



Planning and Development Acts 2000 to 2019

Planning Authority: Waterford City and County Council

Planning Register Reference Number: D52019-2

WHEREAS a question has arisen as to whether the creation of an access road and associated entrances at Rathmoylan, Dunmore East, County Waterford is or is not development or is or is not exempted development.

AND WHEREAS Ciaran and Jane Bailey of Rathmoylan, Dunmore East, County Waterford requested a declaration on this question from Waterford City and County Council, and the Council did not issue a declaration.

AND WHEREAS Ciaran and Jane Bailey referred this question to An Bord Pleanála on the 27th day of March, 2019 for determination.

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) articles 6 and 9 of the Planning and Development Regulations 2001, as amended, and Classes 6 and 13 of Part 1 of the Second Schedule to those Regulations,
- (c) the planning history of the lands under planning register reference number 16/21,
- (d) the submissions on file from the referrers, the planning authority and from the developers of the dwelling permitted under planning register reference number 16/21, and
- (e) the report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The construction of the subject access road and associated entrances involved the carrying out of works and is, therefore, development under section 3 of the Planning and Development Act, 2000, as amended;
- (b) This development does not come within the scope of the exemption provided in Class 6 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, not being development within the curtilage of the dwelling house permitted under planning register reference number 16/21, or any other dwelling house;
- (c) This development does not come within the scope of the exemption provided in Class 13 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, as it does not come within the boundary of any private street, road or way, and does not comprise a footpath by reason of its configuration and construction;

- (d) There are no other provisions, in section 4 of the Planning and Development Act, 2000, as amended, and in the Planning and Development Regulations, 2001, as amended, whereby the development in question would be classified as exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3)(b) of the Planning and Development Act, 2000, as amended, hereby decides that the creation of an access road and associated entrances at Rathmoylan, Dunmore East, County Waterford 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.

Philip Jones
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.