



An  
Bord  
Pleanála

**Board Direction**  
**BD-018090-24**  
**ABP-318264-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/11/2024.

The Board decided this referral in accordance with the following draft order.

**WHEREAS** questions have arisen individually and cumulatively as to (a) whether the stripping of topsoil, filling and stoning of lands and/or (b) whether the overlaying with soil to provide a grassed finish is or is not development or is or is not exempted development:

**AND WHEREAS** Atlantic Caravan Park Ltd. requested a declaration on these questions from Sligo County Council and the Council did not issue a declaration.

**AND WHEREAS** Sligo County Council referred this declaration for review to An Bord Pleanála on the 17<sup>th</sup> day of October, 2023:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly 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,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,

(d) Planning Reg. Ref. PL 10/492, including significant further information in the form of a Natura Impact Statement and revised plans, that was granted by Sligo County Council on the 17<sup>th</sup> day of October 2011,

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) the stripping of topsoil, filling and stoning of lands constitutes works under the definition of the Act;
- (b) the filling and stoning of such lands at this location creating a hardstanding area is not compliant with drawing number PL-01 received by the planning authority on the 11<sup>th</sup> day of August 2011 under Planning Reg. Ref. PL 10/492;
- (c) such works therefore contravene condition numbers 1 and 4(a) of Planning Reg. Ref. PL 10/492;
- (d) the proposed overlaying of such works with soil to provide a grassed finish does not constitute exempted development because the underlying works contravene Planning Reg. Ref. PL 10/492;
- (e) the works the subject of this referral do not come within the scope of Section 4(1)(h) and are therefore considered not to be exempted development;
- (f) there are no other provisions in the Act or Regulations whereby such development would be exempted in this instance,

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that individually and cumulatively (i) the stripping of topsoil, filling and stoning of lands and/or (ii) its overlaying with soil to provide a grassed finish is development and is not exempted development.

In deciding not to accept the Inspector's recommendation, the Board was not satisfied a class of exemption had been adequately demonstrated including in

relation to Section 4(1)(h) because such works contravene condition numbers 1 and 4(a) of Planning Reg. Ref. PL 10/492 applicable at this location.

Board Member Eamonn James Kelly Date: 06/11/2024  
Eamonn James Kelly