



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

17th July 2026

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

BY HAND AND BY EMAIL

**Re: Notice Pursuant to section 63(6) of the Planning and Development Act
2024 – Variation No. 1 to the Clare County Development Plan 2023-2029**

A chara,

1. I am writing to you pursuant to section 63(6) of the Planning and Development Act 2024 (the Act) in the context of Variation No. 1 (Variation No. 1) to the Clare County Development Plan 2023-2029 (Development Plan), which was made by the elected members of Clare County Council (Planning Authority) on 8th June 2026.
2. Following the notice of the adoption, received by the Office of the Planning Regulator (Office) on 15th June 2026, the Office is carrying out an assessment of Variation No. 1 further to section 63(1)(b) of the Act. While the assessment is ongoing, the Office has formed a preliminary view that, in respect of both amendment PA 3c-7g and amendment PA-3c-8h associated with Variation No. 1, these amendments should be suspended as they may be materially inconsistent with National Policy Objective 9 (NPO 9) and National Policy Objective 43 (NPO 43) of the National Planning Framework First Revision (2025) and Regional Policy Objective 35 (RPO 35) of the Regional Spatial and Economic Strategy and, given that the Variation came into effect upon adoption, could be relied upon in the making or assessment of a planning application before the Office has completed its assessment under section 63.
3. The reasons for this conclusion are set out in the Preliminary Assessment Report which is enclosed with this notice.

Suspension of specified provisions of the Development Plan

4. Accordingly, this notice suspends amendment PA 3c-7g '*to amend the Killaloe Settlement map to change zoning of part of Tourism site (TOU2) to Residential (R12)*' and amendment PA-3c-8h to introduce an objective related to the proposed residential zoning for R12, as contained in Variation No. 1, pending the completion of the Office's assessment.
5. The suspension of the specified R12 zoning and associated text objective has the effect of temporarily disapplying those provisions of Variation No. 1 pending the completion of the Office's assessment and the occurrence of one of the matters identified at paragraph 9 below. During the period of suspension, the suspended R12 zoning and associated text objective have no legal effect and cannot be relied upon in the consideration, assessment, or determination of planning applications.
6. In practical terms, the Planning Authority is precluded from granting permission for development that would rely on the suspended R12 zoning and associated text objective. Any planning application affecting the suspended lands must be assessed as if those zoning provisions were not in force, having regard instead to the remaining policies and objectives of Variation No. 1, relevant national and regional planning policy, and proper planning and sustainable development.
7. The suspension does not affect other provisions of Variation No. 1 which continue to operate in full.
8. The suspension does not retrospectively affect planning permissions that have already been granted prior to the issue of the notice.

Duration of Suspension

9. The suspension of the specified zoning objective and associated text objective will remain in effect pending the completion of the Office's assessment, and
 - (i) the issuance by the Office of a draft direction under section 64, in accordance with a direction of the Minister under section 63(14)(b),

- (ii) the issuance by the Minister of a direction under section 63(15)(b) not to issue a draft direction, or
 - (iii) the making of a recommendation by the Office of the Planning Regulator to the Minister under section 63(11) not to issue a draft direction.
10. A copy of this notice will be issued to the Minister and published on the Office's website on the same day this notice is issued to you.

Next steps

11. Following this suspension, the Office will now continue its assessment of Variation No. 1 under section 63 of the Act in respect of amendments PA 3c-7g and PA-3c-8h.
12. As part of this process, the Office may require the Planning Authority to provide, within such period as may be specified, any information considered necessary, and may also consult with any other person it considers necessary.
13. Please do not hesitate to contact the Office should you have any queries in relation to the above. Contact can be initiated through the undersigned or at plans@opr.ie.

