



An
Bord
Pleanála

Board Direction
ABP-306736-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/07/2020.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the removal of trees along the side of the roadway at Glenduff, Ballaugh, County Limerick is or is not development or is or is not exempted development.

AND WHEREAS Liam Lenihan requested a declaration on this question from Council, and the Council issued a declaration on the 20th day of February 2020 stating that the matter is development and is permitted development under Planning Permission Reference 12/379 (An Bord Pleanála Ref: PL13.240910).

AND WHEREAS Liam Lenihan referred this declaration for review to An Bord Pleanála, on the 24th day of February 2020

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) sections 2, 3 and 32 of the Planning and Development Act 2000 (as amended),
- (b) the planning history of the site relating to ABP Ref. PL 13.240190, inclusive of the Board Order and the Inspector's report,
- (c) the applicant's Environmental Impact Statement relating to ABP Ref. PL 13.240190,
- (d) the associated drawings relating to ABP Ref. PL 13.240190, in particular Drawings ASHF d003.7.1B, ASHF d003.7.12, and ASHF d011.8, and
- (e) the report of the Inspector,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the removal of trees along the side of the roadway involves the carrying out of 'development' for the purposes of the Planning and Development Act, and
- (b) the removal of trees along the side of the roadway is in accordance with planning permission granted under ABP Ref. PL 13.240910;

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000, as amended, hereby decides that the removal of trees along the side of the roadway at Glenduff, Ballaugh, County Limerick is development and is development that is permitted development under Planning Permission Reference 12/379 (An Bord Pleanála Ref: PL13.240910).

Board Member:

Date: 31/07/2020

Chris McGarry