

An  
Bord  
Pleanála

**Board Direction**  
**BD-011553-22**  
**ABP-314659-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/12/2022.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below that the planning authority be directed, as follows:

Remove condition number 2


### **Reasons and Considerations**

Having regard to the location of the proposed new entrance, and the residential use of the property, it is considered that the imposition of a section 47 agreement would be inappropriate given that the land is within the boundary of the site, and that the restriction on the position of the access gate to remain closed unless in active use, would be unnecessary for the purposes of orderly development and residential amenity, and would be an unwarranted imposition on the occupants of the residential property.

In not agreeing with the Inspector's recommendation to amend the condition to restrict the position of the gate in the proposed new vehicular and pedestrian entrance to closed unless in active use, the Board considered that the existing right of way which provides access to an agricultural field to the rear of the subject property, and is gated from Ardsallagh More, and which on the opening of the proposed access at Ard Aoibhinn would no longer be in daily use by the family, and did not concur with the view that this proposed new entrance would provide

unfettered access by the residents of Ardsallagh More through the property of the occupants of the subject site, that would lead to a material intensification of use of the new access by third parties.

**Board Member:**

  
Michelle Fagan

**Date:** 08/12/2022