

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Clare County

Planning Register Reference Number: P14/769

An Bord Pleanála Reference Number: PL 03.246157

APPEAL by Shane Brigdale care of Michael J. Duffy of 1 Clós Na hEaglaise, Kilfenora, County Clare against the decision made on the 19th day of January, 2016 by Clare County Council to grant subject to conditions a permission to Pat McDonagh care of Corbwell Design of Unit 1, Ballybane Enterprise Centre, Ballybane, Galway.

PROPOSED DEVELOPMENT: Development of a motor services area and rest area adjacent to Junction 12 of the M18 which will include service station building with convenience shop, food court and drive thru, offices, staff facilities, canopy, fuel facilities, parking and circulation space, children's play area, picnic area and access provision. The development also includes infrastructural works, public lighting, signage, landscaping, electrical substation, on-site wastewater treatment plant incorporating pumping chambers, rising main, sand polishing filter, petrol interceptor, surface water attenuation system outfalling to on-site storm water facilities, underground fuel storage tanks, rain water harvesting system, on-site potable water source with secondary connection to public water supply, underground storage tanks for fire-fighting purposes, upgrade to adjacent roundabout, revised access to adjoining agricultural land and ancillary works, all at Kilbreckan, Doorra, Ennis, County Clare as amended by the revised public notice received by the planning authority on the 16th day of November, 2016 and the 24th day of November, 2016.

DECISION

REFUSE permission for the above proposed development based on 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

1. The local road as it passes the site would be in excess of the advised maximum gradient of 2% and this may result in vehicles approaching the proposed site access/egress at an unsafe speed. Furthermore, the curved horizontal alignment of this local road and the necessary presence of roadside signage mean that the western sightline available at the proposed egress and the forward visibility available to drivers seeking to turn right into the proposed access would both be sub-standard. Thus, right hand turning movements, variously, from this egress and into this access, would be inherently hazardous and contrary to good traffic management practice. It is also noted that analysis suggests that the proposed egress from the site may not be capable of accommodating forecast peak traffic flows in the medium to longer term. It is considered that the use of the proposed access and egress would endanger public safety by reason of traffic hazard or obstruction of road users and that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied that the subject site, having regard to its recent history as a quarry, to its underlying geology and to the adjacent flood-prone low lying lands, is a suitable location in which to utilise a package wastewater treatment plant of the size and scale proposed. Taken in conjunction with the strong reservations expressed concerning the reliability of the user numbers forecast by the Transport and Traffic Assessment and the resulting uncertainty regarding the potential maximum loading on the treatment plant, it is considered that the proposed development would represent an unacceptable risk of pollution to ground and surface waters in the area and would be prejudicial to public health and the quality of the local environment.

3. The Clare County Development Plan 2011-2017 places considerable emphasis both on the value of tourism to the local economy and the importance of maintaining a high quality built and natural environment. The Board considers that the proposed development, by reason of its design including materials and finishes palette, would not integrate satisfactorily with the rural and predominantly flat landscape in the hinterland of Ennis. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2016.