6th February 2026

The Secretary

An Coimisiun Pleanala

64 Marlborough St

Dublin 1

D01 V902

AN COIMISIÚN PLEANÁLA
LDG- 086556-26
ACP-
09 FEB 2026
Fee: € 220 Type: CHQ
Time: 9:15 By: Post

Re Third Party Appeal of the Decision of Clare County Council Planning Ref no: P25/60393 dated 13.1.26 re proposed LRD at Ballymacaula, Circular Road, Cahercalla, Ennis.

Dear Secretary,

We wish to appeal the above Decision of Clare County Council. The grounds to the appeal are set out below.

Background re decision on proposed LRD:

The Planning Authority of Clare County Council has granted permission for 298 dwellings in the proposed large residential development (LRD) located at the above site. We understand the gross site area is 11.32 hectares, while the net site is 8.9 hectares. This means a residential density of approximately 33 units per hectare (net), based on around 298 housing units across the 8.9 hectare net site.

It is proposed there will be just one entrance for the LRD at the already congested R474 which acts as one of the main routes into Ennis town for all traffic including trucks/lorries. The site the subject of the LRD extends from the boundary of the recently constructed but much smaller housing estate of 41 semi-detached and detached residential homes (known as the Ballymacaula View Estate of which the undersigned are residents) located by the Kilmaley Road roundabout on the south side of the site and the LRD extends up as far as the Ennis golf course on the north side. The national relief road (N85) is located to the west of the proposed LRD. There

is no entrance proposed to and from the LRD onto the relief road. The proposed LRD site is the site of a former quarry.

The site of the LRD adjoins an area of mixed character in Cahercalla where there are existing residential/suburban type houses, land used for rural/agricultural purposes and one-off housing in addition to the houses in the small adjoining estate of Ballymacaula View.

The site of this LRD is in an area outside of Ennis town that is located away from services and where there is poor pedestrian permeability, substandard footpath arrangements, a lack of proper and reliable transportation modes such as cycle lanes and a lack of proximity to public transport options.

There have been several prior planning applications in respect of this site to the local authority already including by the same applicant (Glenveagh Homes Ltd) in respect of this decision. Of note, each planning application at this site, over the last number of years, has resulted in the number of dwelling units increasing on each application including from circa 99 to 300 to the local authority.

In short aspects of this decision of the planning authority will affect adversely the amenities of the area, would not be acceptable in terms of traffic and pedestrian safety and does not constitute a sustainable development for the area.

Grounds of Appeal:

A. Density, zoning, amenity and transport:

An Coimisiun Pleanala will be aware of *Project Ireland 2040 – a National Planning Framework National Policy Objective 33* which recommends prioritising the provision of new homes at locations that can **support sustainable development and at an appropriate scale of provision relative to the location**. For the reasons outlined below the proposed density applicable to this LRD means that it is at a scale that is not sustainable or appropriate given the location.

Moreover, per the Clare County Development Plan 2017-2023 this LRD site is zoned as Low Density Residential (LDR). Section 19.4 states that the zoning refers to the use of lands to accommodate a low-density pattern of development, primarily detached family dwellings. A density of 15 uph have been allocated for low density.

This proposed LRD is in conflict with COM6 Zoning Objective for Cahercalla More under the Ennis Settlement Plan as shown on the neighbourhood map on page 19 of Volm 3a of the Clare County Development Plan 2023-2029 (attributed to National Mapping Division Tailte Eireann CYAL 50326). This area is governed by zoning objective COM6 which designates it for Low Density Residential Development. Under the Clare County Development Plan 2023-2029, Low Density Residential is explicitly defined as less than 15 dwelling units per hectare (uph). Medium density is defined

as 15-30 uph and high density as over 30 uph. The purpose of low-density zoning is to maintain a suburban or rural character with detached or semi-detached houses and ample private open space. The proposed development of circa 298 housing units on a site of approx. 11 hectares results in a projected density of 33 units per hectare which falls firmly within the high density range. This is a clear breach of the zoning designation for this location.

Furthermore, COM6 states that development shall only proceed where adequate infrastructure in particular roads and drainage is available or provided. This condition has not been met. The road network in the area notably the Circular Road, Drumbiggle Road, Cahercalla hill and the Kilmaley Road remain substandard and inadequate for the scale of the Development proposed. No credible evidence has been presented in the decision of the planning authority to demonstrate that the necessary upgrades are guaranteed or deliverable in parallel with the LRD.

In the area of the proposed LRD, there is inadequate provision of footpaths and lighting) on the local road network to provide even safe pedestrian access to walk from the LRD into the town of Ennis. There is no foothpath on parts of the Drumbiggle Road and Cahercalla Hill making walking along that part of those busy nearby roads into Ennis dangerous. There is also inadequate width on the R474 road to facilitate cycle infrastructure or bus stops (there is no provision for safe school bus pick up or drop off) in this area and there is a lack of public transport infrastructure serving the LRD. There is a small/narrow footpath on one side of the R474 only (much of which is unlit) and there is no room to put a footpath in at the other side of the Circular Road.

The fact that there is only one entrance to the extensive LRD on this narrow and busy road (Circular Road) given the scale of the LRD will foreseeably mean the arrangement will constitute a traffic hazard and negatively impact on vehicular and pedestrian traffic in the area. The decision fails to address how the local roads will cope with this extra capacity when they are already stretched.

Proposed upgrades in footpath provision in this area including Drumbiggle Road and Cahercalla Hill will not be achievable without third party landowners consenting and we are unaware if the local authority has made any attempts to engage with landowners in this regard despite being on notice of this issue for some time and granting this large scale development.

The location of the LRD cannot be described as an "*accessible location*" within the meaning given to that phrase by the Dept of Housing Guidelines which state the term applies to those locations within a five-to-six-minute walk of regular public transport services and in Ennis the nearest bus/train station is at least a 40-50 min walk away from the location of the new LRD. The area of the intended LRD is a low density car orientated suburb of Ennis situated on the edge of the town. The local authority has failed to appreciate in its decision that optimum density for these types of LRDs is based on accessibility to public transport services which is not the case here.

The proposed scheme is therefore in material contravention of the Development Plan both in terms of housing density and infrastructure readiness. The proposal for this intended LRD is excessive in scale and a material contravention of the Development

Plan policy. Moreover the planned development is out of character and scale at this location, which is rural in character and hence the zoning of this area for LDR.

In addition, there are inadequate local services to meet the demand that will be generated by 600+ residents moving into this confined low density area in this particular rural part of Cahercalla. Moreover there is no walkability to services from the location of the high density LRD.

The local authority has failed to take into account, in respect of its decision, that lower-end densities of residential developments have been permitted elsewhere in established "existing residential" zones to respect local character, even if below national guidelines for new developments and in order to encourage a balance between compact growth targets, the Clare County Development Plan and site specific factors such as the location of the LRD/inadequate infrastructure to support an LRD of this size.

The planning authority, in granting 298 dwellings in this specific area, has either misinterpreted or selectively applied policies (e.g. compact growth) while ignoring balancing policies on design, quality, amenity, and infrastructure capacity.

B. Adverse effect on residential amenity specifically arising from the inadequate provision for car parking in the LRD given the scale of the LRD and the lack of other transport options in the area:

Page 58 of the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* states: *"In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling."*

The planning authority stated in its decision that the allocation of car parking for the LRD is in accordance with car parking standards in the CCDP. We disagree with this contention. While the focus on the car parking standards in the CCDP is to reduce car dependency it also states this can only be done while ensuring adequate facilities are in place. The reality is the "adequate facilities" are not of the requisite standard in this area for the reasons cited above and below. Moreover these standards in the CCDP which are meant to apply to new developments are also meant to be assessed on a case-by-case basis especially having regard to the public transport options in the areas in question. It cannot be a "one size fits all" scenario and this aspect of the decision of the planning authority has failed to take into account the realities of the local facilities because they are inadequate for this scale of LRD.

There is inadequate provision for car parking for the intended 298 dwelling units and visitor spaces at circa 547 plus whatever spaces will be created for the creche by the removal of units 108 and 109. The reality is (irrespective of guidelines or plans re walking and cycling) that there remains improper infrastructure in place in Ennis and the surrounding areas to cope with the extent/scale of the LRD and that fact cannot be ignored by stakeholders (including the planning authority) who are involved in planning decisions. Residents of Ennis/surrounding areas and this intended LRD have no choice but to use cars to go to work etc.

The decision of the local authority failed to address where the remaining residents of the proposed LRD will park their cars. In terms of public transport, the nearest bus/train station to the LRD is at least a 40-50 minute walk away and most people living in Ennis do not work in Ennis. They work in Shannon, Limerick and Galway and in the absence of reliable and adequate public transport options they commute to work by car because they have no choice. Moreover it will be years before public transport and local infrastructure in the Ennis area catches up to a level that is reliable and adequate to meet demand so in the interim locals are car dependent. Moreover families in the proposed LRD will drive to local schools to bring their children to those schools given the location of the LRD and the location of the schools scattered throughout the town of Ennis. The nearest school would be at least a 40 minute walk away on a partially unlit and very busy road where parts of the roads also have no footpaths. It is therefore safer to bring children by car to schools in the circumstances.

Planning guidelines published by the Department of Housing in 2024 stated re car parking: "*car parking standards need to be set at realistic levels (having regard, inter alia, to proximity to public transport) in order to avoid parked vehicles causing obstruction on residential streets in the evenings or at weekends.*"

Less car parking spaces in the LRD will not equate to those residents having less cars and the cars will have to be parked somewhere. The decision of the local authority has failed to address where will the residents of the LRD park their cars if there aren't adequate car park spaces provided for in the LRD and the foreseeable consequences that will emanate from that decision.

