



An
Bord
Pleanála

Board Direction
ABP-308854-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/10/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether land reclamation works is or is not development or is or is not exempted development.

AND WHEREAS the District Conservation Officer of the Department of Housing, Local Government and Heritage, requested a declaration on this question from Wicklow County Council, and the Council issued a declaration on the 12th day of November 2020 stating that the matter is not development.

AND WHEREAS District Conservation Officer of the Department of Housing, Local Government and Heritage, referred this declaration for review to An Bord Pleanála, on the 8th day of December 2020.

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

- (a) Section 2, 3, 4 and 5 of the Planning and Development Act, 2000, (as amended)
- (a) Sections 5, 6, 8 and 9 of the Planning and Developments Regulations 2001 (as amended),
- (b) Schedule 2 Part 3 of Article 6 and in particular Class 11 of the Planning and Development Regulations 2001 (as amended), and the conditions and limitations contained therein

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The reclamation works in question constitutes development as defined under Section 3(1) of the Planning and Development Act 2000 (as amended) as it involves a material change of use of the lands in question. It is considered that the ploughing and harrowing of the lands in question resulted in a material change of use, as the lands prior to the ploughing and harrowing activities constituted undisturbed wetlands as defined in Article 5 of the Planning and Development Regulations 2001 (as amended); The activities undertaken therefore do not fall within the scope of 4(1)(a);
- (b) The area affected exceeds the limitations set out in Class 11 of Part 3 of Schedule 2 of the Exempted Development Regulations being in excess of 0.1 hectares;

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the land reclamation works is development that is not exempted development.

Board Member:



Paul Caprani

Date: 15/10/2024