



An  
Bord  
Pleanála

**Board Order**  
**ABP-313920-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: ED22/32**

**WHEREAS** a question has arisen as to whether the placing on land of construction machinery on lands at Cloonacartan, Recess, Galway is or is not development or is or is not exempted development:

**AND WHEREAS** Patrick Cleary of Derryclare Cottage, Cloonacartan, Recess, County Galway requested a declaration on the said question from Galway County Council and the said Council issued a declaration on the 16<sup>th</sup> day of June, 2022 stating that the said matter is development and is exempted development:

**AND WHEREAS** Patrick Cleary referred the declaration for review to An Bord Pleanála on the 24<sup>th</sup> day of June, 2022:

**AND WHEREAS** the Board reconfigured the question as follows. Whether the storage of machinery on lands at Cloonacartan, Recess, Galway is or is not development or is or is not exempted development:

**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) (1) (b) of the Planning and Development Act, 2000, as amended,
- (d) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (e) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (f) Schedule 5, Part 2, Articles 11 and 13 of the Planning and Development Regulations, 2001, as amended,
- (g) the planning history of the site, and
- (h) the pattern of development in the area:

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

The storage of machinery at Cloonacartan, Recess, Galway in this instance does not constitute a material change of use/development of land by reason of Section 3 (2) (1) (b) of the Planning and Development Act 2000 (as amended) and is not development as defined under Section 3 (1) of that Act.

*pm*

**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 development is not development as defined under Section 3(1) of that Act.

*P. Mullan*



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**Peter Mullan**

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

Dated this *24* day of *May*, 2024.