

An
Coimisiún
Pleanála

Commission Order
ABP-322559-25

Planning and Development Act 2000, as amended

Planning Authority: Mayo County Council

Planning Authority Reference Number: 25118

WHEREAS a question has arisen as to whether (1) upgrading and expansion of internal road/track way and forestry fire break, (2) clearance of area of fire damaged forestry, ground cover and ground level changes, (3) use as material/equipment storage area, and (4) modification of pre-existing entrance to local road; is or is not development or is or is not exempted development:

AND WHEREAS Cunningham Civil and Marine Limited requested a declaration on this question from Mayo County Council and the Council issued a declaration on the 23rd day of April, 2025 stating that the matter is development and is not exempted development:

AND WHEREAS Cunningham Civil and Marine Limited referred this question to An Coimisiún Pleanála on the 19th day of May, 2025:

AND WHEREAS An Coimisiún 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) Section 4(1)(h), (i), (ia) and Section 4(4) of the Planning and Development Act, 2000, as amended,
- (d) Articles 6(1), 8F, 8G and 9(1) of the Planning and Development Regulations, 2001, as amended, wherein no evidence of a licence under the Forestry Act 2014 was provided,
- (e) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site, and
- (g) the pattern of development in the area

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (1) upgrading and expansion of internal road/track way and forestry fire break is development and is exempted development as it constitutes the carrying out of works related to forestry which comes within the meaning of development in Section 3(1) of the Planning and Development Act, 2000, as amended, and is within the scope of Section 4(1)(ia) of the Planning and Development Act, 2000, as amended, in that the road serves a forest, and does not come within

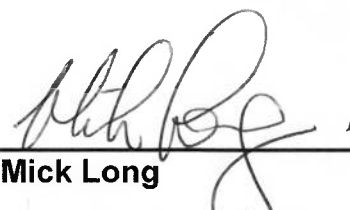
the scope of Articles 6(1), 8F, 8G and 9(1) and Class 9, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended;

- (2) clearance of area of fire damaged forestry, ground cover and ground level changes, which works include extensive ground level change, is development and is not exempted development as it constitutes the carrying out of works which comes within the meaning of development in Section 3(1) of the Planning and Development Act, 2000, as amended, is not within the scope of Sections 4(1)(h), 4(1)(i) and/or 4(1)(ia) of the Planning and Development Act, 2000, as amended, given the associated and combined ground level changes, and does not come within the scope of Articles 6(1), 8F, 8G and 9(1) and Class 9, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended;
- (3) use as material/equipment storage area is development and is not exempted development, as it constitutes a material change of use which is not related to forestry or other permitted or exempted activities, which comes within the meaning of development in Section 3(1) of the Planning and Development Act, 2000, as amended, is not within the scope of Sections 4(1)(h), 4(1)(i) and/or 4(1)(ia) of the Planning and Development Act, 2000, as amended, and does not come within the scope of Articles 6(1), 8F, 8G and 9(1) and Class 9, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended; and
- (4) modification of pre-existing entrance to local road is development and is not exempted development as it constitutes the carrying out of works comes within the meaning of development in Section 3(1) of the Planning and Development Act, 2000, as amended, is not within the scope of Sections 4(1)(h), 4(1)(i) and/or 4(1)(ia) of the Planning

and Development Act, 2000, as amended, and is not within the scope of Articles 6(1), 8F, 8G and 9(1) and Class 9, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides that the (1) upgrading and expansion of internal road/track way and forestry fire break, is development and is exempted development; and

(2) the clearance of area of fire damaged forestry, ground cover and ground level changes, (3) use as material/equipment storage area, and (4) modification of pre-existing entrance to local road is development and is not exempted development.



Mick Long

Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.



Dated this 12th day of March 2026.