



An
Bord
Pleanála

Board Order ABP-321829-25

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: 24/149

Appeal by Shannon Estuary Hotel Limited care of Ian Doyle Planning Consultants of Woodleigh, Cornwall, Killurin, Enniscorthy, County Wexford and by others against the decision made on the 17th day of January, 2025 by Clare County Council to grant subject to conditions a permission to the said Shannon Estuary Hotel Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development at existing hotel consisting of extension to second floor to accommodate additional 29 number bedrooms, extension to first floor to accommodate additional six number bedrooms, alterations to existing layout of part ground floor and part first floor, new lift and all associated site works, including provision of additional parking, all at Treacy's Oakwood Hotel, Airport Road, Smithstown, Shannon, County Clare.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the design, scale and layout of the proposed development, 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, and 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, and 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 number 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 itself as to, inter alia, the provisions of Section 34(13) of the Planning and Development Act 2000, as amended.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be as submitted with the planning 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.

Reason: In the interest of visual amenity.

3. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Uisce Éireann.

Reason: In the interest of orderly development.

4. Surface water arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenities of property in the vicinity.

6. 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.



Tom Rabbette

Member of An Bord Pleanála

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

Dated this 30th day of May 2025.