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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P19/676**

**Appeal** by James Quinn and Margaret Marcus of Shannon Garden Centre, Smithstown, Shannon, County Clare against the decision made on the 19<sup>th</sup> day of June, 2020 by Clare County Council in relation to an application by Clare County Council for retention permission for development consisting of opening a new entrance, construction of a stoned entrance road and the alteration of land levels in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for retention of the construction of a stoned entrance road and the alteration of land levels and to refuse permission for retention of new entrance).

**Decision**

**GRANT** permission for retention of the construction of a stoned entrance road and the alteration of land levels in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. **REFUSE** permission for retention of opening a new entrance based on the reasons and considerations marked (2) under.

## **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.

## **Reasons and Considerations (1)**

Having regard to the Shannon Town and Environs Local Area Plan 2012 – 2018 (as amended), it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities or character of development in the area and would be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars lodged with the planning authority on 20<sup>th</sup> day of May, 2020, 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. Arrangements for the collection and disposal of surface water generated within the site shall be in accordance with the details submitted to the planning authority on 20<sup>th</sup> day of May, 2020, to the satisfaction the planning authority.

**Reason:** To prevent runoff from the site onto the public road and orderly development

## **Reasons and Considerations (2)**

The proposed development would endanger public safety by reason of traffic hazard having regard to the deficiencies in attainable sightlines in each direction at the entrance and, the poor horizontal alignment of the road onto which access is proposed.

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**Stephen Bohan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020**