



An
Bord
Pleanála

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:

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:

