



## Board Direction

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**Ref: 15 .RL.3465**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 1<sup>st</sup> July 2016.

The Board decided that to re-word the question submitted by Louth County Council and determined that the excavation activity undertaken was works and hence development and was not exempted development.

**WHEREAS** a question has arisen as to whether activities undertaken at Rathory, Reaghstown, Ardee, County Louth constitute quarrying as defined in European Union Regulations, and if they are development, and if they be development, whether they are exempted development having regard to the provisions of the P+D Act 2000, as amended, and the P+D Regs 2001, as amended,

**AND WHEREAS** Louth County Council requested a declaration on this question under the provisions of section 5(4) of the P+D Act 2000, as amended on 1<sup>st</sup> March 2016,

**AND WHEREAS** An Bord Pleanála as re-worded the question to read whether activities undertaken at Rathory, Reaghstown, Ardee, County Louth constitute development and if they are development, and if they be development, whether they are exempted development having regard to the provisions of the P+D Act 2000, as amended, and the P+D Regs 2001, as amended,

**AND WHEREAS** An Bord Pleanála in considering the re-worded referral question had particular regard to:

- (a) Sections 2, 3 and 4(1) (l) of the P+D Act 2000, as amended;
- (b) Article 8C of the P+D Regs 2001, as amended;

(c) the nature of the excavation works which took place on the subject site; and

(d) the stated view of the landowner that the activities have now been completed,

**AND WHEREAS** An Bord Pleanála concluded that the activities undertaken is excavation and constitutes works and as such falls within the definition of “development” as set out in Section 3 of the Act;

**AND WHEREAS** the Board considered that the works undertaken do not fall within the scope of Sections 4(1) (l) of the Act or Article 8C of the Regs.

**FURTHERMORE** the Board considered that the works undertaken do not constitute “reclamation” having regard to the definition of “reclamation” set out in the Webster dictionary – “to make land available for use by changing its condition” – which is at variance with the effect of the works which have resulted in open and exposed rock surfaces devoid of vegetation.

**NOW THEREFORE** An Bord Pleanála in exercise of the powers conferred on it by Section 5(4) of the 2000 Act hereby decides that the activities undertaken within the red line boundary on the subject site constitutes development and is not exempted development

Board Member: \_\_\_\_\_  
G.J. Dennison

Date: 1<sup>st</sup> July 2016