



An  
Bord  
Pleanála

**Board Direction**  
**BD-019788-25**  
**ABP-321829-25**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/05/2025.

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:

- (a) The design, scale and layout of the proposed development,
- (b) Noting the existing hotel that is in operation on the subject site which is serviced by the existing public services in terms of water supply and wastewater/drainage.
- (c) The provisions of the Clare County Development Plan 2023-2029,

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that the upgrade works to the L-7178 local road, subject of the special development contribution condition no. 3 as applied by the planning authority, are covered within the adopted Development Contribution Scheme 2017-2023 and also the draft Development Contribution Scheme 2025-2029 and, accordingly, the said condition did not meet the criteria of section 48(2)(c) of the Planning and Development

Act 2000, as amended. The Board therefore decided not to attach such a condition. The Board also considered that matters pertaining to the land ownership dispute raised in the grounds of appeal were civil matters and not matters for determination in the application, the applicant should inform themselves as to, inter alia, the provisions of section 34(13) of the Planning and Development Act 2000, as amended.

### Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars received by the planning authority on the 13th day of December 2024, 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. The developer shall pay to the planning authority a financial contribution of €23,862.60 (twenty three thousand, eight hundred and sixty two euro and sixty cent) 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, as amended. The contribution shall be paid prior to 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.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, 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
<p>3. Details of the materials, colours and textures of all the external finishes shall be as submitted with the application, unless otherwise agreed in writing with the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
<p>4. Prior to the commencement of development, the developer shall enter into water and/ or wastewater connection agreements with Uisce Éireann.</p> <p><b>Reason:</b> In the interests of orderly development.</p>
<p>5. Surface water arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p><b>Reason:</b> In the interests of public health</p>
<p>6. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p><b>Reason:</b> To safeguard the amenities of property in the vicinity.</p>

**Board Member**

  
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 Tom Rabbette

**Date:** 27/05/2025