



An  
Bord  
Pleanála

**Board Order**  
**ABP-315438-22**

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Mayo County Council**

**Planning Register Reference Number: P22/949**

**WHEREAS** a question has arisen as to whether the partial closure and extension eastwards of the existing vehicular access and the formation of a new pedestrian access in part of the former opening of the original vehicular access at 5 New Road, The Demesne, Westport, County Mayo is or is not development or is or is not exempted development:

**AND WHEREAS** Jim and Joan Noud care of Grady Architects of 3 Cul d'Ean, Altamount Street, Westport, County Mayo requested a declaration on this question from Mayo County Council and the Council issued a declaration on the 1<sup>st</sup> day of December, 2022 stating that the partial closure and extension eastwards of the existing vehicular access and the formation of a new pedestrian access in part of the former opening of the original vehicular access is development and is not exempted development:

**AND WHEREAS** Jim and Joan Noud referred this declaration for review to An Bord Pleanála, on the 29<sup>th</sup> day of December, 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;
- (c) Class 5 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended;

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

- (a) the alteration to the existing access is development;
- (b) while the development is exempted development under Class 5 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended;
- (c) the development is not exempted development having regard to Article 9(1)(a)(ii) of the Planning and Development Regulations, 2001, as amended:

**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 partial closure and extension eastwards of the existing vehicular access and the formation of a new pedestrian access in part of the former opening of the original vehicular access at 5 New Road, The Demesne, Westport, County Mayo is development and is not exempted development.



**Una Crosse**

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

Dated this *6<sup>th</sup>* day of *May* 2023.