



Planning and Development Acts 2000 to 2017

Planning Authority: Mayo County Council

Planning Register Reference Number: P17/8

WHEREAS a question has arisen as to whether the closing of the access to Brackloon Wood, Westport, County Mayo is or is not development or is or is not exempted development:

AND WHEREAS Keep Ireland Open care of Michael Murphy of 15 Pinewoods, Westport, County Mayo requested a declaration on this question from Mayo County Council and the Council issued a declaration on the 2nd day of March, 2017 stating that the matter was not development:

AND WHEREAS the said Keep Ireland Open referred this declaration for review to An Bord Pleanála on the 20th day of March, 2017:

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, as amended,
- (c) Section 4(4) of the Planning and Development Act, 2000, as amended,

- (d) Article 6(1) and Article 9(1)(a)(x) of the Planning and Development Regulations, 2001, as amended,
- (e) the status of Brackloon Woods as a Special Area of Conservation (Site Code 000471),
- (f) the history of the site (including its planning history and submissions on file in relation to the use of the area for recreation), and
- (g) the submissions on file and the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the measures taken to close access to the site include various works such as erection of gates, erection of signage, alterations to gates, and erection of other barriers to the parking area. These works constitute development within the meaning of the Planning and Development Act, 2000, as amended,
- (b) the works cited in the referral can be considered to be come within the category of exempted development of Class 4 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and
- (c) the development has closed access to Brackloon Wood at this location and therefore consists of the fencing or enclosure of land that has been used by the public during the preceding 10 years as a means of access to a place of natural beauty and recreational utility, and so the restriction on exemption set out in Article 9(1)(a)(x) of the Regulations applies:

