



An
Bord
Pleanála

Board Direction
BD-014858-23
ABP-312136-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/12/2023.

The Board decided, generally in accordance with the Inspector's recommendation and as set out in the following Order, that the works in question is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the proposed alterations and extension to the permitted tank farms at West Cork Distillers, Fastnet Industrial Estate, Marsh Road, Skibbereen, Cork by the installation of additional items of plant or machinery and structures of the nature of plant or machinery, are or are not development and are or are not exempted development;

AND WHEREAS West Cork Distillers care of McCutcheon Halley Planning Consultants, 6 Joyce House, Barrack Square, Ballincollig, County Cork requested a declaration on this question from Cork County Council on the 28th day of October 2021;

AND WHEREAS Cork County Council referred this matter under section 5(4) of the Planning and Development Act 2000 (as amended) for a determination to An Bord Pleanála on the 3rd day of December, 2021;

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5(1) and 6(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 21 of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (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 alterations and extension to the permitted tank farms by the installation of plant or machinery and structures of the nature of plant or machinery is development which comes within the scope of section 3(1) of the Planning and Development Act, 2000 (as amended);
- (b) The alterations and extension to the permitted tank farms by the installation of plant or machinery and structures of the nature of plant or machinery are not exempted development as they do not fall within the scope of Section 4(1)(h) of the Planning and Development Act 2000 (as amended);
- (c) The alterations and extension to the permitted tank farms by the installation of plant or machinery and structures of the nature of plant or machinery does not comply with Condition and Limitation No. 1 provided in Column 2 of Class 21(a)(iii) of the Planning and Development Regulations, 2001 (as amended), as the development does materially alter the external appearance of the premises of the undertaking;

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 said installation of plant or machinery at West Cork Distillers, Fastnet Industrial Estate, Marsh Road, Skibbereen, County Cork is development and is not exempted development.

Board Member:



Date: 15/12/2023

Tom Rabbette

