



An
Bord
Pleanála

Board Direction
ABP-306161-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/04/2020.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the change of use of an existing industrial site and buildings to use as a Resource Recovery and Recycling Centre (RRRC) and ancillary storage is or is not development or is or is not exempted development.

AND WHEREAS the said question was referred to An Bord Pleanála by Cork City Council on the 12th day of December, 2019:

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

- (a) sections 2 and 3 of the Planning and Development Act 2000 (as amended),
- (b) articles 5-11 of the Planning and Development Regulations 2001 (as amended), with particular reference to articles 5(1) and 10(1),

- (c) Part 4 of Schedule 2 *Exempted Development – Classes of Use* of the Regulations,
- (d) The planning history of the site, and,
- (e) the submissions of the parties to the referral.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the change of use of a steel stock depot to a Resource Recovery and Recycling Centre constitutes 'development' for the purposes of the Planning and Development Act;
- (b) the change of use constitutes a material change; and
- (c) no exemption exists in legislation for such a material change of use;

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Act, has decided that the change of use of an existing industrial site and buildings to use as a Resource Recovery and Recycling Centre (RRRC) and ancillary storage constitutes development and development that is not exempted development.

Board Member:

Date: 28/04/2020

Chris McGarry