



An
Bord
Pleanála

Board Direction
ABP-317562-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/10/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the construction of a hardstanding area for storage of material and vehicles and resurfacing of the existing entrance route off Clara Road in Tullamore is or is not development or is or is not exempted development.

AND WHEREAS Capital Homes requested a declaration on this question from Council, and the Council issued a declaration on the 19th day of June 2023 stating that the matter is development and is not exempted development.

AND WHEREAS Capital Homes referred this declaration for review to An Bord Pleanála, on the 12th day of July 2023.

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),

- (a) Section 3(1) of the Planning and Development Act, 2000 (as amended)
- (b) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001 (as amended), and
- (c) Class 16 of Schedule 2, Part 1 of the Planning and Development Regulations 2001(as amended)
- (d) The boundary of the site relating to the housing development granted by Offaly County Council under Register Reference 19/39

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The land at Clara Road on which the hardstanding for the storage of material and vehicle parking is located, does not constitute lands adjoining the development consisting of works that is being or is about to be carried out pursuant of the permission relating to Register Reference 19/39 under the Act and is physically separated from the land where the development is being carried out under Register Reference 19/39. Accordingly, the hardstanding area does not come within the exempted development provisions of Class 16, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).
- (b) The works undertaken not come within any of the other provisions set out in Exempted Development Regulations

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the provision of the hardstanding area for the storage of material and vehicle parking and resurfacing of the existing entrance route off Clara Road to facilitate the delivery of construction traffic is development and is not exempted development.

Note: The Board noted the conclusions of the inspector and the planning authority in respect of the intensification of use of the existing entrance serving the site and considered that this issue was not part of the question put before the Board. Any issue around the intensification of use constitutes an enforcement matter and is therefore a matter for the planning authority and not the Board.

Board Member:



Paul Caprani

Date: 04/10/2024