

## Board Order 05E.RL.3816

Planning and Development Acts 2000 to 2018

**Planning Authority: Donegal County Council** 

Planning Register Reference Number: S5 17/35

**WHEREAS** a question has arisen as to whether the means of closure of the entrance to the start of the pathway leading to Pollaid Great Arch at Fanad, County Donegal is or is not development or is or is not exempted development:

**AND WHEREAS** the Great Arch Action Committee care of Kerrie Coll of Pollaid, Ballylar Post Office, Letterkenny, County Donegal requested a declaration on this question from Donegal County Council and the Council issued a declaration on the 14<sup>th</sup> day of September, 2017, stating that the matter was not development:

**AND WHEREAS** the Great Arch Action Committee referred this declaration for review to An Bord Pleanála, on the 10<sup>th</sup> day of October, 2017:

**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,
- (b) the Planning and Development Regulations, 2001, as amended,
- (c) the submissions on file, and
- (d) the reports of the Inspector, including of her inspection of the subject site:

## AND WHEREAS An Bord Pleanála has concluded that:

- (a) The placing of large concrete blocks within the concrete gate pier that previously contained a turnstile involved the carrying out of works as defined in section 2 of the Planning and Development Act 2000, as amended, and accordingly constitutes development within the meaning of the Act;
- (b) The placing of these large concrete blocks within this structure does not come within the scope of section 4 (1)(h) of the Act, not being works for the maintenance, improvement or other alteration of the original turnstile/pier structure, but rather works for the provision of new structures within the previous structure; and
- (c) The development does not come within the scope of any of the other provisions for exempted development set out in the Act, nor within the scope of any of exempted development provisions set out in the Planning and Development Regulations, 2001, as amended, and is therefore not exempted development:
- (d) Accordingly, the restrictions on exemption, set out in the Regulations, are not relevant to this determination.

**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 means of closure of the entrance to the start of the pathway leading to Pollaid Great Arch at Fanad, 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.

Philip Jones

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this day of 2019

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