



Planning and Development Acts 2000 to 2018

Planning Authority: Clare County Council

Planning Register Reference Number: P17/926

APPEAL by Brian and Riona Grogan care of Brendan McGrath and Associates of Riverstown Cottage, Corrofin, County Clare and by Action Enterprises Limited care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 8th day of November, 2018 by Clare County Council to grant subject to conditions a permission to the said Action Enterprises Limited.

Proposed Development: A part single storey, part two storey, Community Primary Healthcare Centre and Pharmacy. The Primary Healthcare Centre facility will provide for HSE Services, General Practice floor space for non allocated private healthcare consultancy and health services, meeting rooms, administrative offices, staff accommodation, reception and associated uses. External works to the structure include roof plant and signage. The proposals also include for a new entrance off Convent Hill, a pedestrian link to Hill Road parking, circulation, external amenities (including landscaping), lighting, an ESB substation, signage and all associated services with connections to public services and all associated site works at Shantruad, Killaloe, County Clare, as amended by the further public notice received by the planning authority on the 12th day of October, 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. The proposed development includes a connection to Killaloe/Ballina wastewater treatment plant and relies on the upgrade of this treatment plants' capacity in order to cater for the proposed development as set in Irish Water Capital Investment programme. Policy CDP8.24 (c) of Clare County Development Plan 2017-2023 states "to ensure that adequate water services will be available to service development prior to the granting of planning permission and to require developers to consult Irish Water regarding available capacity prior to applying for planning permission". Therefore, it is considered that the proposed development would be premature by reference to the existing deficiencies in the Killaloe/Ballina wastewater treatment plant to which connection is proposed and the period within which this constraint may reasonably be expected to cease. The proposed development would, therefore, be contrary to the policy of the development plan, would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information provided with the application and appeal and in the absence of a Natura impact statement and the current ecological status of the Grange River, a tributary of the Lower River Shannon Special Area of Conservation (site code 002165), the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Lower River Shannon Special Area of Conservation (site code 002165), or any other European site, in view of the sites' conservation objectives. In such circumstances, the Board is precluded from granting permission.

Terry Ó Niadh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.