

**From:** [REDACTED]  
**To:** [Development Plan](#)  
**Subject:** RE: Submission to Variation No.1 to the Clare County Development Plan 2023-2029  
**Date:** Tuesday 7 April 2026 13:22:09  
**Attachments:** [REDACTED]

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A chara,

I write in relation to the proposed Variation No. 1 to the Clare County Development Plan 2023–2029, as recently published by Clare County Council.

This submission relates to lands at Ennis , Co. Clare in the ownership of Galvin Construction Ltd.

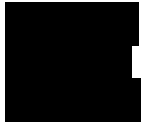
I would be grateful if you could confirm receipt of this correspondence at your earliest convenience and issue us with a relevant submission reference for our records.

Thanks

If you have any queries, please do not hesitate to contact me on [REDACTED]

Best Regards,

Shane O'Malley  
Galvin Construction Ltd



By E-Mail to: devplan@clarecoco.ie

Subject: "Submission to Variation No. 1 to the Clare County Development Plan 2023-2029."

Planning Department,  
Clare County Council,  
New Road,  
Ennis,  
Co. Clare.

1<sup>st</sup> April 2026

**Re: Variation No. 1 Clare County Council Development Plan 2023-2029**  
**Proposed Variation to Ennis & Clarecastle Settlement Plan.**  
**Site Ref: R39 previously identified as SR8 (Site adjacent to Pairc na Coille Nursing Home).**

A Chara,

Galvin Construction (Faunrusk) Ltd have purchased the above identified site for residential development purposes.

We note that one of the reasons for the proposed variation is:

To align the Clare County Development Plan 2023-2029 with the NPF Implementation: Housing Growth Requirements ' Guidelines for Planning Authorities under Section 28 of the Planning and Development Act 2000, as amended (2025).

We wish to submit that the inclusion of the additional script on the proposed variation is restrictive and unwarranted and will result in delays in bringing these lands forward for development. We therefore request Clare County Council to maintain the proposal to rezone the lands from SR8 to R39 without alteration or addition to the typed script associated with the original zoning as regards Habitat & Ecology.

We base this request on:

**Appropriate Assessment** included as part of the proposed V: Natura Impact Report as regards R39 Ennis which states: "*This zoning change will not introduce environmental impacts beyond what has been identified , assesses and mitigated against under the AA of the current CDP*".

**Strategic Environmental Assessment:** Environmental Report: *"It is proposed that the zoning of this site be amended from 'Strategic Residential Reserve' to 'Residential'. This zoning change will not introduce environmental impacts beyond what has been identified within the environmental assessments (SEA and AA) of the CDP. This zoning change will essentially prioritise and deliver residential development in the near future. This will have positive effects on population and human health, material assests, and climate through sustainable development and delivery of housing."*

**An Board Pleanala Inspectors Report: ABP-313217-22 / Clare County Council P21599**

**Inspectors Report:**

"I have inspected the site and the surrounding area and read the submissions on the file while having regard to the proposed development in the context of the relevant planning policies and guidance for the nature and location of the site. As the site is residentially zoned in a serviced area in a key town in the Core Strategy and surrounded by development, the principle of housing is I consider acceptable".

"There will be a loss of habitat as part of site preparation, but it is considered slight - moderate, however the retention of the linear boundary features prior to site works and supplementary planting of indigenous species to enhance these linear features will result in a minor residual negative impact in a local context. Having reviewed the Tree survey and reports and inspected the site I consider this to be a reasonable account and feasible conclusion".

"Construction: No roosting bats were recording although a few trees were identified as having potential. The loss of the commuting and foraging habitat is identified as a negative effect . However the landscape management plan retains woodland habitat along the southwestern boundary, and this is in addition to supplementary planting. Precautionary best practice measures will be undertaken to prevent felling of trees with roosts e.g. pre-commencement survey and licencing if required, 24-hour rest *in situ* of felled trees. Crucially there will be no net loss of linear features used for commuting species. Accordingly no significant loss of bat roosting habitat is anticipated with these mitigation measures".

**An Board Pleanala Board Direction as regards: ABP:319358-24**

Board Decision:

See addendum below:

Is mise,



Enda Galvin.



An  
Bord  
Pleanála

**Board Direction**  
**BD-018670-25**  
**ABP-319358-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/01/2025.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

#### **Reasons and Considerations**

Having regard to the Clare County Development Plan 2023-2029 and to the zoning of the site as Strategic Residential Reserve (SR8) to facilitate growth needs across the county and sequential expansion in the long term, it is considered the development of the subject site at this time is premature and would, therefore, not comply with the policies and objectives of the Clare County Development Plan 2023-2029.