A planned lack of car park spaces in this LRD will foreseeably cause traffic congestion, safety hazards, increased accident risk, reduced quality of life for residents, reduced property values and it will have a negative environmental impact together with potential neighbourhood parking disputes particularly if there is difficulty accessing homes and amenities because of this unrealistic plan. The net effect of this decision is that it will cause a strain on the surrounding area. It will force residents of the new LRD to park their cars elsewhere transferring the foreseeable problem to the wider neighbourhood including the Ballymacaula View Estate.

In addition, and critically the decision of the planning authority includes two pedestrian access points linking directly into the Ballymacaula View Estate. This physical permeability combined with insufficient car parking within the proposed LRD will turn Ballymacaula View into a de facto overflow car park. Residents and visitors of the proposed new LRD will have unimpeded access to our internal roadways, increasing traffic volumes within an Estate whose original planning and layout made no provision for such. This raises severe and legitimate safety concerns. Ballymacaula View Estate contains vulnerable users including children and elderly residents and persons with disabilities. Increased vehicular movements by non-residents of the Ballymacaula View Estate driven by parking shortfalls in the proposed LRD and facilitated by direct pedestrian links will significantly heighten the risks of accidents and diminish residential amenity. It will also breach the principle of protecting the integrity of established residential areas.

The Planning Authority must critically assess the cumulative impact of linking an under car parked development directly into an existing and much smaller Estate. The

proposed pedestrian permeability effectively guarantees uncontrolled parking displacement into Ballymacaula View and should be grounds for allowing our appeal in the absence of comprehensive and enforceable mitigation.

In order to grant the low level of car parking for this intended LRD the Planning Authority must be satisfied that alternative, reliable and accessible transport is available for residents and that is absolutely not the case.

The local authority is fully aware of all of these deficits in the Cahercalla area yet it did not require the developer applicant to amend its application to materially lower the density of units of dwellings to allow for adequate parking spaces having regard to these real issues.

The decision of the local authority (granting more units with inadequate provision for car parking in the LRD) will only benefit the developer. Yet the local area will be left suffering the effects of this unwanted aspect to the planning decision long after the developer will have moved on.

The local authority has failed to take into account in respect of this decision, that car parking numbers in LRDs are determined by a mix of national guidelines, local guidelines and site-specific factors as set out above.

The decision to allow more dwellings with inadequate car park spaces for those dwellings in the LRD will have a knock on adverse impact on existing and future residents of the area, loss of amenity etc.

C. Loss of amenity, character and appearance to the Ballymacaula View Estate as a result of the proposed gate connections between the Ballymacaula View Estate and the new LRD:

Page 31 of the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* states:

"While considerations of centrality and accessibility will have a significant bearing on density, it is also necessary to ensure that the quantum and scale of development at all locations can integrate successfully into the receiving environment. New development should respond to the receiving environment in a positive way and should not result in a significant negative impact on character (including historic character), amenity or the natural environment."

The above is very relevant to the aspect of the decision of the local authority to allow for two gates (which will allow for pedestrians or cyclist access) along the boundary wall between the Ballymacaula View Estate and the new LRD as part of this planning decision. We understand the rationale for this decision is based on what is termed by the local authority to be "*sustainable mobility*", "*permeability*" and "*accessibility*." We understand the rationale for this decision is to "*reduce car dependence*" and to "*promote active travel.*"

The foregoing rationale of the local authority which we understand is derived from national policy has no reality or regard as to what will happen on the ground between these Estates if these gates are removed.

We, the residents of the Ballymacaula View Estate of 41 homes, have no reason or wish to access by foot or by bike the new LRD to get to another part of Ennis. The proposed arrangement of gate access, contrary to the point of it, will not reduce car dependence or promote active travel. In fact if one was to walk through the LRD via these gates from the Ballymacaula View estate to get to Ennis it would take considerably longer to do so. For residents to access nearby services, amenities, and schools they will use the existing road network.

It is noted that the decision of the planning authority includes provision for a creche in the LRD. Were the decision re the gate access between the estates to be justified by the planning authority on the basis that residents of the Ballymacaula View Estate might want access to the intended creche in the LRD, that would be mistaken. In addition there is no guarantee that the creche will ultimately proceed. In other LRD's where creches were included in the LRD application, the applicants later have to seek to convert the creche into additional housing units because they cannot get an entity to manage or buy the creche or whatever the case may be.

This arrangement re pedestrian gate access makes no sense, in this particular scenario, having regard to the stated policy objective. Of concern is that the residents of the new LRD of 298 units will foreseeably wish to access the much smaller Ballymacaula View Estate for car parking or access to the green area of the Ballymacaula View Estate due to the planned inadequate car park spaces and green areas in the proposed LRD.

While the decision of the local authority states the gate access will be confined to pedestrian connections into the Ballymacaula View Estate it is foreseeable if the gates are taken down cyclists will be using the gate access, which raises security concerns and there will be nobody to police this unwanted and uncontrolled arrangement which does not meet its intended purpose here.

In making provision for this gate access as part of the decision, the local authority has failed to take into account the grave and real concerns about how this arrangement will considerably adversely affect the amenity of the area.

Access to both primary and secondary schools as well as facilities in the town centre of Ennis are most effectively achieved via the existing public road network. That is the reality. The proposed pedestrian connections do not provide any practical shortcut or efficiency in this regard. As such they offer no tangible benefit in terms of promoting sustainable travel or reducing reliance on private vehicles.

The Design Manual for Urban Roads and Streets (DMURS) references in the Clare CDP encourage permeability but the same document ***also stresses that this should be balanced with safety, residential amenity and the specific characteristics of existing neighbourhoods.*** In this case the inclusion of gate access as part of the decision fails to demonstrate how these balancing factors have been assessed or addressed. Given the quiet, private nature of the Ballymacaula View Estate, the

addition of two new pedestrian links into a considerably larger new development would undermine these principles.

It is noted objective CPD 5.3 of the Clare CDP 2003-2029 highlights the importance of community participation in planning decisions. Yet no direct consultation or engagement has taken place with the residents of the Ballymacaula View Estate regarding these two connections into the Estate which is regrettable. The absence of any engagement process by the local authority on this issue is of concern given the material nature of the proposal and how it will adversely affect the amenity of the area.

Objective CDP 7.17 of the Clare CPD states that new development proposals should incorporate permeability "*having regard to the context and character of the area.*" Ballymacaula View Estate is a low density cul de sac type development with a private enclosed layout. The proposal for pedestrian through access does not respect this existing context and would represent a significant shift in the estate's character and function.

The reality is, this unwanted decision, if allowed, would bring significant risks, problems and potential legal issues which are of concern to the residents of the Ballymacaula View Estate. There are no benefits of this connectivity plan between the Ballymacaula Estate and the new development as set out in the CDP. All it will do is cause significant problems for the local residents affected by this element of the decision.

It will mean significant unwanted and increased traffic/footfall to the Ballymacaula View estate from these 2 intended access points from an adjoining estate that will have significantly more homes in it than the Ballymacaula View Estate.

As previously stated the Ballymacaula View Estate comprises of 41 homes and residents of the Estate pay privately to keep the general areas of this Estate maintained. If the above connectivity was to occur between the Ballymacaula Estate and the significant new adjoining development, it would lead to foreseeable problems as follows:

- Anyone (including the residents of the intended 298 homes of the new development) can walk/cycle through the 2 intended connection points to access the much smaller Ballymacaula View Estate and that scenario would bring obvious security, privacy and safety risks to the residents of the Ballymacaula View Estate together with an obvious loss of amenity to the Ballymacaula Estate.

- The foreseeable increase in traffic/footfall/cyclists into the Ballymacaula View Estate from the adjoining development owing to this intended arrangement, if it went ahead, would have a negative impact on resident's quality of life as for example, it is foreseeable, it will lead to an increase in noise and disturbance levels and other forms of interruption that are associated with increased traffic/footfall/cyclists coming into a much smaller estate.

- The location of the current access points is not suitable for shared access given the size of our Estate (41 homes) compared to the intended size of the adjoining development (planned circa 298 units). This arrangement, if it went ahead, would create, among other issues, safety hazards including safety hazards for the children of the Ballymaccaula View Estate.

- The foreseeable increase in traffic/footfall into the Ballymacaula View Estate from the adjoining estate would mean some of that traffic/footfall/pets would be benefiting from the Ballymacaula View Estate green areas etc that we have paid privately to maintain and thereby depriving members of this Estate access to these green areas that we have paid to maintain.

- The foreseeable increase in traffic/footfall/cyclists into the Ballymacaula View Estate from the adjoining estate would mean some of that traffic would benefit from the limited parking spaces available in this Estate thereby depriving members of this Estate access to these limited parking spaces when required.

- The foreseeable increase in traffic/footfall/pets/cyclists into the Ballymacaula View Estate from the adjoining development would mean a greater level of maintenance requirements for this Estate meaning higher annual maintenance fees for the residents of the Ballymacaula View Estate.

- Disputes between the two estates is foreseeable if the above access points were to be granted.

- The shared access points between the two estates, if allowed, could foreseeability create increased liability issues for stakeholders, including the Local Authority, if accidents occur on the shared access points. In addition, opening up these connectivity points between these two Estates, lends itself to an increase in traffic/footfall/cyclists and therefore increasing the likelihood of claims when accidents occur particularly having regard to the intended size of the adjoining development compared to the Ballymacaula Estate.

- The increase in footfall/traffic/cyclists from the adjoining estate would likely increase insurance costs for both estates.

- We are aware (and the planning authority is aware) that where there is connectivity between adjoining estates (similar to what is intended here) there have been problems including anti-social/criminal damage problems connected to this arrangement. Clearly this is a significant concern for the affected residents.

