



An
Bord
Pleanála

Board Order
ABP-314977-22

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: R739/22

WHEREAS a question has arisen as to whether the installation of a water storage tank 13.65 metres in diameter and 4.254 metres in height at Maryfield, Ballinlough, Cork is or is not development or is or is not exempted development,

AND WHEREAS Murphy Transport Limited care of Coakley O'Neill Town Planning of NSC Campus, Mahon, Cork requested a declaration on this question from Cork City Council and the Council issued a declaration on the 5th day of October, 2022 stating that the matter is development and is not exempted development,

AND WHEREAS Murphy Transport Limited referred this declaration for review to An Bord Pleanála on the 28th day of October 2022,

P.C.

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

- (a) Section 2(1) and 3(1) of the Planning and Development Act 2000, as amended,
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Classes 21 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended,
- (d) the planning history of the site, including that no evidence of unauthorised development has been presented, and
- (e) the pattern of development in the area,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the installation of a water storage tank 13.65 metres in diameter and 4.254 metres in height is development within the meaning of Section 3 of the Planning and Development Act 2000, as amended,
- (b) the activity carried on within this site can be considered to be in the nature of an “industrial undertaking” as defined in Article 5(1) of the Planning and Development Regulations 2001, as amended, and
- (c) Class 21(a)(iii) of Part 1 of the Second Schedule to the Planning and Development Regulations 2001, as amended, applies in this instance as the water storage tank is considered to be in the nature of plant or machinery, and the water storage tank is not considered to materially alter the external appearance of the premises of the undertaking and its height does not exceed 15 metres,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the installation of a water storage tank 13.65 metres in diameter and 4.254 metres in height at Maryfield, Ballinlough, Cork is development and is exempted development.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**

Dated this *28* day of *March* 2024.