



An
Bord
Pleanála

Board Direction
ABP-318223-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/11/2024.

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 three structures, new access track and conservatory at Lettergest East, Renvyle, County Galway is or is not development or is or is not exempted development,

AND WHEREAS Sean Harrington care of HRA Planning of 3 Hartstonge Street, Limerick requested a declaration on this matter from Galway County Council and the Council issued a declaration on the 13th day of September, 2023 stating that the matter is development and is not exempted development,

AND WHEREAS Sean Harrington care of HRA Planning of 3 Hartstonge Street, Limerick referred this declaration for review to An Bord Pleanála on the 9th day of October, 2023,

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) Article 6(1) and Articles 9(1)(a), (i), (ii), (vi) and (viiB) of the Planning and Development Regulations 2001, as amended,
- (c) Class 1, 6 and 13 of Part 1 of the Second Schedule of the Planning and Development Regulations 2001, as amended,
- (d) Class 9, Part 3, of the Second Schedule of the Planning and Development Regulations 2001, as amended,
- (e) the nature and extent of the works, and
- (f) the documentation on file, including the submission of the referrer and the documentation provided by the planning authority,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the construction of the conservatory, the building up of external and internal walls, the removal of an internal wall, and the provision of a perspex roof on a ruinous structure, the construction of two number shed structures and access track constitutes the carrying out of “works” and is, therefore, “development” within the meaning of Section 3 of the Planning and Development Act 2000, as amended,
- (b) the construction of the conservatory comes within the scope of Class 1 of Part 1 of the Second Schedule of the Planning and Development Regulations 2001, as amended, and complies with the conditions and limitations to which this Class is subject,
- (c) the building up of external and internal walls and the removal of an internal wall comes within the scope of Section 4 (1) (h) of the Planning and Development Act 2000, as amended,

- (d) the provision of a Perspex roof on a ruinous structure does not come within the scope of Section 4 (1) (h) of the Planning and Development Act 2000, as amended,
- (e) the construction of the two number sheds does not come within the scope of Class 9 of Part 3 of the Second Schedule of the Planning and Development Regulations 2001, as amended,
- (f) the construction of the access track does not come within the scope of Class 6 or Class 13 of Part 1 of the Second Schedule of the Planning and Development Regulations 2001, as amended,
- (g) there are no other provisions in Section 4 of the Planning and Development Act 2000, as amended, or in Planning and Development Regulations 2001, as amended, whereby the construction of the access track would be classified as exempted development, and
- (h) the works which are the subject of this referral, specifically the access track, would require an Appropriate Assessment as it cannot be concluded that these works would not be likely to have a significant effect on the integrity of a European Site and, therefore, the restriction on exemptions under Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001, as amended, and Section 4 (4) of the Planning and Development Act 2000, as amended, apply,

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 a conservatory, replacing a lean-to on the side gable/south is development and is exempted development, the building up of external and internal walls and the removal of an internal wall is development and is

exempted development, the provision of a Perspex roof on a ruinous structure is development and is not exempted development, the construction of two number shed structures is development and is not exempted development, and the construction of a new access track is development and is not exempted development.

Board Member: Patricia Calleary Date: 04/11/2024
Patricia Calleary