The proposed gate connection between the two estates is inappropriate, would reduce privacy, security, cause disturbance and entail potential use of the existing green space and overspill of parking into the Ballymacaula View estate. This aspect of the decision of the planning authority should be overturned in its entirety. There is no agreement to it by the affected residents and the proposed gate access serves no real purpose nor does it achieve the intended policy benefits of connectivity in this particular case.

D. Extent and level of noise and disruption – amenity harm given proximity of homes to the site of LRD:

We understand the site of the LRD sits on what was formally a quarry. The planning papers forming the within planning application made reference to rock breaking during construction, with references to bedrock excavation within the site and noting no assessment in respect of noise or vibration or air quality re rock breaking, crushing or screening. It is further proposed that construction works will be carried out between the hours of 08:00 and 19:00 from Monday to Fridays inclusive, and 08:00 and 14:00 on Saturdays for an unknown period of time.

The difficulty with the foregoing and the lack of information in the decision from the planning authority is that there is no clarity on the actual level and duration of noise and disruption that will emanate from the site including during the rock breaking; crushing; rock excavation and bulk excavation phases. The duration and frequency of the disruption (which would likely be multi year and 6 days a week) for an unknown period of time ought to be taken into account as to how that will affect residents in the decision of the authority. It is foreseeable all of this will adversely affect existing residents' quality of life for an indefinite period of time thereby harming residential amenity. It is also unclear from the decision whether proper noise, vibration, blasting, dust impacts have been appropriately assessed and whether mitigation efforts will be in place at all (and indeed whether they will be sufficient) during the construction of this LRD.

The construction work will give rise to a level of nuisance and disturbance to residents that could well be intolerable including during the "rock breaking" phase. While it is understood there would be temporary nuisance associated with a normal size development what is not appreciated by the local authority in its decision is the unknown duration of the construction phase given the scale of the LRD and the level of noise and nuisance connected to the rock breaking, the overbearing impact of that noise, etc. The local authority has failed to address these issues affecting residential

amenity which cause harm in its decision and has failed to weigh up the effects of the foregoing against the long-term impact of the development of this site.

Conclusion:

This decision prioritises national guidelines on compact growth without having the necessary infrastructure compatibility or local supports in place. As a result, it puts an unfair burden on affected residents and the area itself for the reasons highlighted above. There has been no sufficient justification or reasoning provided for in the decision granting an LRD of high density in an area zoned for low density. The proposed LRD of 298 homes violates the low-density zoning designation in this area which is there to maintain neighbourhood character etc.

The decision of the local authority failed to show that the local authority had considered any of the points made in previous letters of objection. The decision failed to address the specific concerns raised by existing residents who will be most adversely affected by this decision of the local authority. Regrettably the valid concerns of affected and existing residents have been ignored when there is an obligation on the decision maker in making planning decisions to address the identified problems raised in the objections. There has been no public consultation or participation with affected residents in respect of the aspects of the decision that are of concern set out above.

In order to address the issues highlighted above, the planning authority ought to have materially reduced the number of dwellings for the LRD, made more provision for car park spaces in the LRD and removed the aspect of the decision regarding gate access into the Ballymacaula Estate in its entirety as it serves no purpose. The planning authority furthermore ought to have fully addressed in its decision the harm caused to residential amenity regarding blasting noise, rock breaking, crushing, vibration, dust, heavy machinery, and disturbance, the duration of same and the actual noise levels emanating from all construction phases connected to the intended development. The decision of the local authority fails to mitigate same contrary to the planning regulations.

If it had done so, that decision, would have better aligned with proper planning and sustainable development for the area in question. It also would have shifted the excessive burden caused by this decision away from the affected residents and the area and would have reduced the infrastructure strain that will be foreseeably caused by this decision.

In the circumstances we request that you exercise your statutory powers and either overturn the decision of the planning authority and/or modify it with stricter conditions taking into account the matters raised above.

Yours faithfully,

Ronan O'Sullivan

The Chairperson of the Ballymacaula View Residents Committee.

On behalf of the Ballymacaula View Residents Committee.

2 Ballymacaula View

Cahercalla

Ennis.

Contact email: ballymacaulaviewrc@gmail.com

Encl.

A. Acknowledgement of Clare County Council re letter of objection 29.7.25.
B. Acknowledgement of Clare County Council re letter of objection 12.12.25.
C. Copy of Planning Decision of Clare County Council 13.1.26 (the subject matter of this appeal).
D. Fee in the sum of €220.00.

Residents of Ballymacaula View

Name	House Number
Fiona Liston	41
Fergal Brennan	41
Louise Horgan	23
John Horgan	23
Michael Moylan	39
Aoife Ferriter	39
Sinéad Neylon	40
Fionn Keane	46
Gráinne Sexton	32
FIONÁN CRONIN	28
ELEANA CRONIN	28
Lucinda Healy	26
Anthony Healy	26
Alice FitzGerald-Pyne	22
JOHN FERRELLA	7
MARTIN COPPINGER	4
Oonagh Barry	1
Paul Corbett	1
Mary-Sean Gallivan	10
Anne Marie Hanrahan	13
C Ó Braonáin	21
Laura Daly	21
[illegible] Eardley	15
Jessica Eardley	15

Residents of Ballymacaula View

Name	House Number
Colm McCaul	14
Sarah Ní Cheannabhain	14
Mairead O'Sullivan	24
Clodagh Gray	8
John Burke	8
James Higginson	3
Marian Fogarty	
Seán Walsh	33
Eadaoin Walsh	33
Kevin Tubby	33
Eileen Walsh	33
Louise Cleary	18
Conor Cleary	18
Edel Quinn	9
Kevin King	9
Shaunagh Spelman	31
Eilbhear Quilligan	31

Planning Department
Economic Development Directorate
Áras Contae an Chláir
New Road
Ennis, Co. Clare
V95 DXP2
Email: planoff@clarecoco.ie
Phone: (065) 6821616 (065) 6846232

COMHAIRLE CHONTAE AN CHLÁIR CLARE COUNTY COUNCIL

An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir
Bóthar Nua
Inis
Co. an Chláir
V95 DXP2

Mr Ronan O'Sullivan
Chairperson of the Ballymacaula View Residents Committee
2 Ballymacaula View,
Cahercalla,
Ennis,
Co. Clare

THIS IS AN IMPORTANT DOCUMENT!
KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN COIMISIÚN PLEANÁLA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY.

PLANNING AUTHORITY NAME: CLARE COUNTY COUNCIL

PLANNING APPLICATION REFERENCE NO. P25/60393

A submission/observation in writing has been received from **Mr Ronan O'Sullivan 2 Ballymacaula View, Cahercalla, Ennis, Co. Clare on 31/07/2025** in relation to the above mentioned planning application reference number.

The appropriate fee of €20.00 has been paid.

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 (as amended) and will be taken into account by the Planning Authority in its determination of the planning application.

CLARE
COUNTY COUNCIL
01 AUG 2025
Received
Planning Section

Signed:

Planning Department
Economic Development Directorate

Date: **01 August 2025**

Planning Department
Economic Development Directorate
Áras Contae an Chláir
New Road
Ennis, Co. Clare
V95 DXP2
Email: planoff@clarecoco.ie
Phone: (065) 6821616 (065) 6846232

COMHAIRLE CHONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir
Bóthar Nua
Inis
Co. an Chláir
V95 DXP2

Mr Ronan O'Sullivan
Chairperson of the Ballymacaula View Residents Committee
2 Ballymacaula View,
Cahercalla,
Ennis,
Co. Clare

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Signed:

Planning Department
Economic Development Directorate

Date: **01 August 2025**

29th July 2025

The Planning Dept.

Clare Co Co.

New Road

Lifford

Ennis.

Your Ref: Planning application file ref 2560393.

To whom it may concern,

We wish to formally lodge an objection to aspects of the planning application lodged by Glenveagh Homes in respect of the LRD at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare on the 30.6.25.

Objection 1:

We object in particular to the aspect to the above planning application "for 2 no. pedestrian connections into the Ballymacaula View Estate."

We understand the above aspect to the planning application is to take account of the "sustainable mobility" aspect to the Clare County Development Plan (the CDP). We understand the rationale for this aspect to the CDP is that, in theory, it is supposed to allow residents of adjoining estates quicker access to schools, shops, local services in the nearby town etc. However, this would not be the case here as the nearest schools are located elsewhere in Ennis and it would not make any sense to access one of these estates from the other to get to any school or shop in Ennis or to travel to Ennis via the estates irrespective of the mode of transport. The planned connectivity between the Ballymacaula View estate and the new adjoining development would not serve or benefit the residents of Ballymacaula View in any way. Access to both primary and secondary schools as well as facilities in the town centre is most effectively achieved via the existing public road network. The proposed pedestrian connections do not provide any practical shortcut or efficiency in this regard. As such they offer no tangible benefit in terms of promoting sustainable travel or reducing reliance on private vehicles.

The Design Manual for Urban Roads and Streets (DMURS) references in the Clare CDP encourages permeability but also stresses that this should be balanced with safety, residential amenity and the specific characteristics of existing neighbourhoods. In this case the proposal fails to demonstrate how these balancing factors have been assessed or addressed. Given the quiet, private nature of the Ballymacaula View Estate, the addition of two new pedestrian links into a considerably larger new development would undermine these principles.

It is noted objective CPD 5.3 of the Clare CDP 2003-2029 highlights the importance of community participation in planning decisions. Yet no direct consultation or engagement has taken place with the residents of the Ballymacaula View Estate regarding these two connections into the Estate. The absence of any engagement process is of concern given the material nature of the proposal and how it will adversely affect the residents of the Ballymacaula View Estate.

