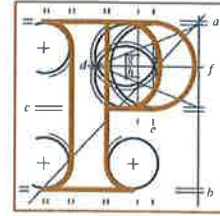


Our Case Number: ABP-307625-20

Planning Authority Reference Number: R20-25



An
Bord
Pleanála



Clare County Council
Planning Department
New Road
Ennis
Co. Clare

21 APR 2021

Re: Whether the groundworks undertaken, including importation and deposition of fill material to create a hardstanding area and the raising of ground levels from 2013 onwards is or is not development or is or is not exempted development.
Knockanoura, Tulla Road, Ennis, Co. Clare

Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned referral under the Planning and Development Acts 2000 to 2020. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

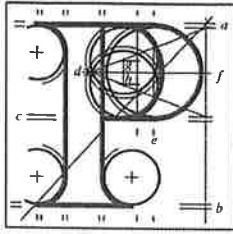
A further enclosure contains information in relation to challenges by way of judicial review to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

Yours faithfully,

Brid McManus
Executive Officer
RL100n

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Facs	Fax	(01) 872 2684
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D01 V902	D01 V902



**An
Bord
Pleanála**

**Board Order
ABP-307625-20**

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.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

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

Dated this *20th* day of *April* 2021.

