

An
Bord
Pleanála

Board Direction
BD-017471-24
ABP-316855-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/09/2024.

The Board decided to refuse permission for the following reasons and considerations.

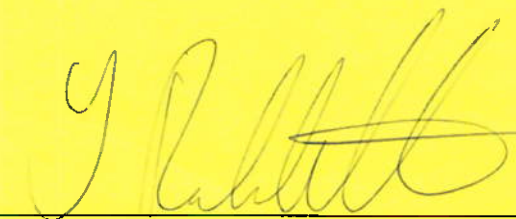
Reasons and Considerations

Having regard to the interpretation of 'road' in section 2 of the Planning & Development Act 2000 (as amended), the Board considers that the proposed development comes within the scope of class 10(dd) of Part 2, Schedule 5 of the Planning & Development Regulations 2001 (as amended), that being a private road which exceeds 2000 metres in length. The development for which permission and permission for retention is sought therefore requires a mandatory Environmental Impact Assessment. Section 34(12) of the above-mentioned 2000 Act provides that a retention application cannot be considered by a planning authority for a development which would have required Environmental Impact Assessment. The Board, therefore, is precluded from considering a grant of permission in this instance.

In deciding not to accept the Inspector's recommendation to grant retention permission, the Board considered that no planning rationale was provided by the applicant in the submission received by the Board on the 5th day of July 2024 (in response to the Board's s.137 notice) as to why the application is being

revised to omit certain elements of the proposed development, in the circumstances, and having regard to the development description provided, including in public notices, the Board considered it appropriate to continue to assess the proposed development as originally submitted to the planning authority. The Board also considered that the provisions of class 10(dd) of Part 2, Schedule 5 of the Planning & Development Regulations 2001 (as amended) do apply at the time of the Board's decision to all elements of laneway subject of the application.

Board Member

A handwritten signature in blue ink, appearing to read 'Tom Rabbette', is written over a horizontal line.

Tom Rabbette

Date: 13/09/2024