Yours sincerely,



Niall Cussen

Planning Regulator

Designated Public Official under the Regulation of Lobbying Act 2015



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Preliminary Assessment Report

Subject	Amendment PA 3c-7g to amend the Killaloe Settlement map to change zoning of part of Tourism site (TOU2) to Residential (R12); and Amendment PA-3c-8h [objective related to the proposed residential zoning for R12]
Statutory provision under which substantive assessment is being carried out	Section 63(1)(b), Planning and Development Act 2024
Approved by	Anne Marie O'Connor, Deputy Regulator and Director of Planning Policy Implementation
Date	16 th July 2026

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Background

1. This report is prepared to inform the preliminary assessment under section 63(6) of the Planning and Development Act 2024 (Act) in the context of Variation No. 1 (Variation No. 1) to the Clare County Development Plan 2023-2029 (Development Plan).
2. Following the notice of the adoption, received by the Office of the Planning Regulator (Office) on 15th June 2026, the Office commenced an assessment of Variation No. 1 further to section 63(1)(b) of the Act.
3. Variation No. 1 included amendment PA 3c-7g to amend the Killaloe Settlement map to change the zoning of lands to the south of the Killaloe Bypass from Tourism (TOU2) to Residential (R12) (the R12 lands). The lands form part of a much larger Tourism zoning objective along the banks of the River Shannon.
4. Variation No. 1 also included amendment PA-3c-8h to include an objective related to the proposed residential zoning of the R12 lands.
5. By way of background, the subject lands were previously the subject of a Ministerial Direction issued 3rd August 2023, which required that Clare County Council reinstate the zoning objective for the Killaloe lands (referenced as Killaloe 6) and associated text to that of the draft plan, i.e. the subject lands reverted to Tourism from Residential.

Relevant Policy Context

6. The National Planning Framework First Revision (2025) (NPF) requires the delivery of new housing in a manner that promotes compact, sequential and sustainable settlement growth. National Policy Objective 9 (NPO 9) of the NPF requires that at least 30% of new homes in settlements other than the five cities are delivered within their existing built-up footprints and ensure compact and sequential patterns of growth.
7. The sequential approach to zoning for residential development is set out at section 6.2.3 of the Development Plans, Guidelines for Planning Authorities (2022) (Development Plans Guidelines) (now National Planning Statement). It is a policy and objective of the Development Plans Guidelines that planning

authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently.

8. National Policy Objective 43 (NPO 43) also prioritises the provision of new homes at locations that can support sustainable development. In this respect, the supporting text indicates that Ireland's future homes will be located in places that can support sustainable development - places which support compact growth, innovation and the efficient provision of infrastructure, are accessible to a range of local services and can encourage the use of public transport, walking and cycling, and support the transition to a lower carbon society.
9. The Regional Spatial and Economic Strategy (RSES) for the Southern Region similarly includes Regional Policy Objective 35 (RPO 35) which also requires that development plans deliver at least 30% of all new homes that are targeted in settlements other than the cities and suburbs, within their existing built-up footprints.

Clare County Development Plan 2023-2029 (Variation No. 1)

10. Variation No. 1 to the Development Plan includes:

- a. amendment PA 3c-7g *'to amend the Killaloe Settlement map to change zoning of part of Tourism site (TOU2) to Residential (R12)'*; and
- b. amendment PA-3c-8h in include the following objective related to the proposed residential zoning for R12:

R12 – South of the Killaloe Bypass

This is a large greenfield site at the south of the settlement. Any future proposals for development on this site must meet the following criteria:

- *A masterplan for the entire site, demonstrating pedestrian linkages between the site, neighbouring areas and the town centre. The masterplan shall incorporate a habitat and species survey and an ecological assessment. These will inform the screening for appropriate*

assessment together with a Natura Impact Statement, should it be determined that an appropriate assessment is required.

