

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Donegal County**

**Planning Authority Reference Number: S5 16/17**

An Bord Pleanála Reference Number: 05.RL.3489

**WHEREAS** a question has arisen as to whether the installation of two underground fuel storage tanks of 40,000 litres capacity each and the decommissioning of an existing 28,000 litres tank at an existing filling station at Ballyraine, Letterkenny, County Donegal is or is not development or is or is not exempted development:

**AND WHEREAS** Emo Oil Limited trading as GreatGas care of Safety Engineering and Environmental Consultants Limited of 15b The Square, Skerries, County Dublin requested a declaration on the said question from Donegal County Council and the said Council issued a declaration on the 31<sup>st</sup> day of May, 2016 stating that the said matter is development and is not exempted development:

**AND WHEREAS** the said Emo Oil Limited trading as GreatGas referred the declaration for review to An Bord Pleanála on the 17<sup>th</sup> day of June, 2016:

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

- (a) sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended, and
- (b) previous determinations under An Bord Pleanála referrals numbers 13.RL.3233, 35.RL.2850, 04.RL.2211, 25.RL.2340, 04.RL.2747 and 04.RL.3069.

**AND WHEREAS** An Bord Pleanála has concluded that the installation of two underground fuel storage tanks of 40,000 litres capacity each and the decommissioning of an existing 28,000 litres tank could not be considered as being within the scope of section 4(1)(h) of the Planning and Development Act, 2000 as the new tanks are to be located in a different location to the tank which is being de-commissioned and the existing tank is not being replaced but being left in situ, albeit that it is being taken out of use, and could not, therefore, be considered as works for the maintenance, improvement or other alteration of a structure.

**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 installation of two underground fuel storage tanks of 40,000 litres capacity each and the decommissioning of an existing 28,000 litres tank at an existing filling station at Ballyraine, Letterkenny, County Donegal is development and is not exempted development.

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

**Dated this        day of                                2017.**