



An
Bord
Pleanála

Board Order 08.RL.3804

Planning and Development Acts 2000 to 2017

Planning Authority: Kerry County Council

Planning Register Reference Number: EX591

WHEREAS a question has arisen as to whether the relocation of an industrial building within the same industrial/business park at Killerisk Business Park, Tralee, County Kerry is or is not development or is or is not exempted development:

AND WHEREAS Bernadette Davis of Rockall, The Spa, Tralee, County Kerry requested a declaration on this question from Kerry County Council and the Council issued a declaration on the 14th day of August, 2017 stating that the matter is development and is not exempted development:

AND WHEREAS Bernadette Davis of Rockall, The Spa, Tralee, County Kerry referred the declaration for review to An Bord Pleanála on the 7th day of September, 2017:

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

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,
- (d) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Classes 21 and 22 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site, and
- (g) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the demolition and reconstruction of the industrial building at this site constitute “works”,
- (b) arising from the “works” carried out, development has taken place on the site,
- (c) the works carried out involved the demolition/dismantling of a shed and its re-erection approximately 60 metres to the west of the original location, and exemptions available under Section 4(1)(h) of the Planning and Development Act, 2000, as amended, do not apply to such works,
- (d) the existing industrial/business park is not regarded as a single ‘planning unit’ and no exemption on this basis applies, and
- (e) the exempted development provisions set down in Classes 21 and 22 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, do not apply in relation to works which have been carried out at this site:

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 relocation of an industrial building within the same industrial/business park at Killerisk Business Park, Tralee, County Kerry 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.

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

Dated this day of 2018