An Bord Pleanála

Board Direction
BD-012279-23
ABP-312296-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/05/2023.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the location of the site on lands zoned 'mixed use' under the provisions of the Clare County Development Plan 2023-2029, the established pattern of development on the site, the planning history, specifically the parent permission Reg. Ref. P16/764, it is considered that, subject to compliance with the conditions set out below, the development would not endanger public safety by reason of traffic hazard or obstruction of road users and would not result in the creation of a destination that would adversely impact upon the vitality and viability of Ennis and Clarecastle. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be

required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the opening and commencement of trading of the second hot-food counter, the car parking layout as approved under Reg. Ref. 20/830 shall be constructed and operational.

   Reason: In the interest of the proper planning and sustainable development of the area.

3. Details of all external signage associated with the proposed development shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

   Reason: In the interest of visual amenity.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation

provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member _____ **Date:** 29/05/2023

Mary Henchy