

An  
Bord  
Pleanála

## Board Direction ABP-319791-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/04/2025.

The Board decided, as set out in the following Order, that

**WHEREAS** a question has arisen as to whether works undertaken to replace the wastewater treatment system at Armada Hotel without prior consent/authorisation is considered exempt when failures to address numerous further information requests from the Local Authority have previously transpired or where there has been unassessed/unsubstantiated/unauthorised increases in WWTS loading on a site that abounds/ is contiguous with the SAC, SPA and pNHA

**AND WHEREAS** Robert Spratt requested a declaration on this question from Clare County Council and the Council did not issue a declaration

**AND WHEREAS** Clare County Council referred this declaration for review to An Bord Pleanála on the 23<sup>rd</sup> May, 2024

**AND WHEREAS** An Bord Pleanála, in considering the nature of the question is satisfied that the referral should not be considered by it

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 138(1) of the Planning and Development Act, 2000, as amended, hereby dismiss the said referral under subsection (1)(b)(ii) of

Section 138 of the said Act, based on the reasons and considerations set out below.

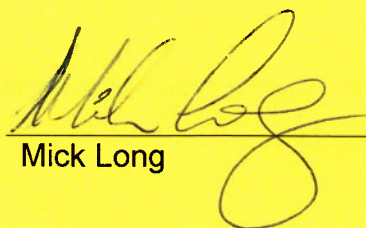
### **Reasons and Considerations**

The Board is satisfied that, in the particular circumstances, the appeal/referral should not be further considered by it having regard to –

- (i) the nature of the appeal (including any question which in the Board's opinion is raised by the appeal/referral), or
- (ii) any previous permission which in its opinion is relevant.

The referral relates the replacement of the wastewater treatment plant which was previously deemed not to be exempted development under Planning Authority Reference R21-38. The Board note that the previous determination of Clare County Council in relation to substantially the same question and in respect of the same land has been declared as development which is not exempted development and there has been no change in the planning facts or circumstances since the previous determination was made that would have relevance to the referral case now before the board. The Board is, therefore, satisfied that, in particular circumstances, the referral should not be further considered by it.

**Board Member:**

  
Mick Long

**Date:** 16/04/2025