



An
Bord
Pleanála

**Board Direction
05E.RL3816**

The submissions on this file, including those submitted following the Board's letter of 4th July 2018, under Section 132 of the Act, and the Inspector's report and Addendum report were further considered at a Board meeting of all available Board members held on May 2nd 2019.

The Board decided, on a vote of 7:1, as set out in the following Order, that the means of closure of the entrance to the start of the pathway leading to Pollaid Great Arch at Fanad, Co Donegal, is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the means of closure of the entrance to the start of the pathway leading to Pollaid Great Arch at Fanad, Co Donegal is or is not development or is or is not exempted development.

AND WHEREAS the Great Arch Action Committee, requested a declaration on this question from Donegal County Council, and the Council issued a declaration on the 14th day of September 2017, stating that the matter was not development.

AND WHEREAS the Great Arch Committee referred this declaration for review to An Bord Pleanála, on the 10th day of October 2017.

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

- (a) Section 2, 3 and 4 of the Planning and Development act, 2000, as amended,
- (b) The Planning and Development Regulations, 2001, as amended,
- (c) The submissions on file, and
- (d) The reports of the Inspector, including of her inspection of the subject site.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The placing of large concrete blocks within the concrete gate pier that previously contained a turnstile involved the carrying out of works as defined in Section 2 of the Planning and Development Act 2000, as amended, and accordingly constitutes development within the meaning of the Act.
- (b) The placing of these large concrete blocks within this structure does not come within the scope of Section 4 (1)(h) of the Planning and Development Act, 2000, as amended, not being works for the maintenance, improvement or other alteration of the original turnstile / pier structure, but rather works for the provision of new structures within the previous structure; and
- (c) The development does not come within the scope of any of the other provisions for exempted development set out in the Planning and Development Act, 2000, as amended, nor within the scope of any of exempted development provisions set out in the Planning and Development Regulations, 2001, as amended, and is therefore not exempted development.
- (d) Accordingly, the restrictions on exemption, set out in the Planning and Development Regulations, 2001, as amended, are not relevant to this determination.

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 means of closure of the entrance to the start of the pathway leading to Pollaid Great Arch at Fanad, Co Donegal, is development and is not exempted development.

Board Member

Date: 8th May 2019

Philip Jones