



An
Bord
Pleanála

Board Direction
ABP-302390-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/01/2019.

The Board decided, as set out in the following Order, that the use of the shed is development and is not exempted development

Board Order as follows:-

WHEREAS a question has arisen as to whether an existing agricultural shed of approximately 288m² is or is not development or is or is not exempted development.

AND WHEREAS Frank Higgins, requested a declaration on this question from Galway County Council, and the Council issued a declaration on the 31st day of July 2018 stating that the matter is development and is not exempted development.

AND WHEREAS Frank Higgins referred this declaration for review to An Bord Pleanála, on the 22nd day of August 2018.

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

- (a) Section 2 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(1)(a) 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) Parts 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site,
- (g) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The proposed development was not linked to any agricultural activity and therefore could not be considered within the scope of Class 9, Parts 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.
- (b) The proposed development could not be screened for appropriate assessment and therefore it could not be concluded that there would not be a negative impact on the conservation objectives of any European site within the immediate vicinity

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 use of the shed is development and is not exempted development

Board Member:

Date: 22/01/2019

Paul Hyde