

**An
Bord
Pleanála**

**Board Direction
BD-018050-24
ABP-321003-24**

The submissions on this file were considered at a Board meeting held on 04/11/2024.

The Board decided to refuse leave to appeal based on the reasons and considerations set out below.

Reasons and Considerations

It is considered that -

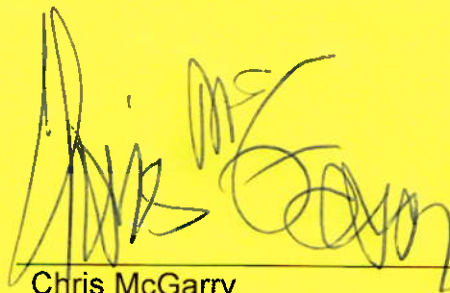
- (i) while it has been shown that the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of condition number 1 (relocation of the site entrance off the local road), imposed by the planning authority to which the grant is subject,
- (ii) it has not been shown that the imposition of this condition will materially affect the applicant's enjoyment of the land adjoining the land in respect of which it has been decided to grant permission or reduce the value of the land.

The Board considered the totality of the documentation on file and the submission from the applicant for leave. Specifically, the Board noted that the applicant revised the location of the proposed site entrance at Further Information stage. While this

would technically be materially different to the location as set out in the original planning application, the Board noted and agreed with the assessment of the planning authority, as set out in its report and recommendation, signed 09/09/2024 (executive planner) and 10/09/2024 (senior executive planner), in response to the further information received that, *'it is noted that the applicant has relocated the proposed site entrance approximately 40m south of where originally proposed. This has no material change on the overall application and does not affect third parties'*.

It is also noted that from the application documentation and the assessment of the planning authority that no issue of material affect on enjoyment of any adjoining lands or reduction in value, would arise as a consequence of the proposed site entrance, regardless of whether it was as originally proposed, or as repositioned at further information. Furthermore, no other element of the proposed development materially differs from that originally proposed by reference to any other condition attached to the decision to grant permission.

Board Member:


Chris McGarry

Date: 04/11/2024