

---

**Planning and Development Acts 2000 to 2022**

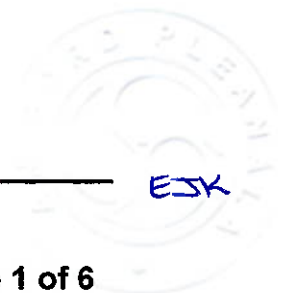
**Planning Authority: Clare County Council**

**Application for Substitute Consent** by Valley Healthcare Fund –  
Infrastructure Investment Fund ICAV care of HRA Planning of 3 Hartstonge  
Street, Limerick City in accordance with section 177E of the Planning and  
Development Act, 2000, as amended by the insertion on section 57 of the  
Planning and Development (Amendment) Act, 2010, as amended.

**Site Location:** Tulla Road, Knockanoura, Ennis, County Clare.

**Decision**

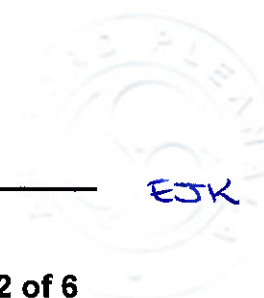
The Board, in accordance with section 177K of the Planning and Development  
Act, 2000, as amended, and based on the Reasons and Considerations set  
out below, decided to **GRANT** substitute consent in accordance with the  
following conditions.



## Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the provisions of the Planning and Development Act, 2000, as amended, and in particular Part XA, and the provisions of the planning and Development Regulations, 2001, as amended,
- (b) the applicable national, regional and local planning policy including in particular the provisions of the Clare County Development Plan 2023-2029,
- (c) the remedial Natura Impact Statement submitted with the application for substitute consent, and supporting documentation for the application,
- (d) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended, and the applicant's response to the report,
- (e) the submissions from prescribed bodies,
- (f) the observer submissions received,
- (g) the planning history of the subject site and adjoining lands,
- (h) the pattern of development in the area,
- (i) the nature, scale, characteristics and location of the historic development, and



- (j) the assessment of the Board's Inspector set out in the Inspector's Report.

### **Environmental Impact Assessment**

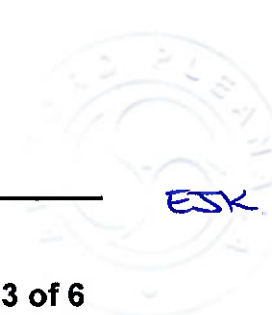
Screening for Environmental Impact Assessment was carried out under the Leave to Apply for Substitute Consent ABP-307172-20, BD-009118-21 (Board Direction) as reflected in the Board Order signed on the 22<sup>nd</sup> day of September 2021 and states in the Reasons and Considerations that the Board determined that “the development is one where an Environmental Impact Assessment or a determination as to whether an Environmental Impact Assessment is not required”.

### **Appropriate Assessment**

#### **Stage 1 (Screening)**

The Board agreed with the Screening Assessment carried out by the Inspector which concluded that the following European Sites were those for which a Stage 2 Appropriate Assessment was required, and that significant effects on any other European Sites can be ruled out:

- Lower River Shannon Special Area of Conservation (site code 002165);  
and
- River Shannon and River Fergus Estuaries Special Protection Area (site code 004077).



## **Stage 2 (Appropriate Assessment)**

The Board considered the remedial Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for the Lower River Shannon Special Area of Conservation (site code 002165) and River Shannon and River Fergus Estuaries Special Protection Area (site code 004077) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered the likely direct and indirect impacts arising from the historic development, both individually or in combination with other plans or projects, the remediation and monitoring measures set out in the remedial Natura Impact Statement and the conservation objectives for the European Site. The Board is satisfied that, subject to the implementation of the identified remediation and monitoring measures and on the basis of the information available, the development, either individually or in combination with other plans or projects, did not adversely affect the integrity of these European sites or any other such European designated site, in view of the conservation objectives of any such site.

## **Proper Planning and Sustainable Development**

Having regard to the nature, scale and extent of the development, and to the acceptability of the environmental effects and noting that the integrity of European Sites were not adversely affected, in view of the relevant sites' conservation objectives, as set out above, and subject to compliance with the conditions set out below, the Board is satisfied that to grant substitute consent for the development is, therefore, in accordance with the proper planning and sustainable development of the area.

## Conditions

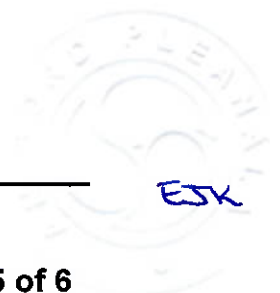
1. (a) This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application on the 9<sup>th</sup> day of March 2022, except as may otherwise be required in order to comply with the following conditions.  
  
(b) This grant of substitute consent relates only to development undertaken, as described in the application, and does not authorise any future development on the subject site.

**Reason:** In the interest of clarity.

2. The applicant shall maintain at least a two-metre-high soft landscaping boundary along the length of the boundary with number five Knockanoura, Tulla Road, Ennis, County Clare.

**Reason:** In the interest of residential amenity.

3. The applicant shall comply with the remediation and monitoring measures outlined in the plans and particulars submitted with the



application, including the remedial Natura Impact Statement, received with the application and dated February 2022, which shall be carried out in full except as may otherwise be required in order to comply with other conditions.

**Reason:** In the interest of clarity and proper planning and sustainable development, and to ensure the protection of a European sites.

*Eamonn James Kelly*

**Eamonn James Kelly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *26<sup>th</sup>* day of *February*, 2024.

