

An
Bord
Pleanála

Board Direction
BD-019386-25
ABP-317413-23

Re: Amending Board Order

S146A of the Planning and Development Act, 2000, as amended

The submissions on this file were considered at a Board meeting held on 03/04/2025.

The Board decided to exercise its powers under section 146A(1)(b) of the Planning and Development Act 2000, as amended, to amend its Order of 9th May 2024.

The Board decided that a clerical error had occurred.

It is considered that amendment of the Board Order would not result in a material alteration of the terms of the development, the subject of the permission or decision.

Having regard to the nature of the issue involved, the Board decided not to/to invite submissions in relation to the matter from any person who had made submissions or observations to the Board in relation to the permission/other matter.

Accordingly the Board hereby amends the above-mentioned decision in accordance with the provisions of section 146A(1) of the Planning and Development Act, 2000, as amended, as follows:

WHEREAS a question arose as to whether the construction of two number agricultural sheds at Long Island, Schull, County Cork is or is not development or is or is not exempted development:

AND WHEREAS Albert Manifold care of McCutcheon Halley, Chartered Planning Consultants of Kreston House, Arran Court, Arran Quay, Dublin requested a declaration on the said question from Cork County Council and the said Council issued a declaration on the 26th day of May, 2023 stating that the said matter is not exempted development:

AND WHEREAS the said Albert Manifold referred the declaration for review to An Bord Pleanála on the 20th day of June, 2023 and the Board made a decision dated the 9th day of May 2024 in exercise of the powers conferred on it by Section 5(3)(a) of the Planning and Development Act, 2000, as amended, to declare that the construction of two number agricultural sheds is development and is not exempted development:

AND WHEREAS it has come to the attention of the Board that, due to a clerical error, some of the elements that the Board had regard to in reaching their conclusion were omitted from the Board Order, and one part of legislation considered by the Board was incorrectly referenced in the Board's conclusion.

AND WHEREAS the Board considered that the correction of the above-mentioned errors would not result in a material alteration of the terms of the declaration, the subject of this decision.

AND WHEREAS having regard to the nature of the issue involved, the Board decided not to invite submissions in relation to the matter from persons who had

made submissions or observations in relation to the referral, the subject of this amendment,

NOW THEREFORE in accordance with section 146A(1) of the Planning and Development Act 2000, as amended, the Board hereby amends the above-mentioned declaration so that the part of the declaration outlining all of the elements that the Board had regard to shall be as follows:

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,
- (c) Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (e) The location of the development within a designated High Value Landscape area under the Cork County Development Plan 2022- 2028,
- (f) The location of the development within the Roaringwater Bay and Islands Special Area of Conservation (SAC) (000101), where the habitat European dry heath [4030] is a Qualifying Interest and the conservation objective is to maintain the favourable conservation condition of this habitat, and
- (g) The submissions of the parties to the referral:

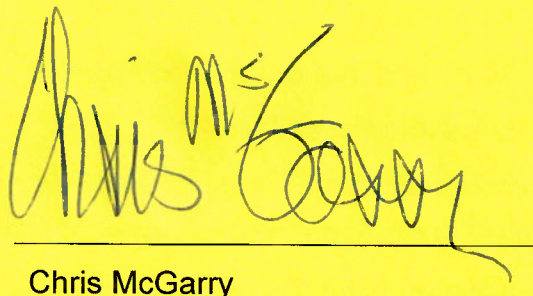
Note, the items (c) to (g) as listed as items to which the Board had particular regard to which are contained in the draft order which forms part of the recommendation made by the Inspector to the Board. In error, both the Board Order and Direction omit items (c) – (g) of this list though items (a) and (b) which appear in the Inspector's draft order are contained in the Board Direction and Order (at the top of page 2). This is a typographical error which occurred when preparing the draft Direction on the basis of the draft order contained in the Inspector's Report. The error was then repeated in the draft Order.

And part (f) of the Board's conclusion shall be as follows:

- (f) The development comes within the restriction on exemption in article 9(1)(a)(viiB) of the Planning and Development Regulations 2001, as amended.

Note, Article 9(1)(a)(viiB) is referenced at page 19 of the Inspector's Report at para. 8.38 (albeit with a typo in the legislative reference where subpara. (a) is omitted). The Board Direction in this matter also refers to Article 9(1)(a)(viiB) on page 2 at para. (f), which reflects the Inspector's recommendation. However, at page 3 of the Board Order para. (f) refers, in error, to Article 9(1)(a)(vii). The error is a typographical error which was made in the preparation of the Board Order.

Board Member:



Chris McGarry

Date: 03/04/2025