- *Development proposals on this site must include a Site-Specific Flood Risk Assessment.*
- *Development proposals must be informed by an appropriate Traffic and Transport assessment, to ensure safe access to the site for pedestrians, cyclists and drivers, and road safety. Development shall not proceed at this site, unless safe connectivity to the town centre can be demonstrated.*
- *The lands zoned R12 are adjacent to the Lower River Shannon SAC (Site Code 2165). Given the extent of zoning at Killestry, it is imperative that there are no significant impacts on the adjacent ecologically sensitive shoreline adjoining the Lower River Shannon SAC (Site Code 2165).*
- *Nutrient loading, siltation or any negative impacts on water quality must be avoided as these can have potential negative impacts on the aquatic ecosystems, e.g. fish habitat;*
- *Trees and hedgerows must be retained and maintained throughout the site where possible as these act as wildlife corridors.*
- *The hydrology of the site and subsequent potential impact on the adjacent SAC must be taken into account at all times and this must be demonstrated as part of any planning application.*
- *Due regard must be had to the flight path of bats in relation to the retention of trees. The migration paths and habitats of mammals, birds and fish along the Lower River Shannon must not be disrupted. Any future developments must not lead to the further spread of invasive species (Rhododendron and Japanese Knotweed) at this site.*
- *Proposals for development on the site must demonstrate that suitable services and infrastructure, particularly relating to water supply and wastewater infrastructure, can be provided to serve the proposed development.*

Preliminary Assessment

11. The R12 lands are located in a peripheral position relative to the established settlement of Killaloe. They are located on the far side of the recently completed Killaloe bypass and outside the built-up area boundary as delineated by the 2022 Census.
12. The historic pattern of development in Killaloe has been focused along the banks of the River Shannon, with more recent residential growth extending eastwards on the town side of the bypass, that is, within the bypass. All other lands zoned for residential development, both in the Development Plan as adopted in 2023 and in Variation No. 1, are similarly located within the bypass.
13. The zoning objective has the potential to establish a significant new residential growth area outside the existing built-up area which, being physically separated from the town's established pattern of residential development, services and amenities by the bypass, may not support a sustainable pattern of growth and has the potential to result in a car-dependent pattern of development.
14. The Office is of the opinion therefore, that these factors demonstrate an inconsistency with NPO 9 of the NPF and RPO 35 of the RSES, insofar as those objectives seek to deliver homes within the existing built-up footprints of towns and to ensure compact and sequential patterns growth, and NPO 43 to prioritise the provision of new homes at locations that can support sustainable development. Furthermore, these inconsistencies raise material concerns in terms of planning considerations for the reasons set out above.
15. For the purposes of this preliminary assessment, these considerations therefore raise a concern that amendment PA 3c-7g may not support compact, sequential and sustainable settlement growth, and may therefore be materially inconsistent with NPO 9 and NPO 43 of the NPF and RPO 35 of the RSES.
16. The elected members' reasons for making Variation No. 1 with amendment PA 3c-7g have also been considered as part of this preliminary assessment. The Office remains of the view, however, that the amendment may be materially inconsistent with NPO 9 and NPO 43 of the NPF and RPO 35 of the RSES for the reasons outlined above.

17. As amendment PA-3c-8h is directly related to, and intended to guide development of, the R12 residential zoning introduced by amendment PA 3c-7g, the same preliminary concern arises in respect of that amendment.

Conclusion

18. Having regard to the above, the Office has formed a preliminary view that, in respect of both amendment PA 3c-7g and amendment PA-3c-8h associated with Variation No. 1 to the Clare County Development Plan 2023-2029, these amendments should be suspended as they may be materially inconsistent with NPO 9 and NPO 43 of the NPF and RPO 35 of the RSES.
19. As the Variation came into immediate effect following adoption on 8th June 2026, the adopted R12 zoning could be relied upon in the making or assessment of a planning application before the Office has completed its assessment under section 63. Suspension is therefore considered necessary to ensure that provisions of the Development Plan as varied which the Office considers may be materially inconsistent with the NPF and RSES, cannot be relied upon, pending completion of the Office's assessment and the conclusion of the statutory process.

Recommendation

20. It is recommended therefore that a notice issue to the Planning Authority which **suspends** both amendment PA 3c-7g and amendment PA-3c-8h contained in Variation No. 1 to the Clare County Development Plan 2023-2029, as adopted on 8th June 2026 pending the completion of the Office's assessment.