



Planning and Development Acts 2000 to 2019

Planning Authority: Clare County Council.

Planning Register Reference Number: R19-53.

WHEREAS a question has arisen as to whether the temporary provision and operation of a wake park in Kilrush Marina, along with the use of the ground floor of Creek Lodge for reception/changing facilities at Creek Lodge and Kilrush Marina, Cappagh Road, Kilrush, County Clare is or is not development or is or is not exempted development:

AND WHEREAS this question was referred to An Bord Pleanála by Clare County Council on the 10th day of December, 2019:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to -

- (a) sections 2, 3, 4 and 224 of the Planning and Development Act, 2000, as amended,

- (b) Articles 6 and 9(1)(a) of the Planning and Development Regulations, 2001, amended,
- (c) Class 37 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and the Conditions and Limitations set out in Column 2 of this Class, and
- (d) the planning history of the site and the documentation submitted with the referral:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the development is located within the area of the planning authority having regard to the provisions of Section 224 of Planning and Development Act, 2000, as amended,
- (b) the wake park constitutes works which would come within the scope of section 3(1) of the Planning and Development Act, 2000, as amended, and neither the Planning and Development Act, 2000, as amended, nor the Planning and Development Regulations, 2001, as amended, provide for this use for a temporary period of five months to be exempted development, and
- (c) the use of portion of Creek Lodge for reception and changing facilities does not come within the scope of the definition of “development” or “works” as defined in sections 3(1) and 2(1) of the Planning and Development 2000, as amended, as it is considered that the use of Creek Lodge does not constitute development as no material change of use is involved which would require a grant of planning permission:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that -

- (a) the wake park at Kilrush Marina is development and is not exempted development, and
- (b) the use of the ground floor of Creek Lodge for reception/changing facilities is not development,

all at Kilrush Marina, Cappagh Road, Kilrush, County Clare.

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.

Paul Hyde
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.