



An
Bord
Pleanála

Board Order
ABP-318300-23

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: S5 23/46

WHEREAS a question has arisen as to whether the erection of a plant structure for an industrial purpose at Main Street, Dunkineely, County Donegal is or is not development or is or is not exempted development:

AND WHEREAS Charles Vial care of Harley Newman Planning Consultants of Bohullion, Burt, County Donegal requested a declaration on the said question from Donegal County Council and the said Council issued a declaration on the 28th day of September, 2023 stating that the said matter is development and is not exempted development:

AND WHEREAS Charles Vial referred the declaration for review to An Bord Pleanála on the 20th day of October, 2023:

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

- (a) Sections 2(1), 3(1), and 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 21 of Part 1 of Schedule 2 to those Regulations,
- (d) the planning history of the site, and
- (e) the pattern of development on the site:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the subject structure is a building, which would be used as a warehouse in conjunction with the referrer's existing fish processing factory,
- (b) the referrer has not demonstrated that the portion of the site upon which the subject structure would be sited lies on land occupied and used by an industrial undertaker for the carrying on, and for the purposes of, any industrial process,
- (c) the subject structure would not be a “a structure of the nature of plant or machinery”, as it would neither merger with any plant and machinery that it supports or be integral to the support afforded to any plant and machinery, and

- (d) consequently, the subject structure, as a building, is development, which is not exempted development under Class 21 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended:

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 erection of a plant structure for an industrial purpose at Main Street, Dunkineely, County Donegal is development and is not exempted development.


Liam Bergin

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

Dated this 23rd day of  2024.