

An
Bord
Pleanála

Board Direction
ABP-308153-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/12/2022.

The Board decided (on a 2:1 vote), as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether use of an existing industrial building and associated storage area in the port of Cork for the temporary storage of baled dry recyclable wastes pending export from the port to overseas recycling facilities 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 8th day of September, 2020,

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 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Part 4 of Schedule 2 of the Planning and Development Regulations 2001,

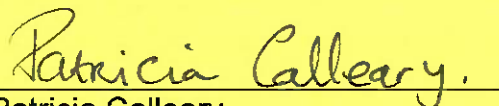
- (d) The planning history of the site and
- (e) The pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the permitted development on the site comprising a depot that functions as a store for steel constitutes a 'repository' with regard had to the definition for same as set out in Article 5 of the Planning and Development Regulations, 2001, as amended, and
- (b) the use of an existing buildings for the temporary storage of baled dry recyclable wastes falls within the above permitted use and, therefore, is not a material change of use and is not development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the Planning and Development Act, 2000, as amended, hereby decides that the use of an existing industrial building and associated storage area in the Port of Cork for the temporary storage of baled dry recyclable waste pending export from the port to overseas recycling facilities at the former TATA Steel site, Tivoli Industrial Estate, Cork is not development.

Board Member:


Patricia Calleary

Date: 14/12/2022