



An  
Bord  
Pleanála

**Board Direction**  
**BD-003246-19**  
**ABP-302966-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on June 6<sup>th</sup>, 2019.

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

### **Reasons and Considerations**

1. Having regard to –

- (a) The scale of the proposed development and context with regard to intended future development of further retail units, a primary care centre and ancillary office accommodation within the wider masterplan area
- (b) The pattern of development in the area, the distance from the town centre of Ennis and the location of the subject site on a major link road between the town centre and N85 ring road and M18 motorway, and
- (c) The existing quantum of retail and commercial development within Ennis and the level of vacancy currently prevailing therein,

it is considered that, notwithstanding the zoning of the site for use as a neighbourhood centre, the proposed development would create a counter attraction to the existing town centre services, which would seriously impact on the vitality and vibrancy of the town centre and would constitute an

unsustainable form of development that would be principally dependent on private car based transport. The proposed development would, therefore, contravene the policies of the Mid-West Retail Strategy and the Mid-West Regional Planning Guidelines 2010-2022 and the strategic aim of the current Clare County Development Plan, which seeks to consolidate town centres and co-ordinate transport and land use planning thereby reducing the need to travel. Furthermore, having regard to the Retail Planning Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in April 2012, which seeks to protect the vitality and viability of town centres as the primary focus for retailing development, the Board is not satisfied that a location closer to the town centre of Ennis is not available for the scale of retailing development proposed. The proposed development would, therefore, be contrary to these Ministerial Guidelines, to the overall provisions of the Development Plan and to the proper planning and sustainable development of the area.

2. Having regard to the location of the proposed development within an area which is at risk of flooding and to the provisions of The Planning System and Flood Risk Management Guidelines for Planning Authorities November 2009 and to the Strategic Flood Risk Assessment Clare County Development Plan 2017-2023, it is considered that the proposed development would be premature pending the implementation of the Ennis South Flood Relief Scheme.

**Note:** The Board noted the Inspector's comments in relation to the design of the proposed development (section 7.4 of her report), and concurred with her views on this matter. The Board was satisfied that the submitted design, even as modified at further information stage, would not comply with the policies of the planning authority, as set out in Section 2.9.3 of the Development Plan, which state that "*this neighbourhood centre must comprise a landmark building of a scale, height, materials and finish appropriate to its landmark location on the entrance to the town*". The Board considered that any application for development of this site, in the future, would require significant alteration from the form and design submitted with the

present application, in order to comply with these policies, as well as providing for the appropriate mix of uses, and be of such scale, in retailing terms, as not to adversely affect the vitality and viability of Ennis town centre. However, the Board decided not to include the design issue as a further reason for refusal, in the light of the substantive reasons for refusal as set out in its order.

*[Please issue a copy of this Direction to the parties with the Board Order.]*

**Board Member**

**Date:** 7<sup>th</sup> June 2019

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Philip Jones