

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Clare County**

**Planning Register Reference Number: P15/80**

An Bord Pleanála Reference Number: PL 03.245734

**APPEAL** by Department of Arts, Heritage and the Gaeltacht care of Development Applications Unit of Newtown Road, Wexford against the decision made on the 12<sup>th</sup> day of October, 2015 by Clare County Council to grant subject to conditions a permission to Clare County Gaelic Athletic Association Board care of Horgan Lynch of Tellengana, Blackrock Road, Cork in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** The demolition of a section of the Western Boundary Wall of Cusack Park and the construction of a new 2.8 metre high boundary wall in its place complete with turnstile housing, ticket kiosk and exit gates. The construction of a new toilet block and concession building within Cusack Park. The demolition of existing ruined buildings and part of an orchard wall and the construction of a new car park complete with associated drainage within the 'Cloister Site'. The demolition of the existing entrance and the construction of a new entrance at Abbey Street. All at Cloister Site, Abbey Street and Cusack Park, Francis Street, Ennis, County Clare. The proposed development is within and adjacent to a protected structure E35 and E36 and national monument Number CL033-082034. There are Natura 2000 sites within the vicinity of the development and, therefore, a habitat directive appropriate assessment screening has been carried out.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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**

Having regard to the nature and scale of the proposed development, to the town centre location and commercial zoning of this brownfield site in the Ennis and Environs Development Plan 2008 – 2014, to the existing use of the site and to the established character and pattern of development in the area together with the extent of testing for archaeological remains that has been carried out to date, it is considered that, subject to compliance with the conditions set out below, the proposed development would enhance and facilitate better use of an existing sports facility and infrastructure which would be acceptable in terms of traffic safety and convenience, would be acceptable in terms of its impact on architectural heritage, would not seriously injure the residential or other amenities of the surrounding area and would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the submission received by An Bord Pleanála on 18<sup>th</sup> day of January, 2016 from the Development Applications Unit of the Department of Arts, Heritage and the Gaeltacht, the appellant in this case, and considered that the appellant's remaining concerns in relation to the protection of archaeological heritage could be satisfactorily addressed in a grant of planning permission subject to the attachment of appropriate conditions which would include a condition incorporating the revisions to the proposed development contained within the submission to An Bord Pleanála received from the applicant on the 9<sup>th</sup> day of December, 2015. The Board did not share the Planning Inspector's concerns in relation to suggested reason for refusal number 3. In this regard, the Board noted the merits of the proposed development insofar as it provides for the better and sustainable use of an existing town centre sports facility and associated infrastructure and considered that the management of occasional large volumes of people and traffic associated with major events could be appropriately addressed by means of management measures in conjunction with relevant authorities.

### **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 9<sup>th</sup> day of December, 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The layout of the proposed access road and car park shall be as shown on Drawing Number J421D001 (Rev. 01) received by An Bord Pleanála on the 9<sup>th</sup> day of December, 2015, except as may otherwise be required in order to comply with the conditions set out below.

**Reason:** In the interest of clarity.

3. Car parking spaces numbered 33 to 44 inclusive as shown on Drawing Number J421D001 (Rev. 01) received by An Bord Pleanála on the 9<sup>th</sup> day of December, 2015 shall be omitted and this area shall be landscaped in order to provide a buffer zone with the adjoining heritage site. Details of the landscaping of this buffer zone shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and in order to protect the architectural integrity and setting of the adjoining Franciscan Abbey.

4. The proposed new entrance gate from Abbey Street shall be redesigned in order to provide for a less utilitarian and more attractive design and materials having regard to the location of the site within a designated Architectural Conservation Area and in keeping with the character of the adjacent Franciscan Abbey. Details of the re-designed gate which shall allow for views from the public road through to the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and in order to protect the heritage character of the area including the setting of the adjoining Franciscan Abbey.

5. Details of the design and method of construction of the pedestrian path, drainage channels and any subsurface drainage pipes and works and of lighting along the route through the site from the proposed Abbey Street entrance in the area to the north of the Franciscan Abbey shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to protect the fabric of any archaeological remains in this area and to protect the setting of the Franciscan Abbey.

6. Suitably located information panels providing details of the history of the area to include details of the Franciscan Friary and Stamer Park House shall be provided within the car park. Details of the design, location and content of the signs shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of enhancing the archaeological, architectural and cultural heritage of the area.

7.
  - (a) The car park, hereby permitted, shall only be used for matches and authorised events associated with the existing Gaelic Athletic Association grounds at Cusack Park. No part of the car park shall be used or operated as a commercial car park without a prior grant of planning permission.
  - (b) Prior to commencement of development, details of a match-day car parking and mobility management plan shall be submitted to, and agreed in writing with, the planning authority. This shall include details of stewarding and crowd management, and details of the staggering of bus and car arrivals/departures.
  - (c) Prior to commencement of development, details of all road markings and linings, together with all hard surfaced finishes shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of clarity, and in the interest of traffic safety.

8. (a) The mitigation measures in relation to the garden wall (to be demolished) as proposed in Section 5.0 of the Architectural Heritage Conservation Report, received by the planning authority on the 3<sup>rd</sup> day of September, 2015 shall be carried out in full.
- (b) All permitted dismantling of medieval and dressed stone shall be archaeologically supervised. A catalogue shall be submitted to the planning authority of the worked and dressed medieval stones currently loose and within the walls to be dismantled together with details of their preservation, re-use or storage.

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

9. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall-
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
  - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues-

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

11. The entire site shall be landscaped in accordance with a scheme of landscaping and boundary treatment, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity.

12. The requirements of the planning authority in respect of surface water drainage shall be ascertained and strictly adhered to in the course of the proposed development.

**Reason:** In the interest of orderly development.

13. Details of any proposals for the provision of public lighting, which shall be angled and constructed so as to avoid any spill onto the riverbank or surrounding vegetation, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to protect the amenities of the area and in the interest of wildlife protection.

---

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

**Dated this            day of            2016.**