



Planning and Development Acts 2000 to 2018

Planning Authority: Clare County Council

Planning Register Reference Number: MM/UD15-030

WHEREAS a question has arisen as to whether groundworks including the importation and deposition of fill material and the creation of a hardstanding area and the raising of ground levels at Tulla Road environs, Ennis, County Clare is or is not development or is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Clare County Council on the 4th day of September, 2017:

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

- (a) sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6, 8 and 9 of the Planning and Development Regulations 2001, as amended, and
- (c) Class 16 of Part 1 of Schedule 2 to those Regulations:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the groundworks undertaken, including the importation and deposition of fill, the creation of a hardstanding area and the raising of ground levels, were works carried out as part of the River Fergus Lower (Ennis) Certified Drainage Scheme under the Arterial Drainage Act of 1945, and therefore were permitted development under that scheme, and
- (b) furthermore, the use of the lands in question as a temporary compound associated with improvements in the water supply network fall within works which are exempted under the provisions of Section 4 (1)(g) of the Planning and Development Act 2000 (as amended) and Class 16 of Part 1 of Schedule 2 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 at Tulla Road environs, Ennis, County Clare is development and is exempted development/permitted 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.

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

Dated this day of 2019