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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: AA/S51823**

**WHEREAS** a question has arisen as to whether the construction of horse stables of 200 square metres at Cushinstown, County Meath is or is not development or is or is not exempted development:

**AND WHEREAS** Mark Watkins care of Manahan Planners of 38 Dawson Street, Dublin requested a declaration on the said question from Meath County Council and the said Council issued a declaration on the 24<sup>th</sup> day of August, 2018 stating that the said matter is development and is not exempted development:

**AND WHEREAS** Mark Watkins referred this declaration for review to An Bord Pleanála on the 7<sup>th</sup> day of September, 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 6(3) 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 landholding, and
- (g) the location of the site in close proximity to and with access onto the N2 National Primary Route.

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

- (a) the works constitute development, being works which come within the scope of section 3(1) of the Planning and Development Act 2000,
- (b) the development would normally come within the scope of Class 6 of Part 3 of the Second Schedule of the Planning and Development Regulations 2001,

- (c) however, Section 10.16.1 of the Meath County Development Plan 2013-2019 restricts access or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 km/h apply. It has also not been shown to comply with Policies RD POL 37 or RD POL 38 of the said Plan and Section 2.5 of the “Spatial Planning and National Roads Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government in January, 2012. These guidelines are issued under section 28 of the Planning and Development Act 2000, as amended,
- (d) it has not been demonstrated that the development of the stables with access from the N2 National Primary Route would not increase traffic generation or endanger public safety by reason of traffic hazard at a point where the maximum speed applies. Therefore, the exemptions provided in Class 6 of Part 3 of Schedule 2 do not apply, and
- (e) the works would come within the restrictions on exempted development set out in Article 9(1)(a)(iii) of the Planning and Development Regulations 2001 in view of the concerns raised in relation to public safety and traffic hazard on the N2 National Primary Route.

**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 construction of horse stables of 200 square metres at Cushinstown, County Meath 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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**Stephen Bohan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**