



An
Bord
Pleanála

Board Order ABP-320707-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cavan County Council

Planning Register Reference Number: 372

WHEREAS a question has arisen as to whether the development of (i) new boundary wing wall and piers within the curtilage of a protected structure, (ii) the relocation of a public access point into Bellamont Forest, (iii) the fencing/enclosure of an access habitually used by the public during the 10 years preceding such enclosure for recreational purposes and use as a means to access to Dromore river and Bellamont Forest at Station Road, Cootehill, County Cavan is or is not development or is or is not exempted development:

AND WHEREAS St. Michael's Close Residents Association requested a declaration on this question from Cavan County Council and the Council did not make a Declaration in this instance.

AND WHEREAS the said question was referred to An Bord Pleanála by Cavan County Council of Johnston Central Library, Farnham Street, Cavan on the 2nd day of September 2024:

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

- (a) sections 2, 3, 4 and 57 of the Planning and Development Act, 2000, as amended,
- (b) the planning history of the site,
- (c) the pattern of development in the area,
- (d) a photographic review of the entrance over time using Google Street Maps, and
- (e) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the construction of a new boundary wing wall and piers within the walls surrounding the attendant grounds of a protected structure constitute works that is development within the meaning of Section 3 of the Planning and Development Act 2000, as amended,
- (b) the materials used in the new boundary wing wall and piers with the attendant grounds of a protected structure are inconsistent with the existing stone wall and would materially affect the special architectural interest of the protected structure and would not come within the scope of Section 4(1)(h) or 57(1)(a) and (b) of the Planning and Development Act, 2000, as amended,
- (c) the information relating to the parts of the question raised in relation to the relocation of a public access point into Bellamont Forest and the fencing/enclosure of an access habitually used by the public during the 10 years preceding such enclosure for recreational purposes and use as a

P.C.

means to access to Dromore River and Bellamont Forest was insufficient for a determination to be made in respect of these parts, and

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that that the new boundary wing wall and piers within the curtilage of a protected structure at Station Road, Cootehill, County Cavan 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 26th day of May 2025