



An
Bord
Pleanála

Board Direction
ABP-313920-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/04/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the storage of machinery on lands at Cloonacartan, Recess, Galway is or is not development and is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Patrick Cleary, on the 24th day of June 2022:

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended.
- (c) Section 3 (2) (1) (b) of the Planning and Development Act, 2000, as amended.
- (d) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (e) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (f) Schedule 5, Part 2, Articles 11 and 13 of the Planning and Development Regulations, 2001, as amended,

- (g) the planning history of the site,
- (h) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that-

The storage of machinery in this instance does not constitute a material change of use/development of land by reason of Section 3 (2) (1) (b) of the Planning and Development Act 2000 (as amended) and is not development as defined under Section 3 (1) of the Act.

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 development is not development as defined under Section 3 (1) of the Act.

Note: In disagreeing with the Inspector, the Board did not agree that the development was exempted development as it considered that the development was not development as defined under Section 3 (1) of the Act.

Board Member:



Date: 23/04/2024

Peter Mullan