



An
Bord
Pleanála

Board Direction
07.RL3496

The submissions on this file and the Inspector's report were further considered at a Board meeting held on February 1st 2017.

The Board decided, as set out in the following Order, that the reduction in height of an agricultural structure and the retention of the modified building at Formina Village, Inis Oirr, Co. Galway, is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the reduction in height of an agricultural structure and the retention of the modified building at Formina Village, Inis Oirr, Co. Galway is or is not development or is or is not exempted development.

AND WHEREAS Stiofan Seoige, requested a declaration on this question from Galway County Council, and the Council issued a declaration on the 29th day of June 2016 stating that the matter is not exempted development.

AND WHEREAS Stiofan Seoige referred this declaration for review to An Bord Pleanála, on the 18th day of July 2016.

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, and in particular Section 4 (4).
- (b) Articles 6 and 9 (1)(a) (viiB) and (viiC) of the Planning and Development Regulations 2001, as amended,

- (c) Class 6 of Part 3 of Schedule 2 to the Planning and Development Regulations 2001, as amended, and in particular condition and limitation number 3 of that Class, and
- (d) The nature and extent of the development that has taken place that is the subject matter of the declaration and referral.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The construction of the structure comprises works, as defined in the Act, and therefore constitutes development;
- (b) The structure is located within the Inis Oirr Special Area of Conservation (site code 001275), and has been constructed on lands where there is Limestone Pavement, which is an Annex I priority habitat, and which is one of the qualifying interests for that European site;
- (c) The Board, as the relevant competent authority in relation to appropriate assessment, has determined that an appropriate assessment would have been required prior to the construction of the subject development;
- (d) The structure, which it is stated is intended to be used for the housing of sheep, goats or donkeys, would generally come within the scope of Class 6 of Part 3 of Schedule 2 to the Planning and Development Regulations 2001, as amended, but does not comply with condition and limitation number 3 of this Class, and
- (e) Having regard to the fact that appropriate assessment would have been required prior to the construction of the subject development, the development is not exempted development by reason of Section 4 (4) of the Planning and Development Act, 2000, as amended, and by reason of Article 9 (1)(a)(viiB) of the Planning and Development Regulations, 2001, as amended.

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 reduction in height of an agricultural structure and the retention of the modified building at Formina Village, Inis Oirr, Co. Galway, is development and is not exempted development.

Note. In reaching its decision in this referral case, the Board noted the Appropriate Assessment Stage 1 screening carried out by the Inspector and concurred with, and adopted, her conclusions in relation to this matter. The Board was therefore satisfied that the subject development, individually or in combination with other plans and projects, would be likely to have had a significant effect on the Inis Oirr Special Area of Conservation (site code 001275), in view of the site's conservation objectives and qualifying interests, and that therefore the development would have required an appropriate assessment before it was carried out.

[Please issue a copy of this Board Direction with the Board Order.]

Board Member _____

Date: 1st February 2017

Philip Jones