



Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: R22-85

WHEREAS a question has arisen as to whether the berms erected adjacent to the N67 at Spanish Point Golf Club, Dough, Spanish Point, County Clare is or is not development or is or is not exempted development,

AND WHEREAS Spanish Point Golf Club care of Connellan and Associates of Sonas, Cahercalla Wood, Cahercalla, Ennis, County Clare requested a declaration on the said question from Clare County Council and the Council issued a declaration on the 18th day of January, 2023 stating that the matter is development and is not exempted development,

AND WHEREAS Spanish Point Golf Club care of Connellan and Associates of Sonas, Cahercalla Wood, Cahercalla, Ennis, County Clare referred the declaration for review to An Bord Pleanála on the 7th day of February, 2023,

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

- (a) Section 2(1) of the Planning and Development Act 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act 2000, as amended,
- (c) Section 4(4) of the Planning and Development Act 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (e) Class 34, Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, and
- (f) the planning history of the site,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the erecting of berms adjacent the N67 at Spanish Point Golf Club within the golf course comprise works incidental to the management of a golf course and, therefore, comes within the scope of Class 34, Part 2 of Schedule 2 of the Planning and Development Regulations 2001, as amended,

- (b) based on the nature and extent of the berms in question, the Board was satisfied that the development has only localised impact and, due to its scale and setting, would not interfere with the character of the Scenic Route, as designated under the Clare County Development Plan 2023-2029. Accordingly, the de-exemption provision of Article 9(1)(a)(vi) of the Planning and Development Regulations 2001, as amended, does not apply, and
- (c) based on the documentation on file, the development would not be likely to have significant effects on any designated European Sites - the Carrowmore Point to Spanish Point and Islands Special Area of Conservation (Site Code: 001021) and the Mid-Clare Coast Special Protection Area (Site Code: 004182), in the vicinity, in view of the sites' Conservations Objectives. In coming to this conclusion, the Board took account of the limited extent of the works, the lack of a pathway between the development and the European Sites, the distance to any qualifying interests and to the nature of those qualifying interests, and, accordingly, considers that an appropriate assessment is not required in relation to the development the subject of this referral. Accordingly, the de-exemption provisions of section 4(4) of the Planning and Development Act 2000, as amended, do not apply.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the berms erected adjacent to the N67 at Spanish Point Golf Club, Dough, Spanish Point, County Clare is development and is exempted development.

Stewart Logan



Stewart Logan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *9th* day of *April* 2024.