



An
Bord
Pleanála

Board Order
ABP-307172-20

Planning and Development Acts 2000 to 2020

Planning Authority: Clare County Council

Application for Leave To Apply For Substitute Consent, by Valley Healthcare Fund Infrastructure Investment Fund ICAV care of HRA Planning of 3 Hartstonge Street, Limerick City.

Development: Infilling of land at Tulla Road, Knocknaoura, Ennis, County Clare.

Decision

GRANT leave to apply for substitute consent under section 177D of the Planning and Development Act 2000, as amended, 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

Having regard to Section 177D, Planning and Development Act 2000, as inserted by Section 57 of the Planning and Development (Amendment) Act 2010, the Board is satisfied that:

- (a) the development is one where an Environmental Impact Assessment or a determination as to whether an Environmental Impact Assessment is not required and an Appropriate Assessment is required, and
- (b) exceptional circumstances exist by reference, in particular, to the following:
 - the fact that the regularisation of the development would not circumvent the purpose or objectives of the Environmental Impact Assessment or Habitats Directive,
 - that the ability to carry out an Environmental Impact Assessment and Appropriate Assessment and provide for public participation has not been substantially impaired,

- the applicant's reasonable expectation that the development was capable of being regularised under the provisions of the Planning and Development Act, 2000 (as amended), and
- the limited nature of the actual/likely significant effects on a European site resulting from the development.

Having regard to the foregoing, it is considered that exceptional circumstances do exist such that it would be appropriate to permit the opportunity for regularisation of the development by permitting an application for substitute consent in relation to the site outlined in this application.



Dave Walsh

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

Dated this *22nd* day of *September* 2021.