



An  
Bord  
Pleanála

**Board Direction**

**BD-017404-24**

**ABP-317205-23**

The submissions on this file were considered at a Board meeting held on 28/08/2024.

The Board decided to dismiss this appeal under section S.138(1(a)(i)) of the Planning and Development Act, 2000 based on the following reasons and considerations.

**Reasons and Considerations:**

Having regard to the nature of the appeal, which does not relate to any planning matters of material relevance to the proposed development, (the basis of the appeal instead being stated to relate to the ability or otherwise of the applicants to avail of an easement), the Board determined that in the particular circumstances, the appeal being without a planning foundation, should not be further considered by it. In this regard, the Board also noted:

1. the provisions of section 34(13) of the Planning and Development Act 2000, as amended, which states that a person shall not be entitled solely by reason of a permission under this section to carry out any development.
2. Section 5.13 of the 'Development Management – Guidelines for Planning Authorities' (Department of the Environment, Heritage and Local Government, June, 2007) wherein it states, inter alia, "...*The planning system is not designed as a mechanism for resolving disputes about title to land or*

*premises or rights over land, these are ultimately matters for resolution in the Courts...”*

**Board Member:**

  
Liam Bergin

**Date:** 05/09/2024