



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

REGISTERED POST

**The Secretary
An Bord Pleanála
64 Marlborough St
Dublin 1
D01 V902**

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
10 AUG 2022	
Fee: €	Type: _____
Time: _____	By: <i>Reg-post</i>

9th August 2022

Your Reference: ABP-314209-22

Section 5 Referral Reference R22-1

Is the replacement of the Clarecastle wastewater treatment plant by diverting wastewater arising through a new sewer to the Clareabbey wastewater treatment plant, which discharges to an SAC, considered to be development and if so, is it exempted development?

A Chara,

I refer to your correspondence dated 29th July 2022 re the above Section 5 Declaration from Clare County Council.

Please find attached the responses of the Planning Authority to your queries contained in your correspondence dated 29th July 2022, in relation to R22-1 / ABP 314209-22.

Mise, le meas

**Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate**

**An Roinn Pleanála
An Stiúirtheacht Forbairt Gheilleagrach**
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

**Planning Department
Economic Development Directorate**
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



1. Please include details of previous decisions affecting the site:

Please note that all submitted documents related to the decisions and declarations below can be found in Appendix A – Planning History

PLANNING HISTORY

R21-61 Application by Irish Water for a declaration on the following:

Whether the construction of a new underground pumping station to grounds to the south of the existing Quay Road pumping station, diversion of existing waste water sewers to a new pumping station, internal revisions to the existing Quay Road pumping station, and the installation of a new rising main connection to the existing Clareabbey Waste water treatment plant is development and if so is exempted development.

Clare County Council decided that the works constituted development which is exempted development - Please find attached a copy of this declaration, along with Chief Executive's Order and the planner's final report.

R19-62 Application by Brian Barry for a declaration on the following:

Whether development of a sewer to transport wastewater arising in the agglomeration of Clarecastle for treatment in the Clareabbey WWTP and which discharges to waters in and / or connected to European Sites from Clarecastle to Clareabbey, Ennis, Co. Clare is or is not development and is or is not exempted development.

Clare County Council decided that the works constituted development which is exempted development - Please find attached a copy of this declaration, along with Chief Executive's Order and the planner's final report.

Note: The decision of Clare County Council was appealed by the first party to ABP, however the appeal was deemed invalid.

R19-39 Application by Brian Barry for a declaration on the following:

Whether the installation of a rising main sewer transporting raw sewerage from Clarecastle to Clareabbey WWTP at Clareabbey, Clarecastle, Co. Clare is or is not development and is or is not exempted development.

Clare County Council decided that the works constituted development which is exempted development - Please find attached a copy of this declaration, along with Chief Executive's Order and the planner's final report.

Note: The decision of Clare County Council was appealed by the first party to ABP, however the appeal was deemed invalid.

P18-1004 Application by Irish Water for planning permission for development consisting of upgrading the existing waste water treatment plant, by demolishing the existing inlet works, construction of a new inlet works, storm tank, ESB substation and all ancillary site

orks. Permission granted – Please find enclosed a copy of the Final Grant for this application.

P12-249 Application by CLS Crystal Partners Ltd to Extend the Appropriate Period of Planning Permission P06/642 for development subject of this permission. Permission refused – Please find enclosed a copy of the Chief Executive Order issued.

P08-1978 Application by CLS Crystal Partners Ltd for the following amendments to Planning Reference No: 06/642: a) the construction of 31 no. terraced houses in lieu of 72 no. apartments, b) 4 no. terraced houses in lieu of 4 no. semi-detached houses, c) the re-alignment of roads so that all the development roads are outside the proposed Clareabbey wastewater treatment plant buffer zone lands, d) and all associated site works. Permission granted – Please find enclosed a copy of the Final Grant for this application.

P08-12 Application by CLS Crystal Partners Ltd for permission for Modification to condition No. 3 of planning permission granted under Clare County Council Reg.Ref. P06/642 on 13.08.07 for (a) construction of an entrance and roundabout and re-alignment of the existing N18, (b) the erection of two ESB masts, (c) construction of 22 no. townhouses, 21 no. terraced dwellings, 72 no. semi-detached dwellings, and 104 no. apartments in 3 no. blocks (Block 1 is 2-storey and consists of 32 no. apartments and Blocks 2 and 3 are 3-storey and consist of 36 no. apartments each) (d) 2 storey creche, and (e) all associated site works. The modification seeks to amend condition no. 3 of this permission to require the construction of the temporary sewage treatment plant granted permission under Clare County Council Reg.Ref. P06/1754 prior to the occupation of any of the dwelling units granted under Reg.Ref. P06/642. Permission granted – Please find enclosed a copy of the Final Grant for this application.

P06-1754 Application by CLS Crystal Partners Ltd for planning permission for the construction of a temporary waste water treatment works, a temporary access road off the N18, a temporary connection into the existing outfall from the Clareabbey Treatment Plant, and all associated site works. Permission granted – Please find enclosed a copy of the Final Grant for this application.

P06-642 Application by CLS Crystal Partners Ltd for (a) construction of an entrance and roundabout and re-alignment of the existing N18, (b) the erection of two ESB masts (c) construction of 22 no. townhouses, 21 no. terraced dwellings, 72 no. semi-detached dwellings, and 104 no. apartments in 3 no. blocks (Block 1 is 2-storey and consists of 32 no. apartments and Blocks 2 and 3 are 3-storey and consist of 36 no. apartments each) (d) 2-storey creche, and (e) all associated site works. Permission granted – An appeal to ABP under PL03. 223177 was subsequently withdrawn. Please find enclosed a copy of the Final Grant for this application.

Please send any correspondences between the applicant for the Declaration and the Planning Authority:

Please note that all submitted documents related to the decisions and declarations below can be found in Appendix B – Correspondences

Please find attached a copy of all correspondences between the Planning Authority and the applicant, as well as all relevant reports and declarations. Please note that these items have been arranged beginning with the most recent correspondence.

3. Please include the name and address of landowner and/or occupier (if different):

Included below is an extract from the planner's report on the status of the land ownership / legal interest:

"It would appear, based on the submitted map that the area where the proposed development is to be constructed is currently in use as a public road (from Clarecastle village to Clareabbey roundabout, before diverting in an easterly direction).

It would also appear that majority of the proposed works are to be constructed along the R458 regional road. It would further appear that the final section of the proposed sewer is to be constructed in Greenfield lands parallel to the N85 national secondary road. From a review of this Greenfield section, it would partly appear to be in third party property, and partly on lands in the ownership of Clare County Council.

Regarding the undertaking of works on third party property, I note from the ABP website that CPO was confirmed by ABP on 22nd May 2019. A Notice to Treat has been submitted to the landowner.

The applicant's legal interest in any of the aforementioned lands has not been disclosed, save to say he has an "environmental interest".

In this instance, the third party owner is Mr. Brian Barry, Clareabbey, Clarecastle, Co. Clare.

Clare County Council's address is New Road, Ennis, Co. Clare

4. Where no declaration was issued, please indicate the date that the referral was due to be issued:

The Planning Authority issued a declaration to the applicant on 30th June 2022.

