



An  
Bord  
Pleanála

**Board Direction**  
**ABP-306976-20**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/07/2020.

The Board decided, as set out in the following Order, that the construction works, comprising the improvement of the existing drainage on site by means of the installation of surface water drainage, the concreting of the existing yard, the provision of a wash down area, and the marking out of car and truck parking spaces, constitute development and development that is exempted development

Board Order as follows:-

**WHEREAS** a question has arisen as to whether construction works at the existing permitted waste recycling and transfer station at Units 1-3 Churchfield Industrial Estate, John F Connolly Road, Churchfield, Cork is development which is exempted development:

**AND WHEREAS** the said question was referred to An Bord Pleanála on the 18<sup>th</sup> day of March, 2020:

**AND WHEREAS** the said question is limited solely to the following construction works:

- the improvement of the existing drainage on site by means of the installation of surface water drainage;
- the concreting of the existing yard;
- provision of a wash down area; and
- the marking out of car and truck parking spaces.

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

- (a) sections 2(1), 3(1), and 4(1)(h) of the Planning and Development Act 2000 (as amended),
- (b) articles 5-11 of the Planning and Development Regulations 2001 (as amended),
- (a) Part 1 of Schedule 2 *Exempted Development – Classes of Use* of the Regulations,
- (b) The planning history of the site, and
- (e) the location of the proposed construction works within an authorised waste recycling and transfer station:

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) the construction works constitute ‘development’ for the purposes of the Planning and Development Act, and

- (b) the proposed works come within the scope of section 4(1)(h) of the Planning and Development Act 2000, as amended, being works for the maintenance, improvement or other alteration of Units 1-3 Churchfield Industrial Estate which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides that the construction works, comprising the improvement of the existing drainage on site by means of the installation of surface water drainage, the concreting of the existing yard, the provision of a wash down area, and the marking out of car and truck parking spaces, constitute development and development that is exempted development.

**Board Member:**

**Date:** 21/07/2020

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Paul Hyde