

Planning and Development Acts 2000 to 2021

Planning Authority: Donegal County Council

Planning Register Reference Number: S5 21/20

WHEREAS a question has arisen as to whether (i) the placement of mounds of stones and soil on land within Folio DL42379F and (ii) the placement of up to seven trailers and other agricultural hardware on land within Folio DL42379F at Arbane, Downings, County Donegal is or is not development or is or is not exempted development:

AND WHEREAS Anne Murray of Ardbane, Downings, County Donegal requested a declaration on the said question from Donegal County Council and the said Council issued a declaration on the 11th day of June, 2021 stating that the said matter is development and is exempted development:

AND WHEREAS Anne Murray referred the declaration for review to An Bord Pleanála on the 25th day of June, 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, as amended,
- (c) Section 3(2)(b)(iii) of the Planning and Development Act 2000, as amended,
- (d) Section 4(1)(a) of the Planning and Development Act 2000, as amended,
- (e) Section 4(1)(j) of the Planning and Development Act 2000, as amended,
- (f) article 6(1) and article 9(1) of the Planning and Development Regulations 2001, as amended,
- (g) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations 2001, as amended, and
- (h) the planning history of the site,

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the placement of soil and stone mounds on land within Folio DL42379F is consistent with the placement of debris and, in the context of Section 3(2)(b)(iii) of the Planning and Development Act 2001, as amended, constitutes a material change in the use of the land,
- (b) the placement of up to seven trailers and other agricultural hardware on land within Folio DL42379F is consistent with the placement of vehicles on land and, in the context of Section 3(2)(b)(iii) of the Act, constitutes a material change in the use of the land,

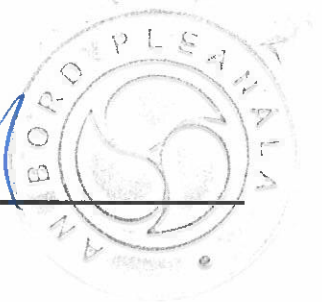
- (c) Section 4(1)(a) of the Planning and Development Act 2000, as amended, does not apply as there is no evidence of ongoing agricultural activity at the site, and
- (d) Section 4(1)(j) of the Planning and Development Act 2000, as amended, does not apply as the site is not within the curtilage of a house and the use is not incidental to the enjoyment of a house,

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 (i) the placement of mounds of stones and soil on land within Folio DL42379F and (ii) the placement of up to seven trailers and other agricultural hardware on land within Folio DL42379F at Arbane, Downings, County Donegal is development and is not exempted development.



Dave Walsh

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



Dated this 30th day of June 2022.