



---

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: D/21/19**

**WHEREAS** a question has arisen as to whether the construction of an agricultural shed and all associated site works at Derrynacagheragh, Dunmanway, County Cork is or is not development or is or is not exempted development:

**AND WHEREAS** Declan White care of OCFPM of Unit 19, Charleville Town Centre, Charleville, County Cork requested a declaration on this question from Cork County Council and the Council issued a declaration on the 16<sup>th</sup> day of September, 2019 stating that the matter is development and is not exempted development:

**AND WHEREAS** Declan White referred the declaration for review to An Bord Pleanála on the 2<sup>nd</sup> day of October, 2019:

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

- (a) sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) Articles 5 to 11 of the Planning and Development Regulations, 2001, as amended, with particular reference to Articles 6(3) and 9(1)(a)(viiB),
- (c) Part 3 of Schedule 2 Exempted Development – Rural of the Planning and Development Regulations, 2001, as amended, with particular reference to Class 9,
- (d) the submissions of the parties to the referral,
- (e) the Appropriate Assessment Screening Report submitted by the referrer in response to a section 132 notice issued by An Bord Pleanála:

**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) the construction of an agricultural shed and all associated site works constitute ‘development’ for the purposes of the Planning and Development Act, 2000, as amended,

- (b) 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,
- (c) the structure, which it is stated is intended to be used for storage, would generally comply with the description, Conditions and Limitations of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, but does not comply with Condition and Limitation number 3 of this Class, and
- (d) having regard to the fact that appropriate assessment would be 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 2000 Act, hereby decides that the construction of an agricultural shed and all associated site works at Derrynacaheragh, Dunmanway, County Cork is development and is not exempted development.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

---

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**