Objective CDP 7.17 of the Clare CPD states that new development proposals should incorporate permeability "*having regard to the context and character of the area.*" Ballymacaula View Estate is a low density cul de sac type development with a private enclosed layout. The proposal for pedestrian through access does not respect this existing context and would represent a significant shift in the estate's character and function.

The reality is, this unwanted proposal, if allowed, would bring significant risks, problems and potential legal issues which are of concern to the residents of the Ballymacaula View Estate. Any intended benefits of this connectivity plan between our Estate and the new development as set out in the CDP would be far outweighed by the significant problems it will likely cause and which are of considerable concern to the residents of the Ballymacaula View Estate.

The net effect of this planned connectivity between our Estate and the adjoining planned development, if allowed, would mean significant unwanted and increased traffic/footfall to the Ballymacaula View estate from these 2 intended access points from an adjoining estate that will have significantly more homes in it than the Ballymacaula View Estate.

As the Local Authority is aware the Ballymacaula View Estate comprises of 41 homes and residents of the Estate pay privately to keep the general areas of this Estate maintained. If the above connectivity was to occur between the Ballymacaula Estate and the significant new adjoining development, it would lead to foreseeable problems as follows:

- Anyone (including the residents of the intended 300 homes of the new development) can walk through the 2 intended connection points to access the much smaller Ballymacaula View Estate and that scenario would bring obvious security, privacy and safety risks to the residents of the Ballymacaula View Estate together with an obvious loss of amenity to the Ballymacaula Estate.

- The foreseeable increase in traffic/footfall into the Ballymacaula View Estate from the adjoining development owing to this intended arrangement, if it went ahead, would have a negative impact on our resident's quality of life as for example, it is foreseeable, it will lead to an increase in noise and disturbance levels and other forms of interruption that are associated with increased traffic/footfall coming into a much smaller estate.

- The location of the current access points is not suitable for shared access given the size of our Estate (41 homes) compared to the intended size of the adjoining development (planned circa 300 homes). This arrangement, if it went ahead, would create, among other issues, safety hazards including safety hazards for the children of the Ballymaccaula View Estate.

- The foreseeable increase in traffic/footfall into the Ballymacaula View Estate from the adjoining estate would mean some of that traffic/footfall/pets would be benefiting from the Ballymacaula View Estate green areas etc that we have paid privately to maintain and thereby depriving members of this Estate access to these green areas that we have paid to maintain.

- The foreseeable increase in traffic/footfall into the Ballymacaula View Estate from the adjoining estate would mean some of that traffic would benefit from the limited parking spaces available in this Estate thereby depriving members of this Estate access to these limited parking spaces when required.

- The foreseeable increase in traffic/footfall/pets into the Ballymacaula View Estate from the adjoining development would mean a greater level of maintenance requirements for this Estate meaning higher annual maintenance fees for the residents of the Ballymacaula View Estate.

- Disputes between the two estates over maintenance responsibilities is foreseeable if the above access points were to be granted.

- The intended arrangement if allowed would create uncertainty about who would become responsible for looking after and maintaining these access points between the two estates?

- The shared access points between the two estates, if allowed, could foreseeability create increased liability issues for stakeholders, including the Local Authority, if accidents occur on the shared access points. In addition, opening up these connectivity points between these two Estates, lends itself to an increase in traffic/footfall and therefore increasing the likelihood of claims when accidents occur particularly having regard to the intended size of the adjoining development compared to this Estate.

- The increase in footfall/traffic from the adjoining estate would likely increase our insurance costs.

- The loss of amenity, character and appearance to the Ballymaccaula View Estate, if this arrangement were to go ahead, would mean a loss in property values for the homes in our Estate.

- We are aware that local authorities across the country have acceded to other housing estates requests (where this issue has arisen) that these access points between adjoining housing estates not be allowed to go ahead for the reasons cited above.

- We are aware also that where there is connectivity between adjoining estates (similar to what is intended here) there have been problems including anti-social/criminal damage problems connected to this arrangement. Clearly this is a significant concern for the residents of the Ballymaccaula View Estate.

Objection 2:

Another issue of concern of the residents of the Ballymacaula View Estate regarding this planning application is the potential undermining of the structure of the boundary wall that lies to the east of the Ballymacaula View Estate onto the land that will comprise of this new development. That boundary wall between the Ballymccaula View Estate and the intended new housing development (the subject matter of this planning application) could be undermined by the proposed new development, as it is proposed to be constructed at a higher ground level than the existing Ballymacaula View houses that are backing on to the boundary wall.

The Engineering reports for the proposed new development have failed to include a slope stability report for the land adjacent to this retaining wall. It is requested that the ground level for the proposed site is lowered so to prevent the risk of failure of the retaining boundary wall potentially causing a landslide into the respective gardens, where home owners in the Ballymacaula View Estate have invested in expensive sheds and landscaping etc

Conclusion:

Having regard to the above, the residents of the Ballymacaula View Estate do not want these connectivity points between the two estates opened and we request that the Local Authority does not grant permission to this aspect of the planning application i.e., that the gates that are there at present along the boundary wall stay in place permanently between the adjoining estates.

Moreover, we request that you not approve of any other aspect of the planning application which could undermine the stability and structure of the boundary wall between our Estate and the new proposed development which could in turn have significant adverse consequences for some of the homes in the Estate which back on to the boundary wall.

Yours faithfully,

Ronan O' Sullivan

Ronan O' Sullivan

The Chairperson of the Ballymacaula View Residents Committee.

2 Ballymacaula View Estate

Cahercalla

Ennis.

Contact email: ballymacaulaviewrc@gmail.com

Enclosure 1 to this objection: the signatures of the residents of the Ballymacaula View estate who object to this planning application for the reasons cited above.

Enclosure 1 to this objection: the signatures of the residents of the Ballymacaula View estate who object to this planning application for the reasons cited in the accompanying letter from the Ballymacaula View Residents Committee.

Total Number of Signatures : 45

Signature of Residents	House No.
1. Mike Harvey	13
2. Jenola Higgins	3
3. [illegible]	3
4. [illegible] Eadley	15
5. Jessica Eadley	15
6. [illegible]	14
7. Felix Sipio	6
8. NATALIA TROJAN	20
9. Abdul Rauf	25
10. Máiréad O hulhuin	24
11. Siobhán o Connor	27
12. FIONAN CROWIN	28
13. Eccna Carey Crowin.	
14. Margaret Flanagan.	16
15. Owen Flanagan	16.
16.	
17. Áine Cunningham	30
18. Shannagh Spelman	31
19. Eibhear Quilligan	31
20. M Fogarty.	17.
21. Fiona Lestini	41
22. Jergel Brennan.	41
23. Mike Moylan	39

PTO →

Planning, Placemaking & Economic Development
Áras Contae an Chláir
New Road
Ennis, Co. Clare
V95 DXP2
Email: planoff@clarecoco.ie
Phone: (065) 6821616 (065) 6846232

Comhairle Contae an Chláir
Clare County Council

Pleanáil, Comhfhorbairt Áite agus Forbairt Eacnamaíoch
Áras Contae an Chláir
Bóthar Nua
Inis
Co. an Chláir
V95 DXP2

Ballymacaula View Residents Committee
c/o Ronan O'Sullivan The Chairperson of Ballymacaula View Residents Committee
2 Ballymacaula View
Cahercalla
Ennis Co Clare

THIS IS AN IMPORTANT DOCUMENT!
KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN COIMISIÚN PLEANÁLA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY.

PLANNING AUTHORITY NAME: CLARE COUNTY COUNCIL

PLANNING APPLICATION REFERENCE NO. P25/60393

A submission/observation in writing has been received from **Ballymacaula View Residents Committee c/o Ronan O'Sullivan The Chairperson of Ballymacaula View Residents Committee, 2 Ballymacaula View, Cahercalla, Ennis Co Clare on 12/12/2025** in relation to the above mentioned planning application reference number.

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 (as amended) and will be taken into account by the Planning Authority in its determination of the planning application.

CLARE
COUNTY COUNCIL
12 DEC 2025
Received
Planning Section

Signed: Siobhán Lynch

Planning, Placemaking & Economic Development

Date: **15th December 2025**

12th December 2025

The Planning Dept.

Clare Co Co.

New Road

Lifford

Ennis.

Your Ref: Planning application file ref 25/60393.

To whom it may concern,

We wish to formally lodge an objection to aspects of the reply from Tobin on behalf of Glenveagh Homes Ltd dated 20.10.25 to the letter seeking further information from Clare Co Co to Glenveagh Homes Ltd dated 22.8.25 re the above planning application in respect of the LRD at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis.

Objection 1 – lack of open space for LRD:

The cover letter from Tobin dated 20.10.25 stated they were responding to points 4e, 5a, 5b, 6a, c, d, e and 7a, b and 8a, 9 of the above letter from Clare Co Co. We do not see their response to the matters raised by Clare Co Co Planning Authority at no 2 including the below.

Further information was sought by the Local Authority at number 2 re the design of open space in this proposed Large Residential Development (LRD). The letter from Clare Co Co Planning Authority raised issues with the limited space and suitable areas for older children and adolescents such as meeting spaces in the design. It is obvious that the lack of sufficient open space for a development of that size will be at the Residents of this new proposed LRD's expense together with the surrounding neighbourhood (if planning is granted per their current design/plans). Where will the 300+ residents of the LRD go for open space? If Glenveagh's planning application is granted for the proposed LRD with inadequate open space then it is foreseeable that problems will arise from that decision. Given the close proximity of the Ballymacaula View Estate to the intended LRD, we have a concern that those residents in the new proposed LRD seeking open space will enter the Ballymacaula View Estate for that purpose. We raised this matter already in our letter of objection dated 29th July 2025. We request that the Planning Authority give further consideration to the basic requirement for adequate open space in an LRD. If density is the priority in this new LRD over adequate open space it could lead to foreseeable problems down the road including an unhealthy environment for residents of the LRD (affecting their physical and mental health), a negative impact on the community and possible neighbourhood tensions.

