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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Waterford City and County Council**

**Planning Register Reference Number: D5 2019/20**

**WHEREAS** a question has arisen as to whether the existing locked gate located at Cockle Lane in Lisselan, Tramore, County Waterford is considered development under the meaning given in the Planning and Development Act, 2000, and whether this development is restricted from exemption under restrictions listed in Article 9 of the Planning and Development Regulations 2001:

**AND WHEREAS** John Devereux of 24 Green Street, Waterford requested a declaration on the question from Waterford County Council and the Council issued a declaration on the 5<sup>th</sup> day of December, 2019 stating that the matter is not development:

**AND WHEREAS** John Devereux referred the declaration for review to An Bord Pleanála on the 8<sup>th</sup> day of January, 2020:

**AND WHEREAS** having regard to the nature of the question and the documentation submitted as part of the referral, the Board has decided to reformulate the question as follows:

**WHEREAS** a question has arisen as to whether the (permanent) locking of the gate at the entrance to Cockle Lane, Lisselan, Tramore, County Waterford 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) section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) section 3(1) of the Planning and Development Act, 2000, as amended, and
- (c) the planning history of the site:

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

- (a) the locking of an existing gate involving neither works, as defined for the purposes of section 2(1) of the Planning and Development Act, 2000, as amended, nor a material change of use of the structure of lands, does not constitute development as defined for the purposes of section 3(1) of the Planning and Development Act, 2000, as amended, and

- (b) any exemptions or restriction on exemption that might otherwise apply to development as defined for the purposes of the Planning and Development Act, 2000, as amended, or the Planning and Development Regulations, 2001, as amended, are not relevant and do not apply to the subject matter of this referral and determination.

**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 (permanent) locking of the gate at the entrance to Cockle Lane, Lisselan, Tramore, County Waterford, is not 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            2020.**