



An
Bord
Pleanála

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 14th 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 10th 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.

