



Board Direction

Ref: RL20.RL.3471

The submissions on this file and the Inspector's report were considered at a further Board meeting held on January 30th, 2017.

The Board decided, for the reasons and considerations set out below and generally in accordance with the Inspector's recommendation, that –

the occasional use of land as an overspill car park and the use of temporary lighting in association with that use at Carrowmurragh, Kiltoom, Athlone, County Roscommon is development and is not exempted development.

WHEREAS a question has arisen as to whether the use of land as a car park at Carrowmurragh, Kiltoom, Athlone, County Roscommon is or is not development or is or is not exempted development:

AND WHEREAS Liam O'Doherty of 62 Connaught Street, Athlone, County Westmeath requested a declaration on this question from Roscommon County Council and the Council issued a declaration on the 3rd day of March, 2016 stating that the matter is development and is exempted development:

AND WHEREAS Liam O'Doherty referred the declaration for review to An Bord Pleanála on the 29th day of March, 2016:

AND WHEREAS An Bord Pleanála has reformulated the question as follows:

“the occasional use of land as an overspill car park and the use of temporary lighting in association with that use at Carrowmurragh, Kiltoom, Athlone, County Roscommon is or is not development or is or is not exempted development”:

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

- (a) sections 2, 3 and 4 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,
- (c) the submissions of the parties to the referral:
- (d) the planning history of the site and the pattern of development in the area, and
- (e) the report of the planning inspector:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the use of agricultural fields as a car park constitutes a change of use of these lands,
- (b) the change of use in raises issues that are material in planning terms including in respect of traffic and residential amenity impacts and is therefore considered to be a material change of use for the purposes of the Planning and Development Act, 2000, as amended, and is, therefore, development,
- (c) the occasional use of land at Carrowmurragh, Kiltoom, Athlone, as an overspill car park and the use of temporary lighting in association with that use is development and is not exempted development as it does not come within the scope of Class 37 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, not being of itself a local event, and
- (d) there are no exemptions provided for in the said Planning and Development Act, 2000, as amended, and the Planning and Development Regulations 2001, as amended, by which such use as a car park would be exempted development:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the occasional use of land as an overspill car park and the use of temporary lighting in association with that use at Carrowmurragh, Kiltoom, Athlone, County Roscommon is development and is not exempted development.

Board Member: _____
Nicholas Mulcahy

Date: January 31st, 2017

