



An
Bord
Pleanála

Board Direction
ABP-314977-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/03/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the installation of a water storage tank 13.65m in diameter and 4.254m in height at Murphy Transport Limited Maryfield, Ballinlough, Cork City, is or is not development or is or is not exempted development:

AND WHEREAS Murphy Transport Limited requested a declaration on this question from Cork City Council and the Council issued a declaration on the 5th day of October 2022, stating that the matter was development and was not exempted development:

WHEREAS Murphy Transport Limited referred this declaration for review to An Bord Pleanála on the 28th day of October 2022:

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

- (a) Section 2(1) and 3(1) of the Planning and Development Act, 2000 (as amended),
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001 (as amended),
- (c) Classes 21 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 (as amended),
- (d) The planning history of the site including that no evidence of unauthorised development has been presented, and
- (e) The pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the installation of a water storage tank 13.65m in diameter and 4.254m in height is development within the meaning of Section 3 of the Planning and Development Act, 2000 (as amended),
- (b) The activity carried on within this site can be considered to be in the nature of an “industrial undertaking” as defined in Article 5(1) of the Planning and Development Regulations, 2001 (as amended),
- (c) Class 21(a)(iii) of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001 (as amended), applies in this instance, as the water storage tank is considered to be in the nature of plant or machinery, and the water storage tank is not considered to materially alter the external appearance of the premises of the undertaking and its height does not exceed 15 metres,

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 installation of a water storage tank 13.65m in diameter and 4.254m in height is development and is exempted development.

Board Member: Patricia Calleary Date: 20/03/2024
Patricia Calleary