



An
Bord
Pleanála

Board Order
ABP-318264-23

Planning and Development Acts 2000 to 2022

Planning Authority: Sligo County Council

Planning Register Reference Number: ED489

WHEREAS questions have arisen individually and cumulatively as to (a) whether the stripping of topsoil, filling and stoning of lands and/or (b) whether the overlaying with soil to provide a grassed finish, all at Atlantic Caravan Park, Bartragh, Enniscrone, County Sligo is or is not development or is or is not exempted development,

AND WHEREAS Atlantic Caravan Park Limited care of The Planning Partnership of McHale Retail Park, Castlebar, County Mayo requested a declaration on these questions from Sligo County Council on the 30th day of August, 2023 and the Council did not issue a declaration,

AND WHEREAS Sligo County Council of City Hall, Quay Street, Sligo referred the questions to An Bord Pleanála on the 17th day of October, 2023,

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 4(1)(h) of the Planning and Development Act 2000, as amended, and
- (d) planning register reference number PL 10/492, including significant further information in the form of a Natura Impact Statement and revised plans, that was granted by Sligo County Council on the 17th day of October, 2011,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the stripping of topsoil, filling and stoning of lands constitutes works under the definition of the Act,
- (b) the filling and stoning of such lands at this location creating a hardstanding area is not compliant with drawing number PL-01 received by the planning authority on the 11th day of August, 2011 under planning register reference number PL 10/492,
- (c) such works therefore contravene condition numbers 1 and 4(a) of planning register reference number PL 10/492,
- (d) the proposed overlaying of such works with soil to provide a grassed finish does not constitute exempted development because the underlying works contravene planning register reference number PL 10/492,
- (e) the works the subject of this referral do not come within the scope of Section 4(1)(h) and are, therefore, considered not to be exempted development, and
- (f) there are no other provisions in the Act or Regulations whereby such development would be exempted in this instance,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(4) of the Planning and Development Act 2000, as amended, hereby decides that individually and cumulatively (a) the stripping of topsoil, filling and stoning of lands and/or (b) the overlaying with soil to provide a grassed finish, all at Atlantic Caravan Park, Bartragh, Enniscrone, County Sligo is development and is not exempted development.

In deciding not to accept the Inspector's recommendation, the Board was not satisfied that a class of exemption had been adequately demonstrated, including in relation to Section 4(1)(h) because such works contravene condition numbers 1 and 4(a) of planning register reference number PL 10/492 applicable at this location.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

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

Dated this *13th* day of *November*, 2024.

