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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: DEC471**

**WHEREAS** a question has arisen as to whether the alteration to existing farm gate field entrances to form a vehicular entrance including winged walls and gate and whether upgrading, resurfacing and widening a road at Gowran Demesne, Gowran, County Kilkenny, is or is not development or is or is not exempted development:

**AND WHEREAS** Joseph Connolly care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny requested a declaration on the question from Kilkenny County Council and the Council issued a declaration on the 14<sup>th</sup> day of February, 2018 stating that the alterations to existing farm gate field entrance to form a vehicular entrance including winged wall is development and is not exempted development, and concluded that construction of a road is development and is exempted development:

**AND WHEREAS** Joseph Connolly referred this declaration for review to An Bord Pleanála on the 13<sup>th</sup> day of March, 2018:

**AND WHEREAS** An Bord 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,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site, and
- (g) the pattern of development in the area:

**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) alteration to existing farm gate field entrances to form a vehicular entrance including winged walls and the upgrading, resurfacing and widening of a private road constitutes works;
- (b) the works constitute development pursuant to Section 3 of the Planning and Development Act, 2000;
- (c) the development does not come within the scope of Class 13 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, due to the width of sections of the road exceeding three metres; and
- (d) the restrictions on exemptions outlined in article 9(1)(a)(ii) are applicable in this instance:

**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 alteration to existing farm gate field entrances to form a vehicular entrance including winged walls and gate and the upgrading, resurfacing and widening of a private road at Gowran Demesne, Gowran, County Kilkenny is development and is not exempted development.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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**John Connolly**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**