Moreover, this proposed LRD is in conflict with COM6 Zoning Objective for Cahercalla More under the Ennis Settlement Plan as clearly shown on the neighbourhood map on page 19 of Volm 3a of the Clare County Development Plan 2023-2029 (attributed to National Mapping Division Tailte Eireann CYAL 50326). This area is governed by zoning objective COM6 which

designates it for Low Density Residential Development. Under the Clare County Development Plan 2023-2029, Low Density Residential is explicitly defined as less than 15 dwelling units per hectare (du/ha). Medium density is defined as 15-30 du/ha and high density as over 30 du/ha. The purpose of low-density zoning is to maintain a suburban or rural character with detached or semi-detached houses and ample private open space. The proposed development of 300 housing units on a site of approx. 13 hectares results in a projected density of 23 units per hectare which falls firmly within the medium density range. This is a clear breach of the zoning designation for this location.

Furthermore, COM6 states that development shall only proceed where adequate infrastructure in particular roads and drainage is available or provided. This condition has not been met. The road network in the area notably the Circular Road and the Kilmaley Road corridors remain substandard and inadequate for the scale of the Development proposed. No credible evidence has been presented to demonstrate that the necessary upgrades are guaranteed or deliverable in parallel with the Development.

The proposed scheme is therefore in material contravention of the Development Plan both in terms of housing density and infrastructure readiness. We respectfully request that the Planning Authority reject the Application in full accordance with its statutory obligations under the Clare County Development Plan.

Objection 2 – no of car parking spaces planned for the intended LRD:

In the letter from Clare Co Co dated 22.8.25 it stated the Planning Authority had concerns in respect of the substantial shortfall in spaces overall and the resulting impact this would have to the overall scheme. The Planning Authority stated (rightly) it didn't accept the assessment provided that only 45% of residents would travel by car as their primary mode of transport. An uplift in the car park space provision was therefore requested by the Planning Authority.

The reply from Tobin was that the reduction in car parking was in accordance with the Clare County Development Plan. Their client decided to increase the car park spaces from 536 to 547 i.e., 11 additional spaces. The reply from Tobin further stated the design seeks to remain below the threshold (of the Clare County Development Plan) while promoting and facilitating sustainable modes of transport which Tobin stated the site is well positioned to support due to its "accessible location".

We do not agree that only 45% of residents of the LRD would travel by car. Nor do we agree with the contention that the rest of the residents of the new LRD would use public transport or walk/cycle instead of availing of a car.

The lack of sufficient car park spaces for a development of that size will foreseeably lead to lots of problems for the residents of this new proposed LRD's (if planning is granted per their current design/plans) and the surrounding neighbourhood. Yet again, we have a concern that those residents in the new proposed LRD seeking car park spaces will park their cars in the Ballymacaula View Estate for that purpose because of the planned lack of car park spaces in the LRD. We raised this matter already in our letter of objection dated 29th July 2025.

In areas like Ennis the reality is that car dependence will continue until such time as the pedestrian and cycling infrastructure becomes safer and public transport options for those working outside of the Ennis area provide a real and proper alternative that is accessible, reliable and regular to having a car. It is a fallacy to suggest otherwise.

The reference to "accessible locations" above in the reply from Tobin is not understood when the Dept of Housing Guidelines state the term applies to those locations within a five-to-six-

minute walk of regular public transport services and in Ennis the nearest bus/train station is at least a 50 min walk away from the location of the new LRD.

Planning guidelines published by the Department of Housing in 2024 state re car parking: "*car parking standards need to be set at realistic levels (having regard, inter alia, to proximity to public transport) in order to avoid parked vehicles causing obstruction on residential streets in the evenings or at weekends.*"

Less car parking spaces will not equate to less cars and the cars will have to be parked somewhere. Where will they park their cars if there aren't adequate car park spaces provided for in the LRD?

A planned lack of car park spaces in this LRD will foreseeably cause traffic congestion, safety hazards, increased accident risk, reduced quality of life for residents, reduced property values and it will have a negative environmental impact together with potential neighbourhood parking disputes particularly if there is difficulty accessing homes and amenities because of this unrealistic plan. The net effect of this proposal (if granted) is that it will cause a strain on the surrounding area including on the Ballymacaula View Estate. It will force residents of the new LRD to park their cars elsewhere transferring the problem to the wider neighbourhood including the Ballymacaula View Estate.

In addition, and critically the proposal includes two pedestrian access points linking directly into the Ballymacaula View Estate. This physical permeability combined with insufficient car parking within the proposed LRD will turn Ballymacaula View into a de facto overflow car park. Residents and visitors of the proposed new Estate will have unimpeded access to our internal roadways, increasing traffic volumes within an Estate whose original planning and layout made no provision for such. This raises severe and legitimate safety concerns. Ballymacaula View contains vulnerable users including children and elderly residents and persons with disabilities. Increased vehicular movements by non-residents of the Ballymacaula View Estate driven by parking shortfalls in the proposed LRD and facilitated by direct pedestrian links will significantly heighten the risks of accidents and diminish residential amenity. It will also breach the principle of protecting the integrity of established residential areas.

The Planning Authority must critically assess the cumulative impact of linking an under car parked development directly into an existing Estate. The proposed pedestrian permeability effectively guarantees uncontrolled parking displacement into Ballymacaula View and should be grounds for refusal in the absence of comprehensive and enforceable mitigation.

In order to grant the low level of car parking for this intended LRD the Planning Authority must be satisfied that alternative, reliable and accessible transport is available for residents and that is absolutely not the case.

Objection 3 – noise levels and construction dust arising from rock breaking during the construction phase:

In the letter from Clare Co Co dated 22.8.25 it stated the Planning Authority noted the potential for rock breaking during construction, with references to bedrock excavation within the site and noting no assessment in respect of noise or vibration or air quality re rock breaking, crushing or screening had been included in the EIAR furnished with the application. The Planning Authority requested that this be addressed and further to update the CEMP to include details of pest control associated with the construction of the LRD. The response of Tobin dated 20.10.25 was to refer the Planning Authority to the updated CEMP report. We have reviewed this Report and Tobin stated CEMP will be provided to the main contractor for implementation during the site clearance and construction stages of the intended LRD. Our

first concern is that Section 3.2 of the CEMP report states it is proposed that construction works will be carried out between the hours of 07:00 and 19:00 from Monday to Fridays inclusive, and 08:00 and 14:00 on Saturdays for an unknown period of time.

Section 7.1.5 states re stakeholder engagement that they intend developing and implementing a Stakeholder Communication Plan prior to construction, detailing how local residents and businesses will be informed of project timelines and mitigation efforts and that they will "encourage" residents to report dust concerns, which will be managed transparently and promptly.

Section 7.2 of the CEMP stated re noise and vibration all works will be carried out being mindful of potential noise impacts from construction activities. Plant and machinery operating on the site will be the main source of noise during the works most notably during any earthworks, rock breaking etc.

What is not clear from the foregoing is the actual level and duration of noise and disruption that will emanate from the site including during the rock breaking; crushing; rock excavation and bulk excavation. It is foreseeable all of this will adversely affect nearby residents' quality of life including the residents of the Ballymacaula View Estate for an indefinite period of time. There are residents in the Ballymacaula Estate who work from home, have small children and/or have health issues including respiratory issues like asthma where the intended level and duration of noise and construction dust requires proper clarification at this stage. Also, the levels of construction dust likely marking our properties in the Ballymacaula View Estate is unclear and requires clarification now. The CEMP report doesn't give any clarity or comfort in this regard. It is also unclear from the report whether proper noise and dust mitigation efforts will be in place at all (and indeed whether they will be sufficient) during the construction of this LRD.

Conclusion:

We request that the Planning Authority take the above into account in addition to the issues raised in our letter of the 29.7.25 in respect of this Application.

Yours faithfully,

Ronan O'Sullivan

Ronan O'Sullivan

The Chairperson of the Ballymacaula View Residents Committee.

2 Ballymacaula View

Cahercalla

Ennis.

Contact emai'

Enclosure 1 to this objection: the signatures of the residents of the Ballymacaula View estate who object to this planning application for the reasons cited above.

Name:	House No:
Amy Harvey	13
KIERAN LARNER	12.
Peter Larner	3 Cahercallen
Edel Quinn	#9 Ballymacaula.
[illegible]	#9
Paul Corbett	#1 Ballymacaula
Oonagh Barry	
Finola Higginson	# 3 Ballymacaula
James Higginson	#3
FELIX SIMO	#6
Jorge Ferreira	#7
[illegible]	#8
[illegible]	#14
Sarah Ni Cheannabhain	#14.
Louise [illegible]	* 18
NATALIA TROJAN	#20

(P.T.O.)

