

An
Bord
Pleanála

Board Direction
ABP-317685-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/10/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the completion of the entrance, roads and services associated with the works already commenced under planning permission granted under planning register reference number 15/600374 at Scarnaglorane, Cahir, County Tipperary is or is not development or is or is not exempted development:

AND WHEREAS John O'Leary care of Furey Consulting Engineers of Olde World Cottage, Rathasker Road, Naas, County Kildare requested a declaration on this question from Tipperary County Council and the Council issued a declaration on the 11th day of July stating that the matter was development and was not exempted development:

AND WHEREAS John O'Leary referred this declaration for review to An Bord Pleanála, on the 31th day of July, 2023:

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

- (a) sections 2, 3, 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 9 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the documentation on file, including submissions on behalf of the referrer and Tipperary County Council,
- (f) and the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that:

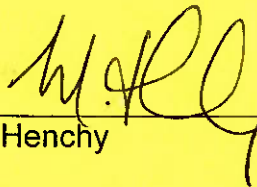
- (a) the completion of the entrance, roads and services associated with planning register reference number 15/600374 is development as defined in Section 3 of the Planning and Development Act 2000, as amended,
- (b) The proposed access onto the R639 would not be exempt by virtue of Article 9 (1) (a) ii of the Planning and Development Regulations as the R639 exceeds 4metres in width.

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 whether the completion of the entrance, roads and services associated with the works already commenced under planning permission granted under planning register reference number 15/600374 at Scarnaglorane, Cahir, County Tipperary is development and is not exempted development.

Note: The referrer has made reference to Section 40 of the Planning and Development Act 2000 as amended. However, Section 40 is a separate process to a Section 5 declaration. An application to extend or further extend the appropriate period of a planning application is made to the planning authority, and I consider this is not a matter for the Board to determine in this instance. Section 40 of the Planning Act does not relate to exempted development.

Board Member:



Mary Henchy

Date: 10/10/2024