



An  
Bord  
Pleanála

**Board Direction**  
**ABP-306347-20**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/08/2020.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the (permanent) locking of the gate at the entrance to Cockle Lane, Lisselan, Tramore, Co. Waterford is or is not development and is or is not exempted development.

**AND WHEREAS** John Deveraux requested a declaration on this question from Waterford City & County Council and the City & County Council issued a declaration on the 5th, day of December, 2019 stating that the matter was not development.

**AND WHEREAS** John Deveraux referred this declaration for review to An Bord Pleanála on the 8<sup>th</sup> day of January 2020:

**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) the planning history of the site,

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) the locking of an existing gate involving neither works, as defined for purposes of Section 2(1) of the *Planning & Development Act, 2000*, as amended nor a material change of use of the structure of lands does not constitute development as defined for the purposes of Section 3(1) of the *Planning & Development Act, 2000*, as amended.
- (b) Any exemptions or restriction on exemption that might otherwise apply to development as defined for the purposes of this Act or these Regulations are not relevant and do not apply to the subject matter of this referral and determination.

**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 (permanent) locking of the gate at the entrance to Cockle Lane, Lisselan, Tramore, Co. Waterford is not development.

**Board Member:**

**Date:** 21/08/2020

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Stephen Bohan