In deciding not to accept the Inspector's second recommended reason for refusal in relation to appropriate assessment of the proposed development, the Board noted the totality of submissions on the file including (i) the location of the site, together with adjoining land, within 2.2 kilometres of a hibernation roost (Roost ID 53) in



Newhall and Edenvale Complex Special Area of Conservation (site code 002091), (ii) the site-specific conservation objective, attribute and target of the Special Area of Conservation that there should be no significant decline in the extent of potential foraging habitat within 2.5 kilometres of a qualifying roost, (iii) the observation of the Board's Ecologist regarding the low numbers of Lesser Horseshoe Bat recorded across all seasons at the proposed development site, (iv) the history of scrub clearance activity at the proposed development site, (v) the site-specific zoning measures (SR8) and the mitigation measures set out in the Development Plan's Natura Impact Statement. The Board considered the Development Plan, in zoning the site for residential development rather than amenity, anticipates a level of site development alongside prescribed site-specific mitigations to protect the movement of Lesser Horseshoe Bats, subject to satisfactory applicable assessments. The Board noted the applicant's submission that the site-specific conservation objectives for Newhall and Edenvale Complex Special Area of Conservation did not map this particular site as part of the potential foraging grounds for that European Site (Map 2, NPWS (2018) Conservation Objectives: Newhall and Edenvale Complex SAC 002091, Version 1). In any case, the Board also considered that a conservation target of no significant decline in the extent of potential foraging habitat does not equate to no loss. The Board concurred with the Board Ecologist that the details provided in the Natura Impact Statement in this application with respect to phase 1 did not enable the Board to complete an appropriate assessment and while the Board could have sought further information from the applicant in this regard, given the substantive reason for refusal the Board decided not to pursue the matter further at this time.

In deciding not to accept the Inspector's third recommended reason for refusal in relation to no net loss of feeding habitat, the Board noted that Policy Objective 15.12(d) of the Clare County Development Plan 2023-2029 seeks to ensure there is "no net loss of potential Lesser Horseshoe Bat feeding habitats, treelines and hedgerows within 2.5 km of known roosts". The Board noted that a radius of 2.5 km equates to an area of 19.6 km<sup>2</sup> encompassing the vast majority of Ennis Town including its rural periphery to the west and south. In terms of enabling the practical application of such an objective across all landholdings, gardens and related activities in this area, the Board also had regard to the use of the phrase "net loss" in



the policy objective which implies loss in some areas may be counterbalanced by gains in others areas. Taken together with the local authority's decision to designate this site for residential development (SR8) rather than an amenity zoning, the Board considered the local authority had anticipated some level of scrub removal at this site alongside appropriate site-specific measures and mitigations referenced above. On that basis, the Board considered Policy Objective 15.12 of the Development Plan did not constitute a sufficient reason for refusal.

In deciding not to accept the Inspector's fourth recommended reason for refusal in relation to a stated requirement for derogation licensing in advance of a decision for this planning application, the Board noted the recommendation of the Development Applications Unit at the Department of Housing, Local Government and Heritage and the subsequent Board's Inspectorate in this regard. The Board considered the Judgement of the Court of Justice of the European Union in relation to Case C-166/22, and noted in particular paragraph 36 which states "... in the specific case where, first, the execution of a project that is subject to the dual requirement for assessment and development consent laid down in Article 2(1) of Directive 2011/92 involves the developer applying for and obtaining a derogation from the plant and animal species protection measures prescribed in the provisions of national law transposing Articles 12 and 13 of Directive 92/43 and where, second, a Member State confers power to grant such a derogation on an authority other than the one on which it confers power to give development consent for the project, that potential derogation must necessarily be adopted before development consent is given". In considering that this proposed development is not a 'project' for the purposes of Directive 2011/92 as concluded in Section 5.4 of the Inspector's Report, the proposed development does not appear to fall within the scope of this Judgement and the Board was not satisfied this constituted a reason for refusal.

In deciding not to accept the Inspector's fifth recommended reason for refusal in relation to hydrological and hydrogeological conditions pertaining to the site, the Board, in having regard to the totality of submissions received, was nevertheless satisfied with and accepted the technical submissions provided by the applicant regarding the surface water management strategy including as it relate to flood risk. In the context of surface water for the proposed development predominantly being

routed to the Cahercalla Stream culvert thereby reducing the volume of surface water going to ground within the site, the Board did not consider the concerns relating to unforeseen flooding and groundwater impacts as set out by the Inspector to be sufficiently significant as to warrant a refusal.

Board Member

*Eamonn James Kelly*  
Eamonn James Kelly

Date: 22/01/2025