



An
Bord
Pleanála

Board Direction
ABP-301484-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/11/2018.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the laying of crushed stone to a depth of 100 millimetres and the overlaying of gravel at a depth of 50 millimetres to accommodate a storage area for on-going works at a windfarm is or is not development and is or is not exempted development.

AND WHEREAS Cavan County Council requested a declaration on the said question on the 23rd of April, 2018.

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

- (a) Sections 2, 3 and 4 on the Planning and Development Act 2000, as amended
- (b) Specifically, Section 4(1)(h) of the Planning and Development Act 2000,

- (c) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (d) The nature, extent and scope of works proposed to be undertaken.

AND WHEREAS An Bord Pleanála concluded that

- (a) the excavation of lands and the laying of crushed stone and gravel constitutes works under the definition of the Act,
- (b) the act of excavation and the laying of crushed stone and gravel fell within the definition of structure as set out in the Act,
- (c) the excavation and layout of crushed stone and gravel constitute works for the maintenance, improvement or other alteration of any structure as defined in Section 4(1)(h) of the said Act and having regard to the nature, scale, extent and location of the said works these works do not materially affect the external appearance of the existing windfarm so as to render the appearance inconsistent with the character of the windfarm and that of neighbouring structures,
- (d) having regard to the nature, scale and extent of the proposed storage area in the context of the existing windfarm any change of use in the said lands are not considered to be material in the context of the existing windfarm,
- (e) the proposed works would not be likely to have a significant effect, either individually or in combination with other plans and projects on any European Sites and therefore do not require an appropriate assessment.
- (f) Furthermore, having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, the proposed works undertaken do not require the submission of an Environmental Assessment Report.

NOW THEREFORE An Bord Pleanála in exercise of the powers conferred on it by Section 5(4) of the 2000 Act, hereby decides that the laying of crushed stone to a depth of 100 millimetres and the laying of gravel above the crushed stone to a depth of 50 millimetres constitutes development which is exempted development.

Board Member:

Date: 29/11/2018

Maria FitzGerald