



An
Bord
Pleanála

**Board Direction
ABP-302517-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/02/2019.

The Board decided, as set out in the following Order, that the construction of 200sq.m horse stables at Cushinstown, Co. Meath is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the construction of 200sq.m horse stables at Cushinstown, Co. Meath is or is not development or is or is not exempted development:

AND WHEREAS Mark Watkins requested a declaration on this question from Meath Council and the Council issued a declaration on the 24th day of August, 2018 stating that the matter was development and was not exempted development:

AND WHEREAS Mark Watkins referred this declaration for review to An Bord Pleanála on the 5th day of September 2018:

- 1.1. **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,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) and 6(3) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site and landholding,
- (g) the location of the site in close proximity to and with access onto the N2 National Primary Route.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the works constitute development, being works which come within the scope of section 3(1) of the Planning and Development Act 2000 as amended;
- (b) the development would normally come within the scope of Class 6 of Part 3 of the Second Schedule of the Planning and Development Regulations 2001;
- (c) however, Section 10.16.1 of the Meath County Development Plan 2013-2019 restricts access or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply. It has also not been shown to comply with Policies RD POL 37 or RD PO 38 of the said Plan and Section 2.5 of the Department of the Environment, Community and Local Government 'Spatial Planning and National Roads – Guidelines for Planning Authorities' 2012. These guidelines are issued under section 28 of the Planning and Development Act 2000 (as amended).
- (d) It has not been demonstrated that the development of the stables with access from the N2 National Primary Route would not increase traffic generation or cause traffic hazard at a point where maximum speed applies. Therefore, the exemptions provided in Class 6 of Part 3, Schedule 2 do not apply.

- (e) The works would come within the restrictions on exempted development contained in Article 9(1)(a)(iii) of the Planning and Development Regulations 2001 (as amended) in view of the concerns raised relative to public safety and traffic hazard on the N2, National Primary Route.

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 construction of 200sq.m horse stables at Cushinstown, Co. Meath is development and is not exempted development.

Board Member:

Date: 14/02/2019

Stephen Bohan