



An  
Bord  
Pleanála

Board Order  
ABP-319541-24

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: NA0671**

**WHEREAS** a question has arisen as to whether the placement of boulders for the purpose of providing rock armour, placement of soil, placement of boulders and soil carried out by digger, to prevent further erosion to the pilgrim path within the Lady's Island Lake Special Area of Conservation and the Lady's Island Lake Special Protection Area within the townland of Our Lady's Island, County Wexford is or is not development and is or is not exempted development:

**AND WHEREAS** the Department of Housing, Local Government and Heritage applied to An Bord Pleanála, under Section 5(8) of the Planning and Development Act, for a determination as to whether the activity requiring the consent of the Minister comprises development which is not exempted development on the 28<sup>th</sup> day of March, 2024:

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

- (a) Sections 2, 3, 4 and 177U and 177V of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and Article 9(1) including 9(1)(a)(viiB) of the Planning and Development Regulations, 2001, as amended,
- (c) the planning history relative to Lady's Island Lake, in particular An Bord Pleanála reference number ABP-307432-20, and
- (d) the Inspectors Report:

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

- (a) the placement of boulders for the purpose of providing rock armour, placement of soil, placement of boulders and soil carried out by a digger, to prevent further erosion to the pilgrim path at Lady's Island Lake, County Wexford, involves the carrying out of works and, therefore constitutes development, under Sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) none of the exempted development provisions or classes set out in Section 4(1) of the Planning and Development Act 2000, as amended, or in Column 1 of Part 1 or Part 3 of Schedule 2, specified in Article 6 of the Planning and Development Regulations 2001, as amended, apply in this instance and therefore the development does not constitute exempted development,

- (c) notwithstanding (b) above, should the development have been ordinarily deemed exempted development under the provisions of Section 4(1) of the Planning and Development Act 2000, as amended, or Article 6 of the Planning and Development Regulations 2001, as amended, it would be de-exempted under Section 4(4) of the Planning and Development Act 2000, as amended and Article 9(1)(a)(viiB) of the Planning and Development Regulations, 2001, as amended, having regard to the finding of the likelihood of significant effects on Lady's Island Special Area of Conservation and Lady's Island Special Protection Area, (in the absence of mitigation) reached in the Inspector's screening determination, which the Board agreed with and adopted, and to the Board's conclusion of the need therefore to carry out Appropriate Assessment of the development:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (8)(a) of the 2000 Act, hereby decides that the placement of boulders for the purpose of providing rock armour, placement of soil, placement of boulders and soil carried out by a digger, to prevent further erosion to the pilgrim path at Lady's Island Lake, County Wexford 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** 14<sup>th</sup> **day of** May **2025.**