

Planning and Development Acts 2000 to 2020

Planning Authority: Galway City Council

Planning Register Reference Number: P/DC/3/3/21

WHEREAS a question has arisen as to whether the relocation of the ESB Substation at The Dean Hotel, number 80 Prospect Hill and number 82, 84 and 86 Bohermore, Galway is or is not development or is or is not exempted development:

AND WHEREAS Advanced Vision Limited care of Lawrence and Long Architects of 23 Mespil Road, Dublin requested a declaration on this question from Galway City Council and the Council issued a declaration on the 11th day of March, 2021 stating that the matter was development and was not exempted development:

AND WHEREAS the said Advanced Vision Limited referred this declaration for review to An Bord Pleanála on the 7th day of April, 2021:

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,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Class 41 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site, and
- (g) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the relocation of the ESB Substation is development as defined under Section 3 of the Planning and Development Act, 2000,
- (b) the development in question constitutes a material change which would contravene condition number 1 of planning register reference number 17/41 and would not, therefore, be exempted development under Article 9(1)(a)(i) of the Planning and Development Regulations, 2001, as amended,
- (c) the development in question does not fall under Class 41, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (d) there is no other exemption provision of which the development can avail:

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 relocation of the ESB Substation at The Dean Hotel, number 80 Prospect Hill and number 82, 84 and 86 Bohermore, Galway is development and is not exempted development.

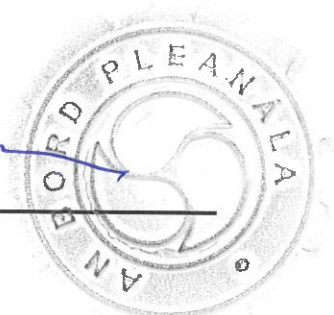
Matters Considered

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.



John Connolly

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



Dated this ^{15th} day of **NOVEMBER** 2021.