



An
Bord
Pleanála

Board Order ABP-319791-24

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: R24-42

WHEREAS a question has arisen as to whether works undertaken to replace the wastewater treatment system without prior consent/authorisation when failures to address numerous further information requests from the planning authority have previously transpired or where there have been unassessed/unsubstantiated/unauthorised increases in wastewater treatment system loading on a site that abounds/is contiguous with a Special Area of Conservation, a Special Protection Area and a proposed Natural Heritage Area at the Armada Hotel, Spanish Point, Miltown Malbay, County Clare is or is not development or is or is not exempted development,

AND WHEREAS Robert Spratt of Stranagress, Glenfarne, County Leitrim requested a declaration on the said question from Clare County Council and the Council did not issue a declaration,

AND WHEREAS Clare County Council referred the question to An Bord Pleanála on the 23rd day of May, 2024,

AND WHEREAS An Bord Pleanála, having considered the nature of the question, is satisfied that the referral should not be further 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 dismisses 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 referral relates to the replacement of the wastewater treatment plant which was previously deemed not to be exempted development under planning register reference number R21-38. The Board notes that the previous determination of the planning authority 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 that there has been no change in the question, 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 the particular circumstances, the referral should not be further considered by it.



Mick Long

Member of An Bord Pleanála

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

Dated this *23rd* day of *April* 2025.