



An
Bord
Pleanála

Board Direction
08.RL3804

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14th June 2018. Related referral files RL3804 and RL3805 were considered at the same meeting.

The Board decided, generally in accordance with the inspector's recommendation, that the relocation of the building is development and is not exempted development.

WHEREAS a question has arisen as to whether the relocation of an industrial building within the same industrial/business park is or is not development or is or is not exempted development:

AND WHEREAS Bernadette Davis requested a declaration on this question from Kerry County Council, and the Council issued a declaration on the 14th day of August, 2017, stating that the matter was development and was not exempted development:

AND WHEREAS Bernadette Davis referred this declaration for review to An Bord Pleanála on the 7th day of September, 2017:

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)(h) of the Planning and Development Act, 2000 (as amended),
- (d) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001 (as amended),
- (e) Part 1 of Schedule 2 (Classes 21 & 22) to the Planning and Development Regulations, 2001 (as amended),
- (f) the planning history of the site,
- (g) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the demolition and re-construction act/operations at this site constituted “works”;
- (b) arising from the “works” carried out, development has taken place on the site;
- (c) the works carried out involved the demolition/dismantling of a shed and its re-erection approximately 60m to the west of the original location, and exemptions available under section 4(1)(h) of the Planning and Development Act, 2000 (as amended) do not apply to such development.
- (d) the existing industrial/business park is not regarded as a single ‘planning unit’ and no exemption on this basis applies,
- (e) the exempted development provisions set down at Classes 21 & 22 or Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 (as amended), do not apply in relation to works which have been carried out at this site:

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 relocation of an industrial building within the same industrial/business park is development and is not exempted development.

Board Member

Date: 14th June 2018

Conall Boland