

An
Bord
Pleanála

Board Order
ABP-308854-20

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: EX41/2020

WHEREAS a question has arisen as to whether land reclamation works at Knocknadroose, Valleymount, County Wicklow is or is not development or is or is not exempted development:

AND WHEREAS Damian Clarke of Wicklow Mountains National Park, Kilafin, Laragh, County Wicklow on behalf of the Minister for Culture, Heritage and the Gaeltacht requested a declaration on the said question from Wicklow County Council and the said Council issued a declaration on the 12th day of November 2020 stating that the said matter is not development:

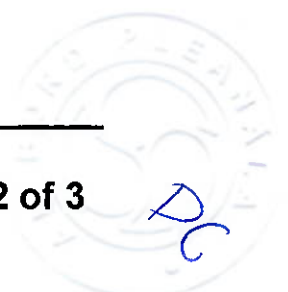
AND WHEREAS Damian Clarke on behalf of the Minister for Housing, Local Government and Heritage referred the declaration for review to An Bord Pleanála on the 8th day of December 2020:

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

- (a) Section 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6, 8 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Schedule 2 of Part 3 (Article 6) and in particular Class 11 of the Planning and Development Regulations 2001, as amended, and the conditions and limitations contained therein

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the reclamation works in question constitutes development as defined under Section 3(1) of the Planning and Development Act 2000, as amended, as it involves a material change of use of the lands in question. It is considered that the ploughing and harrowing of the lands in question resulted in a material change of use, as the lands prior to the ploughing and harrowing activities constituted undisturbed wetlands as defined in Article 5 of the Planning and Development Regulations 2001, as amended; the activities undertaken therefore do not fall within the scope of Section 4(1)(a) of the Planning and Development Act 2000, as amended;
- (b) The area affected exceeds the limitations set out in Class 11 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, being in excess of 0.1 hectares;



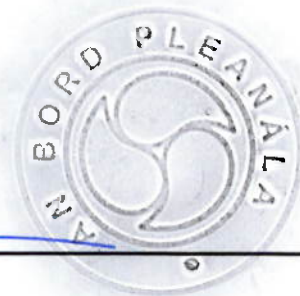
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the land reclamation works at Knocknadroose, Valleymount, County Wicklow is development that is not exempted development.



Paul Caprani

Member of An Bord Pleanála

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



Dated this 23rd day of October 2024.