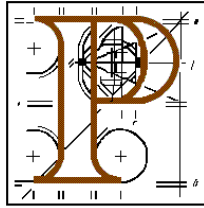


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Donegal County

Planning Authority Reference Number: S5 16/27

An Bord Pleanála Reference Number: 05E.RL.3501

WHEREAS a question has arisen as to whether works to development of roadway capable of accommodating heavy machinery and delivery vehicles at Toberkeen, Dungloe, County Donegal is or is not development or is or is not exempted development:

AND WHEREAS Daniel Mulligan of Toberkeen, Dungloe, County Donegal requested a declaration on the said question from Donegal County Council and the said Council issued a declaration on the 20th day of July, 2016 stating that the said matter is development and is exempted development:

AND WHEREAS the said Daniel Mulligan referred the declaration for review to An Bord Pleanála on the 15th day of August, 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) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the relevant planning and enforcement history associated with the site and nearby lands, and
- (g) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the works constitute development within the meaning of Section 3 of the Planning and Development Act 2000,
- (b) the development does not come within the scope of Class 13 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as it is not of the nature of repair or improvement and does not come within the boundary of any private street or way, and
- (c) the development does not come within the scope of Class 13, in any event, as the works do not come within the condition and limitation which states that the width of any such private footpath or paving shall not exceed three metres:

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 the said works to development of roadway capable of accommodating heavy machinery and delivery vehicles is development and is not exempted development at Toberkeen, Dungloe, County Donegal.

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 2017.