



Board Direction

Ref: 61.RL3488

The submissions on this file and the Inspector's report were considered at a Board meeting held on November 21st 2016.

The Board decided, as set out in the following Order, that the proposed mooring of a passenger barge for short term tourist accommodation at Old Mud Dock (Long Walk), Galway Port, Galway is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the proposed mooring of a passenger barge for short term tourist accommodation at Old Mud Dock (Long Walk), Galway Port, Galway is or is not development or is or is not exempted development.

AND WHEREAS Captain Sam Field Corbett, care of McCarthy, Keville O' Sullivan Limited, of Block 1, G.F.S.C., Moneenageisha Road, Galway, requested a declaration on this question from Galway City Council, and the Council issued a declaration on the 12^h day of May 2016 stating that the matter is development and is not exempted development.

AND WHEREAS Captain Sam Field Corbett referred this declaration for review to An Bord Pleanála, on the 8th day of June, 2016.

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

- (a) Sections 2, 3(1), 3(3), 224 and 225 of the Planning and Development Act, 2000, as amended;

- (b) The planning history of the site and its environs, and the provisions of the Galway City Development Plan,
- (c) The scale and nature of the project, and the historical use of the Old Mud Dock as part of Galway Port, and
- (d) The provisions of the Local Government Reform Act 2014 and of the County Borough of Galway (wards) Regulations, 1986, relating to the area of jurisdiction of Galway City Council.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The location of the subject project, comprising the Old Mud Dock, is within the area of jurisdiction of Galway City Council; and constitutes land as defined in Section 2 of the Planning and Development Act, 2000, as amended;
- (b) The established and historic use of the Old Mud Dock is for the mooring of ships and other vessels for the purpose of the commercial transfer, unloading and loading of goods;
- (c) The proposed use of the Old Mud Dock for the mooring of a passenger barge for the purpose of short term tourist accommodation would represent a change of use from this established use;
- (d) Having regard to the nature of such use, including times of operation with associated noise and potential disturbance to adjacent residential properties, and the potential for patterns of traffic usage and car parking which would be different to the established use, it is considered that these issues raise external matters that would be material in planning terms, and accordingly the proposed change of use would constitute a material change of use in this particular instance, and would therefore constitute development.
- (e) Furthermore, the proposed use would involve the use of this land for the keeping of an object (a passenger barge) for habitation, which, by reason of the provisions of section 3 (3) of the Planning and Development Act is a material change of use, and would therefore constitute development.
- (f) There are no exemptions provided, in the Planning Acts and Regulations, by which such material change of use would constitute exempted development.

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 proposed mooring of a passenger barge for short term tourist accommodation at Old Mud Dock (Long Walk), Galway Port, Galway is development and is not exempted development.

Board Member: _____ Date: 21st November 2016
Philip Jones