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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P18/891**

**APPEAL** by Patrick Gibney care of Earth Science Partnership (Ireland) Limited of Tonranny, Westport, County Mayo against the decision made on the 31<sup>st</sup> day of July, 2019 by Clare County Council to refuse permission to the said Patrick Gibney.

**Proposed Development:** The erection of a fence within the quarry complex and all associated ancillary facilities, all at Fountain Cross, Ballyneillan, Ennis, County Clare.

**Decision**

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations set out below.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

The site for the proposed development forms part of a larger site to which permission granted under planning register reference number P06-1353 (An Bord Pleanála reference number PL 03.229040) and the decision made in accordance with Section 261A of the Planning and Development Act 2000, as amended, under planning register reference number EUQY4 (An Bord Pleanála reference number 03.QV.0324) relate. Having regard to the High Court's invalidation of the Board's decision to grant permission under planning register reference number P06-1353 (An Bord Pleanála reference number PL 03.229040) and the Board's ongoing consideration of an application for substitute consent on a portion of the lands that make up the quarry complex, the Board considers that the granting of planning permission for the proposed development would be premature, pending the adequate regularisation of all developments across the full site. Furthermore, it is considered that the proposed fence, which would facilitate the re-opening of the manufacturing areas as a stand-alone development from the existing quarry, would constitute piecemeal and disorderly development of the site, and would, due to the requirement to import all materials to the manufacturing site, result in intensification of use of the access point, with potential adverse impact on traffic safety and free flow on the adjacent N85 National Road. Accordingly, it is considered that the proposed development would endanger public safety by reason of traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the proposal to install a fence to sub-divide the site could not be separated from the wider activities on the site, including in relation to the quarry, and would, therefore, represent piecemeal development and would be premature, pending the regularisation of all activities across the site.

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**Dave Walsh**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**