

An  
Bord  
Pleanála

## Board Order

**ABP-317562-23**

---

### Planning and Development Acts 2000 to 2022

**Planning Authority: Offaly County Council**

**Planning Register Reference Number: DEC23/15**

**WHEREAS** a question has arisen as to whether the construction of a hardstanding area for storage of material and vehicles and resurfacing of the existing entrance route off Clara Road to facilitate delivery and construction traffic by Capital Homes at Clara Road, Tullamore, County Offaly is or is not development or is or is not exempted development:

**AND WHEREAS** Capital Homes care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny requested a declaration on this question from Offaly County Council and the Council issued a declaration on the 19<sup>th</sup> day of June, 2023 stating that the matter is development and is not exempted development:

**AND WHEREAS** Capital Homes referred this declaration for review to An Bord Pleanála, on the 12<sup>th</sup> day of July, 2023:

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

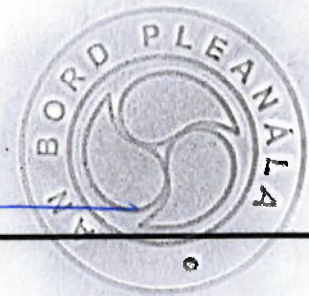
- (a) Section 2(1) and Section 3(1) of the Planning and Development Act 2000 as amended,

- (b) article 6(1) and Article 9(1) and Class 16 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended,
- (c) the boundary of the site relating to the housing development granted by Offaly County Council under register reference number 19/39, and
- (d) the report of the Planning Inspector:

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

- (a) the land at Clara Road on which the hardstanding for the storage of material and vehicle parking is located, does not constitute lands adjoining the development consisting of works that is being or is about to be carried out pursuant of the permission relating to register reference number 19/39 under the Planning and Development Act 2000 and is physically separated from the land where the development is being carried out under register reference number 19/39. Accordingly, the hardstanding area does not come within the exempted development provisions of Class 16, Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended, and
- (b) the works undertaken not come within any of the other provisions set out in those Regulations:

**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 provision of the hardstanding area for the storage of material and vehicle parking and resurfacing of the existing entrance route off Clara Road to facilitate the delivery of construction traffic by Capital Homes of Clara Road, Tullamore, County Offaly is development and is not exempted development.



---

**Paul Caprani**

**Member of An Bord Pleanála**

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

Dated this *14<sup>th</sup>* day of *October* 2024