

An
Bord
Pleanála

Board Order ABP-313834-22

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: 21/1249

Appeal by Transport Infrastructure Ireland (TII) of Parkgate Business Centre, Parkgate Street, Dublin against the decision made on the 24th day of May, 2022 by Clare County Council to grant, subject to conditions a permission to Deirdre and Declan Donnelly care of PND Building Consultancy Limited of Kilrush House, Frances Street, Kilrush, County Clare for development comprising retention permission for the demolition of a derelict building and planning permission to construct a new dwelling house, private garage and car port, new entrance, sewerage treatment facilities and all associated works at Lissycasey, Ennis, County Clare, as revised by the further public notices received by the planning authority on the 29th day of April, 2022, in accordance with the plans and particulars lodged with the said Council

Decision

GRANT permission for the retention of the demolition of a derelict building based on the reasons and considerations marked (1) under.

REFUSE permission for the construction of a dwelling and all associated site works based on the reasons and considerations marked (2) under.


Reasons and Considerations (1)

Having regard to the retention of the demolished structure, the Board considered that retention of the demolition does not negatively impact on the residential amenities of neighbouring properties.

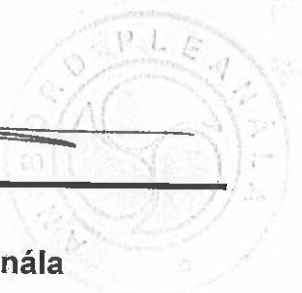
Reasons and Considerations (2)

1. Having regard to the Spatial Planning and National Roads – Guidelines for Planning Authorities, published by the Department of Environment, Community and Local Government in January 2012, to the provisions of the Clare County Development Plan 2023-2029, and to the location of the proposed access onto a national road where a speed limit of 80 kilometres per hour applies, it is considered that the proposed development would be contrary to the guidelines which seeks to preserve the level of service and carrying capacity of national roads and to protect the public investment in the road and would also be contrary to CDP 11.11(a) and CDP 11.13 (a) of the development plan, which seeks to prevent new, or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kilometres per hour apply. The Board could not be satisfied on the basis of the information on the file that the applicants come within the scope of exceptional circumstances as set out in the criteria under Chapter 11.2.9.3 of the development plan. The proposed development would, therefore, be contrary to national and local policy and to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would endanger public safety by reason of a traffic hazard because of the additional traffic turning movements the development would generate on this highly trafficked and high-speed section of national road at a point where sightlines are restricted in a north-easterly direction.



Liam Bergin
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board



Dated this 31 day of August 2023