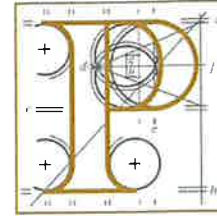


Our Case Number: ABP-314209-22

Planning Authority Reference Number: R22-1



**An
Bord
Pleanála**



Clare County Council
Planning Department
New Road
Ennis
Co. Clare

Date: 17 JUL 2024

Re: 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?
Clarecastle, Co. Clare

Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned referral under the Planning and Development Acts 2000 to 2022. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

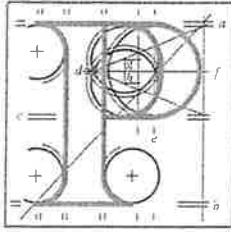
Yours faithfully,


Kieran Somers
Executive Officer

RL100n

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Glaio Áitiúil LoCall 1800 275 175
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Láithreán Gréasáin Website www.pleanala.ie
Ríomhphost Email bord@pleanala.ie

64 Sráid Maoilbhríde 64 Marlborough Street
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D01 V902 D01 V902



An
Bord
Pleanála

Board Order
ABP-314209-22

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: R22-1

WHEREAS a question has arisen as to whether 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 a Special Area of Conservation, at Clarecastle, County Clare is or is not development or is or is not exempted development,

AND WHEREAS Michael Duffy of 1 Clós na hEaglaise, Kilfenora, County Clare requested a declaration on the said question from Clare County Council and the Council issued a declaration on the 30th day of June, 2022 stating that the matter is development and is exempted development,


AND WHEREAS Michael Duffy of 1 Clós na hEaglaise, Kilfenora, County Clare referred the declaration for review to An Bord Pleanála on the 27th day of July, 2022,

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

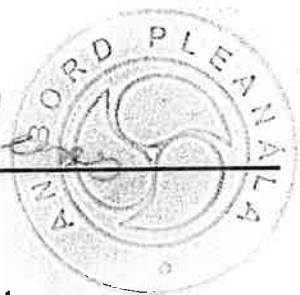
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 138(1) of the Planning and Development Act 2000, as amended, hereby dismisses the said referral under subsection (1)(b)(i) of Section 138 of the said Act based on the reasons and considerations set out below.

Reasons and Considerations

The Board concluded, generally in agreement with the Inspector's assessment, that the Judgement of Heslin J in *Narconon Trust v An Bord Pleanála and Others* has applicability in the instance of the subject referral case. The Board noted that the previous determinations of Clare County Council in relation to substantially the same question and in respect of the same land have been declared as development which is exempted development and there has been no change in the planning facts or circumstances since the previous determinations were 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.



Patricia Calleary
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this *16* day of *July* 2024.