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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Wexford County Council**

**WHEREAS** a question has arisen as to whether the use of a compound of land facilitating the development of a site at Belvedere Road, County Wexford is or is not development or is or is not exempted development:

**AND WHEREAS** the said question was referred to An Bord Pleanála by Wexford County Council on the 28<sup>th</sup> day of July, 2017:

**AND WHEREAS** Having regard to the nature of the question and the documentation submitted as part of the referral, the Board has decided to reformulate the question as follows:

**WHEREAS** a question has arisen as to whether the use of lands at Belvedere Road as a construction compound to facilitate development on a site at Belvedere Road, County Wexford is development and is or is not exempted development.

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

- (a) Sections 2(1), 3(1), 4(1) and 4(2) of the Planning and Development Act, 2000, as amended,

- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 16, Schedule 2, Part 1 to the Planning and Development Regulations, 2001, as amended,

**AND WHEREAS** An Bord Pleanála has concluded that –

- (a) the development comprising the change of use of the site to a construction compound would constitute a material change of use that is development under Section 3 of the Planning and Development Act 2000, as amended.
- (b) the works comprising the construction of a new vehicular entrance to the site from Belvedere Road would constitute works that are development under Section 3 of the Planning and Development Act 2000, as amended,
- (c) the land at Belvedere Road on which the construction compound is located, does not constitute land adjoining the land on which the development of the Court House is being carried out, but is physically separated from that land,
- (d) accordingly, the construction compound does not come within the exempted development provisions of Class 16, Schedule 2, Part 1 to the Planning and Development Regulations 2001, and
- (e) does not come within any of the other exempted development provisions of the Act or Regulations.

