

An
Bord
Pleanála

**Board Direction
ABP-309893-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/10/2021.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the relocation of ESB Substation is or is not development or is or is not exempted development.

AND WHEREAS Advanced Vision Ltd requested a declaration on this question from Galway City Council and the Council issued a declaration on the 11th day of March, 2021 stating that the matter was development and was not exempted development:

AND WHEREAS Advanced Vision Ltd referred this declaration for review to An Bord Pleanála on the 7th day of April, 2021:

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

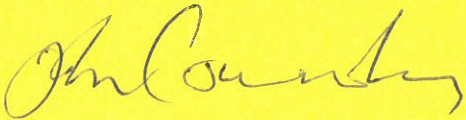
Section 2(1) of the Planning and Development Act, 2000, as amended,
Section 3(1) of the Planning and Development Act, 2000,
Section 4(1)(a) of the Planning and Development Act, 2000, as amended,

Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
the planning history of the site,
the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The relocation of ESB Substation is development as defined under Section 3 of the Planning and Development Act, 2000 (as amended).
- (b) The development in question constitutes a material change which would contravene condition no. 1 of planning register reference no. 17/41 and would not therefore be exempted development under Article 9(1)(a)(i) of the Planning and Development Regulations, 2001 (as amended).
- (c) The development in question does not fall under Schedule 2, Part 1, Class 41 Planning and Development Regulations, 2001 (as amended).
- (d) There is no other exemption provision of which the development can avail.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the relocation of ESB Substation is development and is not exempted development.

Board Member:  Date: 18/10/2021
John Connolly