

Board Order 08.RL.3805

Planning and Development Acts 2000 to 2017

Planning Authority: Kerry County Council

Planning Register Reference Number: EX592

WHEREAS a question has arisen as to whether the change of use of a building within the former Department of Posts and Telegraphs Headquarters to use as a bus maintenance depot 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 –

- (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) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Classes 21 and 22 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the planning history of the site,
- (f) the pattern of development in the area, and
- (g) the decision of the Board under related case 08.RL.3804:

AND WHEREAS An Bord Pleanála has concluded that the building from which Dublin Coach is operating, and which forms the location within which the purported change of use has taken place, does not appear to have the benefit of planning permission. Therefore, taking into account the circumstances of this case, any use carried out therein cannot be considered to avail of any exemption available under the Planning and Development Act, 2000, as amended, or 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 change of use of a building within the former Department of Posts and Telegraphs Headquarters to use as a bus maintenance depot 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

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