

An
Bord
Pleanála

Board Order
ABP-315560-23

Planning and Development Acts 2000 to 2021

Planning Authority: Donegal County Council

Planning Register Reference Number: S5 22/40

WHEREAS a question has arisen as to whether the reconfiguration of golf course (location of new Tee) and associated orientation of play at Narin, Portnoo, County Donegal is or is not development or is or is not exempted development:

AND WHEREAS Patrick K. Moore of Glebe House, Portnoo, County Donegal requested a declaration on this question from Donegal County Council and the Council issued a declaration on the 21st day of December, 2022 stating that the matter was development and was exempted development:

AND WHEREAS Patrick K. Moore referred this declaration for review to An Bord Pleanála on the 13th day of January, 2023:

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

- (a) Sections 2(1), 3(1) and (4)(1) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended, and
- (c) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the reconfiguration of golf course (location of new Tee) and associated orientation of play is likely to have included acts of construction and/or excavation, and hence would comprise 'works' and 'development' within the meaning of Section 2(1) and Section 3(1) of the Planning and Development Act, 2000, as amended, respectively,
- (b) the development would come within Article 6 of the Planning and Development Regulations, 2001 and Class 34 of Part 1 of Schedule 2 (General Development) being an alteration or alterations to the layout of an existing golf course, and which do not include any extension to the area of a golf course, and
- (c) Article 9 (Restrictions on exemption) of the Planning and Development Regulations, 2001, as amended, does not apply and therefore the development to which Article 6 relates shall not be de-exempted development for the purpose of the Act:

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 that the reconfiguration of golf course (location of new Tee) and associated orientation of play is at Narin, Portnoo, County Donegal is development and is exempted development.

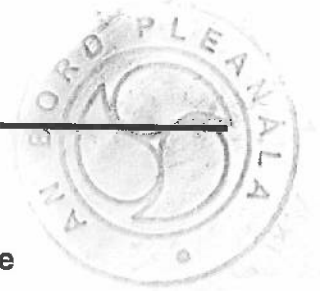
Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *18* day of *May* 2023