

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Mayo County

Planning Authority Reference Number: PE 99/13

An Bord Pleanála Reference Number: 16.RL.3461

WHEREAS a question has arisen as to whether works consisting of the placing of concrete planters beside the carriageway at Cong, County Mayo is or is not development or is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Mayo County Council of Áras an Chontae, Caisleán an Bharraigh, Contae Mhaigh Eo on the 15th day of February, 2016:

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

- (a) Sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended, and

- (c) the planning history of the site, including the planning permission granted under planning register reference number 04/2997 and, in particular, conditions number 2 and 6 attached to that permission:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the land that is the subject of this referral has been designated for use for car parking in accordance with the terms of the planning permission granted under planning register reference number 04/2997,
- (b) the use of the car parking area as an amenity area for the placing of concrete planters constitutes a change of use,
- (c) the use of the car parking area as an amenity area for the placing of concrete planters raises issues of a planning nature including traffic and pedestrian safety and visual amenity, and, therefore, constitutes a change of use which is considered to be a material change of use, which is development pursuant to section 3 of the Planning and Development Act, 2000, and
- (d) there are no provisions under the Planning and Development Act, 2000, as amended, or under the Planning and Development Regulations, 2001, as amended, providing for an exemption in relation to works of this nature:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that works consisting of the placing of concrete planters beside the carriageway at Cong, County Mayo 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 2016.