

Board Order 93.RL.3448

Planning and Development Acts 2000 to 2017

Planning Authority: Waterford City and County Council

Planning Register Reference Number: D5/201527

WHEREAS a question has arisen as to whether the construction of a road at Coum Mahon, Mahon Valley, County Waterford is or is not development or is or is not exempted development:

AND WHEREAS Declan McGrath of 10 The Estuary, King's Channel, Waterford requested a declaration on the said question from Waterford City and County Council and the said Council issued a declaration on the 17th day of December, 2015 stating that the said matter is development and is not exempted development:

AND WHEREAS the said Declan McGrath referred the declaration for review to An Bord Pleanála on the 11th day of January, 2016:

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AND WHEREAS An Bord 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) article 6(1) and article 9(1)(a)(viiB) of the Planning and Development Regulations, 2001, as amended,
- (d) Parts 1 and 3 of Schedule 2 and Class 10(dd) of Part 2 of Schedule 5, and Schedule 7 to the Planning and Development Regulations, 2001, as amended.
- (e) the nature, scale, and extent of the earthworks required for the road, notwithstanding the possibility of mitigation and landscaping,
- (f) the upland nature and agricultural use of the lands,
- (g) the location of part of the earthworks within an area designated as the Comeragh Mountains Special Area for Conservation (Site code 001952), and
- (h) the potential impact on the environment of the road and its length, which, it is considered, would require an Environmental Impact Statement:

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AND WHEREAS An Bord Pleanála has concluded that:

(a) the construction of a road is development as defined in section 3(1) of

the Planning and Development Act, 2000, and

(b) the construction of a road is not exempted development:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on

it by section 5 (3) (a) of the 2000 Act, hereby decides that construction of a

road at Coum Mahon, Mahon Valley, County Waterford is development and is

not exempted development.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by

virtue of the Planning and Development Acts and Regulations made

thereunder, it was required to have regard. Such matters included any

submissions and observations received by it in accordance with statutory

provisions.

Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dated this day of

2018.

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