

An
Bord
Pleanála

Board Direction
ABP-313293-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/09/2023.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the proposed widening of two existing gated agricultural entrances, from 8 feet (2.4 metres) to 12 feet (3.7 metres) and 8 feet (2.4 metres) to 15 feet (4.6 metres) respectively, fronting onto the R377 at Lissalway, Co Roscommon, is or is not development, or is or is not exempted development.

AND WHEREAS Dr. Patricia Browne requested a declaration on this question from Roscommon County Council and the Council issued a declaration on the 14th day of March 2022 stating that the matter was development and was not exempted development:

WHEREAS Dr. Patricia Browne referred this declaration for review to An Bord Pleanála on the 8th day of April 2022:

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, as amended,
- (a) Section 4(1) (a) of the Planning and Development Act, 2000, as amended,
- (b) Section 4(4) of the Planning and Development Act, 2000, as amended,
- (c) Article 6(1) and Article 9(1)(a)(ii),(iii) and (viiB) of the Planning and Development Regulations, 2001, as amended,
- (d) Class 9, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the widening of two existing gated agricultural entrances comprises works, and therefore comes within the scope of the definition of development as set out at Section 3 of the Planning and Development Act, 2000, as amended,
- (b) while the works which are the subject of this referral come within the scope of Class 9, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, the width of the carriageway at the location of both entrances on the R377 exceeds 4 metres, and accordingly the restriction on exemptions set out in Article 9 (1) (a) (ii) of the Planning and Development Regulations, 2001, as amended, apply,
- (c) the works which are the subject of this referral are not likely to have significant effects on any European site(s),
- (d) the works which are the subject of this referral do not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, and

therefore are not subject to Environmental Impact Assessment requirements.

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 widening of two existing gated agricultural entrances is development and is not exempted development.

Board Member:  Date: 11/09/2023
Patricia Calleary

