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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: R546/19**

**WHEREAS** a question has arisen as to whether the change of use of an existing industrial site and buildings to use as a Resource Recovery and Recycling Centre (RRRC) and ancillary storage at the former TATA Steel site, Tivoli Industrial Estate, Cork is or is not development or is or is not exempted development:

**AND WHEREAS** the question was referred to An Bord Pleanála by Cork City Council on the 12<sup>th</sup> day of December, 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 5(1) and 10(1),
- (c) Part 4 of Schedule 2 'Exempted Development – Classes of Use' of those Regulations,
- (d) the planning history of the site, and
- (e) the submissions of the parties to the referral:

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

- (a) the change of use of a steel stock depot to a Resource Recovery and Recycling Centre constitutes 'development' for the purposes of the Planning and Development Act, 2000, as amended,
- (b) the change of use constitutes a material change, and
- (c) no exemption exists in legislation for such a material change of use:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the change of use of an existing industrial site and buildings to use as a Resource Recovery and Recycling Centre (RRRC) and ancillary storage at the former TATA Steel site, Tivoli Industrial Estate, 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.

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**Chris McGarry**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**