as amended) states:

‘Where a permission is granted for the renewal of a permission or for the completion of a development, the planning authority may reduce the contribution accordingly’¹

- Current application constitutes completion of 2 no. previously permitted dwellings within a full serviced estate together with 1 no. new dwelling – Planning Authority should therefore apply a contribution only to the new detached dwelling.
- It is requested that condition no. 16 be amended so that no further contribution is levied in respect of house 1 and 2.

7.2. Planning Authority Response

A response from the Planning Authority was received on the 5th December 2025 and can be summarised as follows:

- In accordance with the Development Contributions Guidelines for Planning Authorities (DOEC&LG 2013) practice of “double charging” is inconsistent with both the primary objective of levying development contributions.

¹ I note that the appellant has incorrectly quoted the Planning and Development Act 2000 (as amended) and such provision is not referenced within any section of same.

- Planning Authority acknowledges that any development contributions previously levied and paid for a given development must be deducted from any subsequent charge - ensuring that it reflects the fact the development has already made a contribution.
- Having regard to the sites planning history of the site and the contributions already paid under the previous permission, the Planning Authority confirms that no additional contribution is required for the two semi-detached dwellings included as part of the current application.
- These units are considered fully compliant as their contributions have been paid under the previous permission.
- A contribution of €5,549 will therefore apply only to the new detached dwelling.
- The full rate of €16,647 was initially applied to ensure that all potential development contributions due against the current application were captured; however, contributions are reviewed at commencement stage to ensure no double charging has occurred.
- Considering the payment made under the previous permission, the amount levied for the current application can be reduced as outlined above.

7.3. **Observations**

None received.

8.0 **Assessment**

8.1. **Introduction**

- 8.1.1. A first party appeal against Condition no. 16 of Planning Authority Reference 25/60506 was made under the provisions of Section 48(10)(b) of the Planning and Development Act, 2000 as amended, and therefore the Commission is restricted to consideration of Condition No. 16 only. My assessment is confined to the application of the terms of the Clare County Council Development Contribution Scheme 2025 – 2029 and any index related increase that may be in place.

8.2. Condition no. 16

- 8.2.1. Condition no. 16 of PA ref 25/60506 required the payment of a development contribution of €16,647 in respect of 3 no. dwellings permitted on the subject site. The Appellant contends that the Planning Authority has incorrectly applied this ley as they failed to consider that 2 of the proposed dwellings were subject to a previous permission granted under PA Ref 04/1980 (extended by PA Ref 11/167) where a Section 48 contribution was already paid in full. It is therefore contended that the Planning Authority are double charging the appellant in respect of 2 of the dwellings subject to the current application. The appellant fully accepts and acknowledges that the 3rd dwelling subject to this application will be subject to a financial contribution levy.
- 8.2.2. The Planning Authority in response have accepted that they have incorrectly calculated the Section 48 Development Contribution Levy relating to the development permitted under PA Ref 25/60506. They have stated that two semi-detached dwellings included as part of the current application are considered fully compliant as their contributions has been paid under the previous permission PA Ref 04/1980.
- 8.2.3. The Planning Authority has requested that the amount levied for the current application be reduced in line with the current Development Contribution Scheme and therefore a contribution of €5,549 will apply only to the new detached dwelling permitted under PA Ref 25/60506.
- 8.2.4. From a review of the Planning History pertaining to the subject site, the documents provided to me from both the Planning Authority and the 1st Party Appellant and a review of the Clare County Development Contribution Scheme 2025-2029, I accept that the Planning Authority did err in their calculation of the development contribution prescribed within condition no. 16 of the PA Ref 25/60506 and failed to consider contributions paid to date relating to the previous development permitted on site under PA Ref 04/1980 which included house 1 and 2. Therefore, I recommend that condition no. 16 be amended in line with the comments made by the Planning Authority.

9.0 Recommendation

- 9.1. I recommend that the Planning Authority be directed to amend condition no. 16 of Planning Authority Ref 25/60506 for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the planning history pertaining to the site, the financial contributions previously paid to date related to the parent permission granted on site (PA Ref 04/1980), the current Clare County Council Development Contribution Scheme 2025-2029 and the submission received from the Planning Authority, I consider that the Planning Authority have incorrectly applied the terms of the Development Contribution Scheme and recommend that Condition no. 16 of PA Ref 25/60506 be amended to reduce the financial contribution required.

11.0 Conditions

16. Prior to the commencement of development the developer / applicant shall pay a contribution of €5,549 to Clare County Council in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided for 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. At the time of payment, the contribution will be subject to any applicable adjustment in accordance with the relevant provisions of the Planning Authority's development contribution scheme in place at the time of payment. Any contributions owing post commencement of development may be subject to interest penalties.

Reason: It is considered appropriate that the developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Council's prevailing Development Contribution Scheme, made in accordance with Section 48 of the Planning and Development Act 2000 as amended, and that the level of contribution payable should be adjusted at a rate in the manner specified in that scheme.

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.

Kathy Tuck

11th February 2026.

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Coimisiún Pleanála Case Reference			
Proposed Development Summary			
Development Address			
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		
	No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____