Name:	House No:
FIONÁN CRONIN	28
ELEANOR CRONIN	28
Stephen Garvey	34
Megan Garvey	34
Glenn Halpin	35
Ros O Rourke	36
M Bogarty	17
Fiona Brennan	41
Feargal Brennan	41
P Donnellen	# 37
Caroline Donnellen	# 37
Muireid O'Sullivan	# 24
CLARE PYNE	# 22.
John + Louise Horgan	# 23

Planning, Placemaking & Economic Development
Áras Contae an Chláir
New Road
Ennis, Co. Clare
V95 DXP2
Email: planoff@clarecoco.ie
Phone: (065) 6821616 (065) 6846232

Comhairle Contae an Chláir
Clare County Council

Pleanáil, Comhfhorbairt Áite agus Forbairt Eacnamaíoch
Áras Contae an Chláir
Bóthar Nua
Inis
Co. an Chláir
V95 DXP2

13th January 2026

Ballymacaula View Residents Committee
c/o Ronan O'Sullivan, Chairperson of Ballymacaula View Residents Committee
2 Ballymacaula View
Cahercalla
Ennis
Co. Clare

Ref. No: P25/60393

A Chara

I refer to your previous submission/observation regarding the application of Glenveagh Homes Ltd. for PERMISSION for a Large-Scale Residential Development (LRD) at this site at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare. The development will consist of 1. The construction of 300 no. houses comprising 14 no. 1 beds, 91 no. 2 beds, 164 no. 3 beds, and 31 no. 4 beds; 2. 1 no. creche/childcare facility; 3. The provision of landscaping, open space and amenity areas, including a linear amenity walkway, footpaths, cycleways and play areas; 4. The provision of 3 no. pedestrian connections to the existing public footpath along the N85, 2 no. pedestrian connections into Ballymacaula View Estate, improvements/upgrades to the pedestrian footpaths along Circular Road including a raised pedestrian crossing and pedestrian footpath provision along part of the Drumbiggle and Cahercalla Roads; 5. All associated infrastructure and services including 1 no. vehicular access onto Circular Road, car and bicycle parking, bin storage, lighting, 3 no. ESB substations, drainage,1 no. pumping station, boundary treatments. An Environmental Impact Assessment Report and a Natura Impact Statement have been prepared in respect of the proposed development. The application may be inspected online at the following website set up by the applicant: www.ennislrd.ie.

I wish to inform you that the Council has decided to **grant planning permission** in this case. A copy of the Notification is attached for your information. The Notification also includes information regarding the process of lodging an appeal with An Coimisiún Pleanála against the decision of the Planning Authority. You will be notified in the event of an appeal being lodged with An Coimisiún Pleanála and the decision on same in due course.

Mise le meas

Josephine Connors

JOSEPHINE CONNORS
STAFF OFFICER
PLANNING, PLACEMAKING & ECONOMIC DEVELOPMENT

Comhairle Contae an Chlair
Clare County Council

CLARE COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)
NOTIFICATION OF DECISION TO GRANT PERMISSION (SUBJECT TO CONDITIONS) UNDER SECTION 34 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)

To: Glenveagh Homes Ltd.
c/o McCutcheon Halley Chartered Planning Consultants
6 Joyce House
Barrack Square
Ballincollig
Co. Cork
P31 YX97

Planning Register Number: P25/60393

Application Received: 30/06/2025

Further Information Received: 23/10/2025

Additional Information Received: 18/12/2025

In pursuance of the powers conferred upon it by the above-mentioned Acts, Clare County Council has by order dated 13th January 2026 decided to **grant permission** for the development of land, namely:

for a Large-Scale Residential Development (LRD) at this site at Ballymacaula, Drumbiggle, Keelty, Circular Road, Ennis, Co. Clare. The development will consist of 1. The construction of 300 no. houses comprising 14 no. 1 beds, 91 no. 2 beds, 164 no. 3 beds, and 31 no. 4 beds; 2. 1 no. creche/childcare facility; 3. The provision of landscaping, open space and amenity areas, including a linear amenity walkway, footpaths, cycleways and play areas; 4. The provision of 3 no. pedestrian connections to the existing public footpath along the N85, 2 no. pedestrian connections into Ballymacaula View Estate, improvements/upgrades to the pedestrian footpaths along Circular Road including a raised pedestrian crossing and pedestrian footpath provision along part of the Drumbiggle and Cahercalla Roads; 5. All associated infrastructure and services including 1 no. vehicular access onto Circular Road, car and bicycle parking, bin storage, lighting, 3 no. ESB substations, drainage,1 no. pumping station, boundary treatments. An Environmental Impact Assessment Report and a Natura Impact Statement have been prepared in respect of the proposed development. The application may be inspected online at the following website set up by the applicant: www.ennislrd.ie.

Under Article 20 of the Planning and Development Regulations 2001 (as amended), the applicant shall remove the site notice following this notification of the Planning Authority's decision.

The Planning Authority in its decision has had regard to submissions/observations received (if any) in accordance with Planning and Development Regulations 2001 (as amended).

The reason for the decision is set out in the First Schedule hereto and is SUBJECT to the conditions set out in the Second Schedule hereto. The reason for the imposition of the said conditions are set out in the Second Schedule hereto **(27 Conditions).**

FIRST SCHEDULE-REASON

Having regard to the policies and objectives of the Clare County Development Plan 2023-2029, the nature, scale and design of the development, the planning history on site, the provisions of the Ministerial Guidelines, 'Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities', Department of Housing, Local Government and Heritage, 2024, and the pattern of development in the area, it is considered that, subject to conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic and pedestrian safety and convenience, and would be in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE – CONDITIONS

1. (a) The proposed development shall be carried out and completed in accordance with the plans and drawings and particulars as received by the Planning Authority on 30th June 2025, further information received on 23rd October 2025, and unsolicited additional information received on 18th December 2025 except where conditions hereunder specify otherwise. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

   (b) Permission is hereby granted for 298 dwellings within the proposed development.

   Reason: In the interest of clarity, orderly development and the provision of an appropriate degree of car parking provision to serve the proposed creche.

2. The proposed development shall be amended as follows:

   Proposed dwellings no. 108 and 109 shall be omitted from the scheme and the areas wherein the houses were to be located shall be designed and developed as additional car parking space to serve the proposed Creche. Prior to the commencement of development at this site, revised proposals for this part of the sites, to comply with this condition, shall be submitted for the written agreement and approval of the Planning Authority.

   Reason: In the interest of provision of an acceptable level of car parking provision to serve the proposed creche, in keeping with the car parking standards as are set out in the Clare County Development Plan 2023-2029.

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

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

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

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

4. 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 social and affordable housing in accordance with the requirements of Section 96 of the Planning and Development Act 2000 as amended. No development or any associated work shall take place on foot of this planning permission until such an agreement is in place.

   Reason: To comply with the Housing Strategy for Co. Clare, the requirements of Section 96 of Part V of the Planning & Development Act 2000, as amended, and in the interest of proper planning and sustainable development of the area.

5. (a) Prior to the commencement of development full details of all external finishes and materials shall be submitted for the written agreement and approval of the Planning Authority.

   (b) The finished floor level of the proposed residential units and proposed crèche shall be as per details received by the Planning Authority on the 30th June 2025 and the Further Information received on the 23rd October 2025, and shall not be modified in any way without the prior written agreement and approval of the Planning Authority.

   Reason: In the interest of orderly development and visual amenity.

6. The proposed development shall be constructed on a phased basis as per the phasing plan received by the Planning Authority on 30th June 2025.

   Reason: Interest of orderly development and appropriate phasing of the proposed development.

7. (a) The proposed development shall be carried out in full compliance with all Mitigation Measures and proposals as outlined in the Natura Impact Statement, Ecological Impact Assessment, Construction Environmental Management Plan, Flood Risk Assessment, Arboricultural Impact Assessment, Drainage Impact Assessment and Bat fauna Impact Assessment received by the Planning Authority on on 30th June 2025 and the Further Information received on 23rd October 2025 and 18th December 2025.

   (b) An Ecological Clerk of Works shall be appointed to oversee the proposed development, in order to ensure that the construction phase is carried out in compliance with all mitigation measures as are outlined in the Natura Impact Statement, Ecological Impact Assessment, and Construction Environmental Management Plan.

   (c) The initial inspection by the Ecological Clerk of Works shall take place in advance of works commencing and inspections shall be undertaken monthly thereafter.

   (d) The appointed Ecological Clerk of Works shall either deliver or provide the Resident Engineer with sufficient environment information to deliver a site induction to all personnel working onsite.

   Reason: In the interest of protection of ecology and biodiversity at this location.

8. The Construction Environmental Management Plan (CEMP) for the proposed development shall be completed and amended to incorporate the following measures:

   (a) Full details as to who will take charge of the proposed day roosts for bats and who will be responsible for the upkeep and maintenance of this into the future.
   (b) Full details as to the placement of the proposed bat box scheme as agreed with the site ecologist
   (c) All proposed mitigation measures in terms of Bat Species, as per the Bat Fauna Impact Assessment shall be incorporated into the finalised CEMP for the proposed development.
   (d) Detailed pest control measures to be implemented during the construction stage of the to ensure that appropriate measures are in place to deal with rodents that may be at the site during this phase of the development.
   (e) The use of the proposed Bat Day roost as per the Bat Fauna Impact Assessment received on 23rd October 2025 shall be monitored during the construction stage and for 3 years post construction in conjunction with the monitoring and implementation of the landscape plan.
   (f) The suitably qualified Site Ecologist shall ensure that the landscape plan is implemented in full, with any failures rectified, and any additional planting undertaken as required in terms of remediation.
   (g) The public lighting shall be <2700K, in accordance with the mitigation measures as per the Bat Fauna Impact Assessment for the proposed development.

The CEMP shall also be updated to include the following in terms of Construction Logistics:

(h) The transportation of materials to and from the site shall be via the N85 Relief Road and the R474. This shall be a condition of all supply and disposal contracts for the proposed development.
(i) The applicant will be required to provide two Variable Message Signs (VMS) as advance warning signs on the R474 during the construction and for a period following the construction phase. Details and location of the VMS signs shall be agreed with the Planning Authority.
(j) The applicant shall keep all public roads which are local to the site both clean, swept and free from debris during the construction process.
(k) Prior to the commencement of construction, the applicant shall submit to the Planning Authority a condition survey of the following roads using a high definition 360-degree camera:
-The R474 from Beech Park roundabout to a location 50m north of the junction with Drumbiggle Road.
-Drumbiggle Road from its junction with the R474 to a location 50m north/east of the junction with Cahercalla Road.
-Cahercalla Road from its junction with Drumbiggle Road to a location 50m south/east of the proposed new footpath
-The applicant shall be responsible for any defects which occur to these roads as a result of construction activities.

