

An
Bord
Pleanála

Board Order
ABP-313293-22

Planning and Development Acts 2000 to 2022

Planning Authority: Roscommon County Council

Planning Register Reference Number: DED 507

WHEREAS a question has arisen as to whether the proposed widening of two existing gated agricultural entrances, from eight foot (2.4 metres) to 12 foot (3.7 metres) and from eight foot (2.4 metres) to 15 foot (4.6 metres) respectively, fronting onto the R377 at Lissalway, County Roscommon is or is not development or is or is not exempted development:

AND WHEREAS Patricia Browne of Creeve, Donamon, County Roscommon requested a declaration on this question from Roscommon County Council and the Council issued a declaration on the 14th day of March, 2022 stating that the matter was development and was not exempted development:

AND WHEREAS Patricia Browne referred this declaration for review to An Bord Pleanála, on the 8th day of April, 2022:

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,
- (c) section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) section 4(4) of the Planning and Development Act, 2000, as amended,
- (e) article 6(1) and article 9(1)(a)(ii),(iii) and (viiB) of the Planning and Development Regulations, 2001, as amended, and
- (f) Class 9 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended:

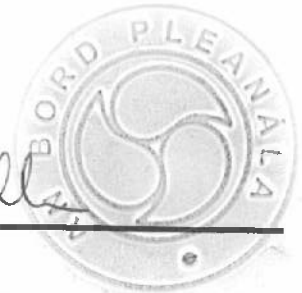
AND WHEREAS An Bord Pleanála has concluded that:

- (a) the widening of two number existing gated agricultural entrances comprises works, and, therefore, comes within the scope of the definition of development as set out in Section 3 of the Planning and Development Act, 2000, as amended,

- (b) while the works which are the subject of this referral come within the scope of Class 9 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, the width of the carriageway at the location of both entrances on the R377 exceeds four metres, and accordingly, the restriction on exemptions set out in article 9 (1) (a) (ii) of the Planning and Development Regulations, 2001, as amended, applies,
- (c) the works which are the subject of this referral are not likely to have significant effects on any European site(s), and
- (d) the works which are the subject of this referral do not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, and, therefore, are not subject to Environmental Impact Assessment requirements.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5(3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the widening of two existing gated agricultural entrances, from eight foot (2.4 metres) to 12 foot (3.7 metres) and from eight foot (2.4 metres) to 15 foot (4.6 metres) respectively, fronting onto the R377 at Lissalway, County Roscommon is development and is not exempted development.


Patricia Calleary
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 20 day of September 2023