



---

**Planning and Development Acts 2000 to 2018**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P18/265**

**APPEAL** by RGDATA of Mentec House, Pottery Road, Dun Laoghaire, County Dublin and by Lidl Ireland GmbH care of Tony Bamford Planning of 127 Lower Baggot Street, Dublin against the decision made on the 17<sup>th</sup> day of October, 2018 by Clare County Council to grant subject to conditions a permission to Lidl Ireland GmbH.

**Proposed Development:** Demolition of existing structures on site including three residential units, office block and ancillary buildings. The construction of a neighbourhood centre as part of a first phase of development of lands at the Clare Road to include; a licensed, discount foodstore incorporating an off-licence area; two number associated retail units and two office units within a three-storey building; childcare unit/retail unit; public playground; and public realm; new vehicular access to Tobartescain Road; car parking and cycle parking; all boundary treatment; ancillary mechanical plant: trolley bay structure; ancillary signage including two number double sided illuminated totem signs and other signage associated with the development; ESB substation building; and all necessary site development works and services

including all drainage and related underground works at Clare Road (R458) and Tobartescain Road, Ennis, County Clare as amended by the revised public notices received by the planning authority on the 21<sup>st</sup> day of September 2018.

## **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**

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, Community 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 issued by the Department of the Environment, Heritage and Local Government in 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.

---

**Philip Jones**

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

**Dated this            day of            2019.**