The revised and updated CEMP shall be submitted for the written agreement and approval of the Planning Authority prior to the commencement of development.

Reason: In the interest of protection of bats, traffic safety and prevention of damage to the road network.

9. Prior to the commencement of development, a finalised Construction Traffic Management Plan for the proposed development shall be submitted for the written agreement of the Planning Authority. The completed Plan shall include the following details:

- Details of internal haul routes, staff parking and construction compounds.
- Details as to how appropriate delineation is to be maintained between construction activities and the preceding completed phase of development
- Deliveries, construction vehicles and staff associated with the development are not permitted to park or idle on the hard shoulders of the N85 Relief Road during the construction period and details to show how this is to be prevented are to be submitted for agreement.

Reason: In the interest of traffic safety.

10. (a) All Raised crossings at junctions within the development shall comply with *NTA/TD/AN1 Active Travel Guidance Note: Junction Tightening Schemes.*

(b) All tactile paving shall be constructed as per the current TII detail, *CC-SCD-05136 (*Uncontrolled Pedestrian Crossings). Tactile paving shall be located at each pedestrian crossing point, as per DMURS.

(c) All waste generated and transported off site during the construction phase shall be managed in accordance with the relevant provisions of the Waste Management Act 1996 and associated amendments and regulations thereof.

Reason: In the interest of orderly development and provision of appropriate pedestrian crossings.

11. (a) The applicant/developer shall install the storm water network, hydrocarbon interceptors, soak ways, infiltration basin, bioswales, permeable paving and all other proposed SUDS measures in accordance with the designer's requirements and the manufacturer's instructions. The applicant/developer shall employ a suitably qualified Engineer to certify that the storm water network, hydrocarbon interceptors, soak ways, infiltration basin, bioswales, permeable paving and all other proposed SUDS measures has been installed as per the designer's requirements and the manufacturer's instructions. Following the completion of the development the applicant shall submit a record of same to the Planning Authority.

(b) The applicant/developer's design team shall set out the maintenance requirements and schedules for the storm water network, hydrocarbon interceptors, soak ways, infiltration basin, bioswales, permeable paving and all other proposed SUDS measures in the development and the operator of the development shall undertake to carry out the maintenance as per the schedule. The records of the maintenance requirements and schedule shall be kept at the proposed development for inspection by the Planning Authority if required.

Reason: In the interest of orderly development and appropriate storm water management.

12. Street lighting shall be provided and made operational, and it shall be in accordance with the standards laid down in the current E.S.B. Publication "Public Lighting in Residential Estates". The lighting columns for the public lighting system shall be constructed of 3.2mm minimum steel hot dip galvanized, or other agreed type. LED lanterns shall be provided. Lighting shall be provided prior to the making available for occupation of any residential unit.

    Reason: In the interest of orderly development, amenity and public safety.

13. (a) The development permitted shall be carried out and completed at least to the construction standards set out in the Recommendations for Site Development Works for Housing Area (Department of Housing Local Government and Heritage 1998) and the Planning Authority's Taking in Charge Policy.

    (b) Prior to the commencement of Development, the applicants shall submit a detailed taking-in-charge layout plan for the proposed development for the written agreement and approval of the Planning Authority. The proposal playground shall be excluded from any taking in charge maps.

    (c) Prior to commencement of development the developer shall agree with the authority, in writing, the procedures for inspection and monitoring of the entire development by the authority to ensure compliance with these standards and shall thereafter comply with the agreed procedures during the construction of the overall development. Following completion, the development shall be maintained by the developer in compliance with these standards until taken in charge by the Planning Authority.

    (d) The proposed permeable paving to driveways shall not be removed or replaced without the benefit of planning permission and a condition to this effect shall be included in all sales agreements for dwellings within the proposed development.

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

14. The open spaces shall be developed for and devoted to public use and shall be kept free of any development. When the development is being taken in charge, the public areas, including the open spaces that have been designated for taking in charge, shall be vested in the Planning Authority, at no cost to the Authority. Responsibility for the maintenance of the open spaces shall not be vested with the Planning Authority.

    Reason: In order to ensure the proper development of the public open space areas and their continued use for this purpose.

15. The applicant shall enter into a Connection Agreements with Uisce Éireann to provide for a service connection(s) to the public wastewater collection network and adhere to the standards and conditions set out in that agreement.

    Reason: To provide adequate water and wastewater facilities and protect existing public infrastructure.

16. The internal road and vehicular circulation network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the Planning Authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets.

    Reason: In the interests of traffic and pedestrian safety.

17. An electric connection to the exterior of the houses shall be provided 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 the commencement of development.

Reason: In the interest of sustainable transportation.

18. (a) All electrical and telecommunications services shall be laid underground and details regarding these shall be agreed with the relevant service providers prior to construction. Any relocation of utility infrastructure shall be agreed with the relevant utility provider.

(b) Dedicated, open access telecommunications ducting shall be provided by the developer, separate from any other utility ducting, to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and to facilitate licensed operators providing open access connectivity arrangements when providing broadband services to each dwelling within the estate without the need to re-open the road, footpaths or verges.

19. (a) With the exception of the landscaping proposals, the development shall be open plan and no front boundary walls/fences shall be erected notwithstanding any exempted development provisions. This shall be included in the sales agreement for each dwelling house.

(b) All landscaping proposals shall be in accordance with those indicated in detail received by the Planning Authority on 30th June 2025 and Further Information received on 23rd October 2025.

(c) 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 5 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.

Reason: In the interest of visual and residential amenities.

20. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas

21. (a) The internal roads, footpaths, lighting, and open space shall be fully in situ, to the satisfaction of the Planning Authority, prior to the occupation of the proposed dwellings.

(b) Road surfacing materials shall comply with TII Standard CC-SPW-00900.

(c) No surface water from the access road serving the development shall be permitted to run off onto the public road.

(d) No surface water from private driveways within the development shall be permitted to run off onto the internal access road.

(e) All footpaths shall be concrete bayed, slabbed, or tiled. They shall be dished at all road junctions and at all entrances and shall be level with the carriageway at such points.

(f) The areas of permeable paving shall not be replaced without the benefit of planning permission, notwithstanding any exempted development provisions.

(g) Signs and road markings used shall be to Department of Transport Local Government Traffic Signs Manual standard.

Reason: To facilitate access and in the interests of traffic safety and the orderly development of the area.

22. (a) Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

    (b) Rock breaking activity shall only take place between 0900 to 1300 hours and between 1400 and 1800 hours Mondays to Friday inclusive, and between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays.

    Reason: In the interest of orderly development and visual amenity.

23. After completion of the development, the developer shall lodge full plans, drawings and details of the entire development as constructed and these shall be certified by a suitable professionally qualified individual. Said drawings and plans shall be in digital format and be compatible with AUTOCAD Release 12 or later.

    Reason: In the interest of future maintenance of the development.

24. All mitigation measures in relation to archaeology and cultural heritage as per the details as received by the Planning Authority on 30th June 2025 and Further Information received on 23rd October 2025, shall be implemented and completed in full, except as may otherwise be required in order to comply with the below conditions relating to archaeological heritage.

    In this regard, the developer shall retain / engage a suitably qualified Archaeologist (licensed under the National Monuments Acts) to:

    - Carry out a program of pre-construction archaeological geophysical survey immediately subsequent to vegetation clearance on the development site. Methodologies for vegetation removal shall not involve disturbance of topsoil's within the development site.
    - Following archaeological review of the findings of the geophysical survey, carry out a program of pre-construction targeted archaeological test excavation (including of the townland boundary between Keelty and Ballymacaula) within the development site. No site preparation / enabling works or ground disturbance shall be carried out in the absence of the Archaeologist without his / her express consent. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.
    - Where archaeological material is shown to be present, further mitigation measures may be required. These may include preservation in situ (avoidance by design), preservation by record (archaeological excavation) and/or monitoring of groundworks associated with the development.
    - The developer shall facilitate the Archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the Planning Authority, following consultation with the Department shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the Archaeologist's reports (geophysical survey and test excavation reports) have been submitted to and approval to proceed is agreed in writing with the Planning Authority.
    - Following the completion of all pre-construction archaeological work on site and any necessary post-excavation specialist analysis, the Planning Authority and the Department shall be furnished with a final archaeological report describing the results of all archaeological investigative work/excavation required, all resulting and associated archaeological costs shall be borne by the developer.

- A final Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development, as may become relevant subsequent to the programs of archaeological geophysical survey and test excavation. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

25. Prior to the commencement of development the developer/applicant shall pay a contribution of **€1,653,602.00** 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.

26. Before development commences a Special Development Contribution shall be paid to Clare County Council as a special contribution towards the provision of pedestrian infrastructure along the Drumbiggle Road which are necessary to facilitate the development of the site. The contribution payable will be based on the contribution rate applicable at the time of payment and not the rate in existence when permission is granted. The amount of development contribution is set out below and is subject to annual revision with reference to the Wholesale Price Index (Building and Construction), and in accordance with the terms of the Council's Development Contribution Scheme. The amount is currently **€63,000.00**

    Reason: In the interests of the proper planning and sustainable development of the area and in accordance with Section 48(2)(c) of the Planning and Development Act 2000, as amended.

