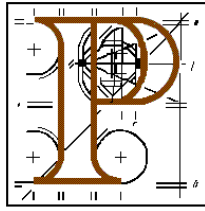


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Galway County

Planning Authority Reference Number: ED 15/21

An Bord Pleanála Reference Number: 07.RL.3400

WHEREAS a question has arisen as to whether the construction of a pedestrian entrance at Tullyvoheen (Galway Road), Clifden, North Connemara, County Galway is or is not development or is or is not exempted development:

AND WHEREAS Lidl Ireland GmbH care of The Planning Partnership of McHale Retail Park, Castlebar, County Mayo requested a declaration on the said question from Galway County Council and the said Council issued a declaration on the 24th day of August, 2015 stating that the said matter is development and is not exempted development:

AND WHEREAS the said Lidl Ireland GmbH referred the declaration for review to An Bord Pleanála on the 7th day of September, 2015:

AND WHEREAS An Bord Pleanála in considering this referral, reformulated the question as follows:

“whether the creation of a pedestrian entrance between the public road and a supermarket car park at Tullyvoheen (Galway Road), Clifden, North Connemara, County Galway is or is not development or is or is not exempted development”:

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

- (a) sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 13 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001,
- (d) the planning history of the site,
- (e) the location of the site adjacent to public road, and
- (f) the use of the site as a supermarket:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the works constitute development, being works which come within the scope of section 3(1) of the Planning and Development Act 2000,
- (b) the works would not come within the scope of section 4(1)(h) of the Planning and Development Act 2000, not being works for the maintenance, improvement or other alteration of an existing structure,
- (c) the works bound and abut a public road,
- (d) the works come within the restrictions on exempted development contained at Article 9(1)(a)(ii) of the Planning and Development Regulations 2001 as they comprise the formation of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width, and

