



An
Bord
Pleanála

Board Direction
BD-019594-25
ABP-321361-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/05/2025.

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

Draft Order

WHEREAS a question has arisen as to whether the John Behan sculpture (1,900 millimetres high/3,000 millimetres long/1,450 millimetres wide) seated on a 150-millimetre-high concrete plinth on Atlantic Technological University Campus Grounds, Atlantic Technological University, Dublin Road, Galway is or is not development or is or is not exempted development,

AND WHEREAS the Atlantic Technological University care of Buildings and Estates Department, Atlantic Technological University, Dublin Road, Galway requested a declaration on this question from Galway City Council and the Council issued a declaration on the 24th day of October, 2024 stating that the matter is not exempted development,

AND WHEREAS the said Atlantic Technological University referred this declaration for review to An Bord Pleanála, on the 20th day of November, 2024,

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, as amended,
- (c) Section 4(1)(a) of the Planning and Development Act 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (e) Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (f) the planning history of the site,
- (g) the pattern of development in the area,
- (h) the current development plan for the area, and
- (i) the report and recommendation of the Inspector,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the placement of the plinth and sculpture on the area of land to the front of the iHub extension building would constitute works and comes within the meaning of Section 3 of the Planning and Development Act 2000, as amended, and is, therefore, development,
- (b) the area of land in question cannot be considered to provide public amenities normally associated with a public park being of such a small scale and ancillary linear strip of land fronting a university building, and
- (c) the placement of the plinth and sculpture on the area of land to the front of the iHub extension building is not within the scope of Class 36 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, not being development by a public body on land used by that body as a public park which provision is in connection with the enjoyment of the land as a park.

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 John Behan sculpture (1,900 millimetres high/3,000 millimetres long/1,450 millimetres wide) seated on a 150-millimetre-high concrete plinth on Atlantic Technological University Campus Grounds, Atlantic Technological University, Dublin Road, Galway is development and is not exempted development.

Board Member

Eamonn James Kelly
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Date: 06/05/2025