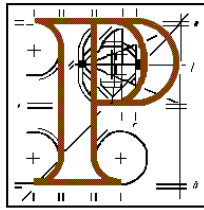


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

## Galway County

**Planning Authority Reference Number: ED 16/25**

An Bord Pleanála Reference Number: 07.RL.3496

**WHEREAS** a question has arisen as to whether the reduction in height of an agricultural structure and the retention of the modified building at Formina Village, Inis Oirr, County Galway is or is not development or is or is not exempted development:

**AND WHEREAS** Stiofan Seoige care of O'Flynn Architects of Lower Eyre Street, Newbridge, County Kildare requested a declaration on this question from Galway County and the Council issued a declaration on the 29<sup>th</sup> day of June, 2016 stating that the matter is not exempted development:

**AND WHEREAS** Stiofan Seoige referred the declaration for review to An Bord Pleanála on the 18<sup>th</sup> day of July, 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 in particular section 4 (4),
- (b) Articles 6 and 9 (1) (a), (viiB) and (viiC) of the Planning and Development Regulations 2001, as amended,

- (c) Class 6, Part 3 of Schedule 2 to the Planning and Development Regulations 2001, and in particular Conditions and Limitations number 3 of that Class, and
- (d) the nature and extent of the development that has taken place that is the subject matter of the declaration and referral:

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) the construction of the structure comprises works, as defined in the Act, and therefore constitutes development,
- (b) the structure is located within the Inisheer Island Special Area of Conservation (Site Code 001275), and has been constructed on lands where there is Limestone Pavement, which is an Annex I priority habitat, and which is one of the qualifying interests for that European site,
- (c) the Board, as the relevant competent authority in relation to appropriate assessment, has determined that an appropriate assessment would have been required prior to the construction of the subject development,
- (d) the structure, which it is stated is intended to be used for the housing of sheep, goats or donkeys, would generally come within the scope of Class 6, Part 3 of Schedule 2 to the Planning and Development Regulations 2001, but does not comply with Conditions and Limitations number 3 of this Class, and
- (e) having regard to the fact that an appropriate assessment would have been required prior to the construction of the subject development, the development is not exempted development by reason of section 4 (4) of the Planning and Development Act, 2000, as amended, and by reason of Article 9 (1) (a), (viiB) of 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 Planning and Development Act, 2000, as amended, hereby decides that the reduction in height of an agricultural structure and the retention of the modified building at Formina Village, Inis Oirr, County Galway 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.**