

The submissions on this file and the Inspector's report were considered at a meeting held on 09/01/2026.

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

Commission Order as follows:-

WHEREAS a question has arisen as to whether the felling of trees, drainage and infilling of lands for the purpose of land reclamation on the subject site at Arthurstown, Co. Louth is or is not development or is or is not exempted development:

Whether the breaking/extraction of rock on the site for the purpose of recontouring the lands is or is not development and is or is not exempted development.

Whether the widening of an entrance onto the local road is or is not development and whether such entrance is or is not exempted development.

AND WHEREAS Louth County Council referred this referral for review to An Coimisiún Pleanála on the 6th day of May 2025.

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,
- (c) Section 4(2) of the Planning and Development Act, 2000, as amended,
- (d) Section 4(4) of the Planning and Development Act, 2000, as amended,
- (e) Article 5, article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (f) Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (g) Previous referrals to the Commission, including RL2564 and ABP-301137-18,
- (h) The documentation on the file, including submissions on behalf of the applicant, Alan and Leona Hannify, and the landowner, John McCann,
- (i) the pattern of development in the area

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) the felling of trees, drainage and infilling of lands for the purpose of land reclamation, the breaking/extraction of rock on the site for the purpose of recontouring the lands, and the widening of an entrance onto the local road constitutes works that come within the scope of section 2(1) of the Planning and Development Act, 2000, as amended,

(b) the said works constitute development that comes within the scope of section 3(1) of the Planning and Development Act, 2000, as amended,

(c) the said works do not come within the scope of the exemption provided under article 6(1) and Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,

(d) the said works do come within the scope of the restrictions on exemptions set out at

- article 9 (1)(a)(ii) of the Planning and Development Regulations, 2001, as amended, whereby the works consisted of the material widening of a means of access to a public road, the surfaced carriageway of which exceeds four metres in width;
- article 9(c) of the Planning and Development Regulations, 2001, as amended, whereby the need for Environmental Impact Assessment cannot be excluded.

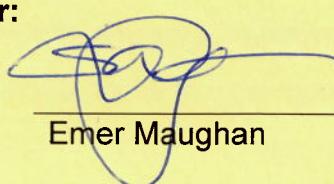
(e) Furthermore, the said works do come within the scope of the restrictions on exemptions, as set out under Section 4(4) of the Planning and Development Act, 2000, as amended, insofar as it is considered that the need for Environmental Impact Assessment cannot be excluded.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the felling of trees, drainage and infilling of lands for the purpose of land reclamation, or the breaking/extraction of rock on the site for the purpose of recontouring the lands, or the widening of an entrance onto the local road is development and is not exempted development.

Planning

Commissioner:

Date: 13/01/2026



Emer Maughan