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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Clare County Council.**

**Planning Register Reference Number: R21-57**

**WHEREAS** questions have arisen as to whether -

- (1) a pre-1963 farm dwelling has an implied condition of residential use in respect of section 160(6)(b) of the Planning Development Act 2000, as amended?
- (2) the use of a residential farm as an oil storage and distribution depot is development and, if so, is it exempt development?
- (3) the retail sale of petrol, diesel and ancillary products by Burrenside Oil Limited at Drumumna, Crusheen, County Clare are development and/or an intensification of development on this site?
- (4) the installation of an interceptor tank in October 2020 at Burrenside Oil Limited, Drumumna, Crusheen, County Clare is development and/or an intensification of development, and if so, is it exempt development?

- (5) the placing of approximately 300 square metres of concrete parking for the overnight parking, loading and unloading of trucks at Burrenside Oil Limited, Drumumna, Crusheen, County Clare is development and/or an intensification of development, and if so, is it exempt development?
- (6) the construction of bunding installed in 2020 around oil storage tanks at Burrenside Oil Limited, Drumumna, Crusheen, County Clare is development and/or intensification of development and if so, is it exempt development?
- (7) an increase in oil storage capacity from a much lower level to approximately 159,000 litres for sale and distribution is development and/or an intensification of development, and if so, is it exempt development?
- (8) the construction of offices on a residential farm is development and/or an intensification of development, and if so, is it exempt development?
- (9) the provision of wastewater treatment for on-site staff is development and/or an intensification of development and, if so, is it exempt development,

all at Burrenside Oil Limited, Drumumna, Crusheen, County Clare:

**AND WHEREAS** the question were referred to An Bord Pleanála by Clare County Council on the 21<sup>st</sup> day of October, 2021:

**AND WHEREAS** An Bord Pleanála, in considering this referral, decided to reformulate the questions as follows-

Whether -

1. the change of use of a site at Drumumna, Crusheen, County Clare from residential and/or agricultural purposes to commercial use, incorporating an oil storage facility of up to circa 159,000 litres, a fuel distribution depot, the retail sales of petrol, diesel and ancillary products, and an ancillary office, is or is not development or is or is not exempted development, and
2. works ancillary to the change of use outlined above namely-
  - (a) the installation of an interceptor tank,
  - (b) the installation of approximately 300 square metres of hardstanding for the parking of vehicles,
  - (c) the installation of a bunding wall, and
  - (d) the provision of an onsite wastewater treatment system on the site,

are or are not development or are or are not exempted development.

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

- (a) sections 2(1), 3(1), and 4 of the Planning and Development Act 2000, as amended, and
- (b) articles 5, 6, and 10 and Schedule 2 of the Planning and Development Regulations 2001, as amended:

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

- (a) the change of use of the site from residential and/or agricultural purposes to commercial use incorporating an oil storage facility of up to circa 159,000 litres, a fuel distribution depot, the retail sales of petrol, diesel and ancillary products and an ancillary office, constitutes a material change of use and is therefore 'development' and
- (b) works ancillary to the change of use outlined above namely-
  - (i) the installation of an interceptor tank,
  - (ii) the installation of approximately 300 square metres of hardstanding for the parking of vehicles,
  - (iii) the installation of a bunding wall, and
  - (iv) the provision of an onsite wastewater treatment system on the site,are development, and
- (c) there are no exemptions in legislation under which the above developments in question would fall:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that at Drumumna, Crusheen, County Clare -

1. the change of use of a site from residential and/or agricultural purposes to commercial use incorporating an oil storage facility of up to circa 159,000 litres, a fuel distribution depot, the retail sales of petrol, diesel and ancillary products and an ancillary office, and
2. works ancillary to the change of use outlined above namely-
  - (a) the installation of an interceptor tank,
  - (b) the installation of approximately 300 square metres of hardstanding for the parking of vehicles,
  - (c) the installation of a bunding wall, and
  - (d) the provision of an onsite wastewater treatment system on the site,

are development and are not exempted development.



**Tom Rabbette**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 29<sup>th</sup> day of May 2023.

