



Planning and Development Acts 2000 to 2020

Planning Authority: Clare County Council.

Planning Register Reference Number: R20-25.

WHEREAS a question has arisen as to whether the groundworks undertaken, including the importation and deposition of fill material to create a hardstanding area and the raising of ground levels from 2013 onwards at Knockanoura, Tulla Road, Ennis, County Clare are or are not development or are or are not exempted development:

AND WHEREAS this question was referred to An Bord Pleanála by Clare County Council on the 17th day of July, 2020:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to -

- (a) section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) section 3(1) of the Planning and Development Act, 2000, as amended,

- (c) section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 and 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site, and
- (g) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the groundworks undertaken, including importation and deposition of fill material to create a hardstanding area and the raising of ground levels from 2013 onwards are works,
- (b) the works constitute development pursuant to section 3 of the Planning and Development Act, 2000, as amended,
- (c) the works do not fall within the scope of the drainage works scheme to the River Fergus and, therefore, do not come within the scope of Article 8 or Class 16 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and
- (d) the works would require an appropriate assessment because they would be likely to have a significant effect on the integrity of a European site, and would not be exempt by virtue of Article 9(1)(ViiB) of the Planning and Development Regulations, 2001, as amended,:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the groundworks undertaken, including the importation and deposition of fill material to create a hardstanding area and the raising of ground levels from 2013 onwards at Knockanoura, Tulla Road, Ennis, County Clare are development and are not exempted development.

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.

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

Dated this day of 2021.