

An
Bord
Pleanála

**Board Direction
ABP-315438-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/05/2023.

The Board decided, as set out in the following Order, that the alteration to the existing access is development and is not exempted development:

Board Order as follows:-

WHEREAS a question has arisen as to whether the alteration to the existing access is or is not development or is or is not exempted development:

AND WHEREAS Jim and Joan Noud requested a declaration on this question from Mayo County Council and the Council issued a declaration on the 1st day of December, 2022 stating that the matter was development and was not exempted development:

AND WHEREAS referred this declaration for review to An Bord Pleanála on the 29th day of December, 2022:

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

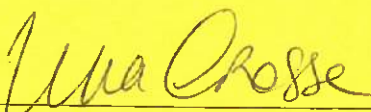
- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Class 5 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended and
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The alteration to the existing access is development.
- (b) That while this development is exempted development under Class 5 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.
- (c) That this development is not exempted development having regard to Article 9(1)(a)(ii) of the Planning and Development Regulations, 2001, as amended.

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 alteration to the existing access is development and is not exempted development.

Board Member:


Una Crosse

Date: 04/05/2023

