

An
Bord
Pleanála

Board Direction
ABP-317413-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/04/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the construction of two agricultural sheds is or is not development or is or is not exempted development:

AND WHEREAS, Albert Manifold requested a declaration on this question from Cork County Council and the Council issued a declaration on the 26th day of May 2023 stating that the matter was development and was not exempted development:

AND WHEREAS Albert Manifold referred this declaration for review to An Bord Pleanála on the 20th day of June 2023:

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

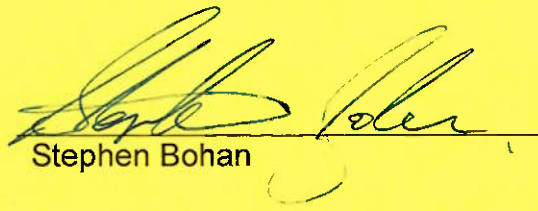
- (a) Sections 2(1), 3(1) and 4 of the Planning and Development Act 2000, as amended,
- (b) Articles 6(3) and 9(1) of the Planning and Development Regulations 2001, as amended,

AND WHEREAS An Bord Pleanála has concluded that:

- a) The construction of the two agricultural sheds constitutes development, being works which come within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- b) The development, alone and in-combination with other plans and projects, would have likely resulted in a significant effect on the Roaringwater Bay and Islands Special Area of Conservation (SAC) in view of the Site's conservation objectives. Therefore, the development is subject to an Appropriate Assessment and cannot be considered exempted development under Section 4(4) of the Planning and Development Act 2000, as amended;
- c) The development comes within the scope of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- d) The development complies with the conditions and limitations of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- e) The development would interfere with the character of a designated high value landscape area under the Cork County Development Plan 2022-2028 and would interfere with sea views in which Objectives GI14-9, GI14-10 and GI14-12 of the Cork County Development Plan 2022-2028 seek to protect. Therefore, the development comes within the restriction on exemption in article 9(1)(a)(vi) of the Planning and Development Regulations 2001, as amended;
- f) The development comes within the restriction on exemption in article 9(1)(a)(viiB) of the Planning and Development Regulations 2001, as amended:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the construction of two agricultural sheds is development and is not exempted development.

Board Member:


Stephen Bohan

Date: 29/04/2024