27. No development shall be commenced until cash security has been provided to the Planning Authority for the provision of, and satisfactory completion of open space, roads, footpaths, storm water sewers, public lighting, other public facilities, including maintenance until taken in charge by Clare County Council OR upon satisfactory completion of the development, and the satisfactory compliance with the conditions of this permission. This cash security is required by the Council for application at its absolute discretion if such facilities are not duly provided to its satisfaction. The cash security shall be given by Lodgement with the Clare County Council of the sum of **€1,490,000.00**.

    All such security shall be adjusted from January 1st next and annually thereafter (unless previously discharged) in line with the Wholesale Price Index – Building and Construction (published by the Central Statistics Office). The security shall remain in full force and effect until discharged by the Council.

    Where the developer / applicant proposes in writing to the Planning Authority to carry out the proposed development in phases, a phased payment of the cash security may be agreed by the Planning Authority. Any phased payment shall be determined by the Planning Authority and shall reflect the development works required to make each phase viable (this cash security can be partially rolled from one phase to another depending on the Planning Authority's assessment of the works outstanding in each phase and where the storm water sewers, public lighting, roads, footpaths and open spaces, required to facilitate the houses constructed in that phase, have been completed to an appropriate standard). All relevant information to show compliance with the appropriate standards (e.g., Engineers Certification, CCTV of storm water sewers, RECI Certs etc.) shall be submitted to the Planning Authority in advance of any request to roll the cash security from a particular phase to another phase of the development.

If there is no appeal to An Coimisiún Pleanála against the said decision, a **grant of permission** will be issued as soon as may be, but not earlier than 3 working days after the expiration of the period for the making of an appeal to An Coimisiún Pleanála. It should be noted that, until a grant of permission has been issued no work shall commence on the site and that the development in question is NOT AUTHORISED until a final grant of permission has issued.

Signed on behalf of the said Council **this 13th January 2026.**

Josephine Ennis ---------- **STAFF OFFICER, PLANNING, PLACEMAKING & ECONOMIC DEVELOPMENT, NEW ROAD, ENNIS, CO. CLARE**

IMPORTANT NOTE: REGARDING APPEALS

An appeal against the decision of a Planning Authority on an application may be made to An Coimisiún Pleanála. Appeals must be received by An Coimisiún Pleanála within **four weeks** beginning on the date of the making of the decision by the Planning Authority. (N.B. not the date on which the decision is sent or received).

An appeal shall:

(a) be made in writing and state the name and address of the appellant or person making the referral and of the person, if any, acting on his or her behalf.

(b) state the subject matter of the appeal with details of the nature and site of the proposed development, the name of the Planning Authority, the planning register number and the applicant's name and address (if you are a third party).

(c) state the **full** grounds of appeal and be accompanied by supporting material and arguments. An Coimisiún Pleanála cannot take into consideration any grounds of appeal or information submitted after the appeal (except information specifically requested by An Coimisiún Pleanála) and it cannot consider non-planning issues so grounds of appeal should not, therefore, include such issues.

(d) In the case of a third party appeal, be accompanied by the acknowledgement by the Planning Authority of receipt of the submission or observations made by the person to the Planning Authority at application stage. (A copy of the notification of the decision or similar is not accepted as an acknowledgement of receipt of the submission or observation)

(e) be accompanied by the appropriate fee (see below for details). **An Appeal, submission or observation to An Coimisiún Pleanála will be invalid unless it is accompanied by the appropriate fee.**

A request to An Coimisiún Pleanála for an Oral Hearing shall be accompanied by the appropriate fee and such request must be made within the period for lodging the appeal, but where the developer is sent a copy of a third party appeal, he/she is allowed four weeks from this date.

All appeals, submissions, observations and other documents should be addressed to **The Secretary, An Coimisiún Pleanála 64, Marlborough Street, Dublin 1** or delivered by hand to an employee of An Coimisiún Pleanála at their offices during office hours (9.15 a.m. to 5.30 p.m. on Monday to Friday, except public holidays and Good Friday): The telephone number of An Coimisiún Pleanála is (01-8588100). Web: http//www.pleanala.ie. email: commiunications@pleanala.ie.

Note: Under Section 251 of the Planning & Development Act 2000 (as amended) where calculating any period referred above, the period between the 24th December & 1st January both days inclusive shall be disregarded.

The return, of the cash security shall be subject to, inter alia, the report of an independent chartered engineer (with professional indemnity insurance) confirming that all materials and workmanship of the site infrastructure is in accordance with the plans and specifications submitted.

Reason: To ensure the satisfactory completion of the site development works, in the interests of residential amenity and the orderly management of roads and services.

General		
(a) Request for scoping of an EIS.	Nil	€5,000
(b) Submission of EIS following request from An Coimisiún Pleanála	Nil	€1,500
(c) Submission of NIS following request from An Coimisiún Pleanála	Nil	Commercial development €1,500 Non-commercial development €220

[1] An appeal made by the person by whom the planning application was made.
[2] Commercial development includes residential development of 2 or more houses.
[3] Environmental Impact Statement.
[4] Natura Impact Statement.
[5] 2000 Act means Planning and Development Act 2000 as amended.
[6] A list of these bodies is available from An Coimisiún Pleanála.
[7] Where cost recovery applies fees are offset against costs incurred.
[8] Fees under section 66 of the Water Services Act 2007 will only apply when that section is commenced after the 5th September, 2011.
[9] After 5th September, 2011 the reduced appeal fee applies to appeals made by any person entitled to appeal other than the applicant for a licence, the person causing, making or permitting the discharge or the occupier of the premises from which the discharge is made (in effect all third party appeals including those by certain specified bodies).
[10] An Coimisiún Pleanála's power to set fees does not cover fees relating to appeals under section 20 of the 1977 Act and these fees remain as set by Ministerial Regulation. In these cases the reduced fee applies to certain prescribed bodies.
[11] An Coimisiún Pleanála has no power to amend existing fees under the Air Pollution Act and these fees remain as heretofore as set by Ministerial Regulation.

The Building Regulations and Building Control Regulations:

The Building Control Act 1990 to 2014 establishes a statutory duty to design and construct in accordance with the Building Regulations. Every building to which the Building Regulations apply should be designed and constructed in accordance with the provisions of such Regulations, and the responsibility for compliance rests with the designers, the constructors and the building owners. The Building Regulations set out the technical requirements for the design and construction of building works. The Building Regulations are divided into 12 parts; Parts A to M. Works that are carried out in accordance with these 12 Technical Guidance Documents will prima facie indicate compliance with the Building Regulations.

In accordance with the Building Control Regulations 1997 to 2015, a Commencement Notice must be submitted to the Building Control Section of Clare County Council, 14 to 28 days before the commencement of works. For Commercial Buildings and Apartment Buildings, a Fire Safety Certificate must be granted by the fire authority prior to commencement of works and a Disability Access Certificate must be granted prior to occupation of the building (certain exemptions apply ref. Building Control Regulations 1997 to 2015).

On 01st March 2014, new legislation, the Building Control (Amendment) Regulations 2014 (S.I No. 9 of 2014) relating to the commencement and certification of construction works came into effect. This required that a Commencement Notice be submitted to the building control authority accompanied by:

(i) design and compliance documentation, certified by a registered construction professional

(ii) undertakings by the builder and assigned certifier (a registered building professional)

(iii) an inspection plan prepared by the assigned certifier

(iv) the relevant fee of €30 per building

However, on 01st September 2015 the Building Control (Amendment) (No. 2) Regulations 2015 (S.I No. 365 of 2015) came into effect which provides owners of new single dwellings (on a single development unit), and domestic extensions the facility to submit a Commencement Notice and "opt out" of the requirements to obtain the statutory certificates reliant on the services of a registered construction professional. For an "information note for owners of new dwellings and extensions who opt out of statutory certification" go to http://www.environ.ie/en/Legislation/DevelopmentandHousing/BuildingStandards/FileDownLoad,42563,en.pdf
Please go to http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/#BldgCtrlRegs for additional detail on S.I. No 9 of 2014, S.I. No 365 of 2015 and the information note for owners opting out of statutory certification.

All Commencement Notices must be submitted by online submission. Please go to https://www.localgov.ie/en/link-type/bcms to complete the online submission in the Building Control Management System (BCMS) and for further information on Commencement Notices.

Appeals/Referrals under Planning Acts	On or before 2nd September 2011	On or after 5th September 2011
(a) Appeal sagainst decisions of Planning Authorities		
Appeal		
(i) 1st party appeal[1] relating to commercial development[2] where the application included the retention of development.	€4,500 or €9,000 if an EIS[3] involved	€4500 or €9,000 if an EIS or NIS[4] involved
(ii) 1st party appeal relating to commercial development (no retention element in application).	€1,500 or €3,000 if EIS involved	€1,500 or €3,000 if EIS or NIS involved
(iii) 1st party appeal non-commercial development where the application included the retention of development.	€660	€660
(iv) 1st party appeal solely against contribution condition(s) – (2000 Act[5] section 48 or 49).	€220	€220
(v) Appeal following grant of leave to appeal.	€110	€110
(vi) An appeal other than referred to in (i) to (v) above.	€220	€220
(b) Referral.	€220	€220
(c) Reduced fee for appeal or referral (applies to certain specified bodies[6])	€110	€110
(d) Application for leave to appeal (section 37(6)(a) of 2000 Act).	€110	€110
(e) Making submission or observation (specified bodies exempt[6]).	€50	€50
(f) Request for oral hearing under section 134 of 2000 Act.	€50	€50
Note: The above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above).		

Substitute Consent Part XA of 2000 Act	On or before 2nd September 2011	On or after 5th September 2011
(a) Application for leave to apply for substitute consent.	Nil	€3,000 except no fee where previous permission set aside by Court decision.
(b) Application for substitute consent.	Nil	Similar to fee for application to Planning Authority.
(c) Request for oral hearing under section 177Q of 2000 Act.	Nil	€50