



JO'M/PK/D52019-2

APB 304134-19

19th June 19

An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

RE: Whether works concerning creation of an access road and entrance are or are not development and/or are not exempted development at Rathmoylan, Dunmore East, Co. Waterford.

Dear Sir/Madam;

I refer to ABP correspondence of 23rd May 2019 in connection with the above.

There are two fundamental questions that cover this matter, which are:

1. Does the work carried out fit within Class 13 of Planning and Development Regulations 2001 (as amended)?
2. If the legal obstruction to the site access laneway under 16/21 was known to the applicant and Planning Authority at the time of application/decision – how would the Planning Authority have dealt with the matter?

In relation to Point No1 the Planning Authority maintains that the paved surface does not exceed 3m in width and constitutes a private paving and fits the requirement of Class 13. The issue of 'endangering public safety by reason of traffic hazard or obstruction of road users' is not relevant as the lane does not constitute a public road or public right of way. If any other interpretation was to be taken, this would require the Planning Authority to regulate every driveway/ private access for every development to avoid "endangering public safety".

In regard to Point No 2 the access to the farmland is via the existing lane and it would be logical that the access to any other development associated with the farm business would be through this laneway. Certainly the Planning Authority would have insisted that the existing public road entrance would have been used and the 'legal obstruction' by-passed.

In conclusion the Planning Authority has considered this matter for a considerable time and in the light of the voluminous submissions and commentary made by all parties. The Planning Authority maintains its stance in that the work of the creation of the minor adjustment in the access lane alignment is wholly on the applicants' private lands, does not constitute endangerment to public safety by reason of traffic hazard or obstruction of road users and is an immaterial deviation from the permission as issued.

Yours faithfully,

For Director of Services,
Planning Dept.



AN BORD PLEANÁLA
LDG- _____
ABP- _____
20 JUN 2019
Fee: € _____ Type: _____
Time: 9.16 By: Reg Post

JO'M/PK/D52019-2

APB 304134-19

19th June 19

An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

RE: Whether works concerning creation of an access road and entrance are or are not development and/or are not exempted development at Rathmoylan, Dunmore East, Co. Waterford.

Dear Sir/Madam;

I refer to ABP correspondence of 23rd May 2019 in connection with the above.

There are two fundamental questions that cover this matter, which are:

1. Does the work carried out fit within Class 13 of Planning and Development Regulations 2001 (as amended)?
2. If the legal obstruction to the site access laneway under 16/21 was known to the applicant and Planning Authority at the time of application/decision – how would the Planning Authority have dealt with the matter?

In relation to Point No1 the Planning Authority maintains that the paved surface does not exceed 3m in width and constitutes a private paving and fits the requirement of Class 13. The issue of 'endangering public safety by reason of traffic hazard or obstruction of road users' is not relevant as the lane does not constitute a public road or public right of way. If any other interpretation was to be taken, this would require the Planning Authority to regulate every driveway/ private access for every development to avoid "endangering public safety".

In regard to Point No 2 the access to the farmland is via the existing lane and it would be logical that the access to any other development associated with the farm business would be through this laneway. Certainly the Planning Authority would have insisted that the existing public road entrance would have been used and the 'legal obstruction' by-passed.

In conclusion the Planning Authority has considered this matter for a considerable time and in the light of the voluminous submissions and commentary made by all parties. The Planning Authority maintains its stance in that the work of the creation of the minor adjustment in the access lane alignment is wholly on the applicants' private lands, does not constitute endangerment to public safety by reason of traffic hazard or obstruction of road users and is an immaterial deviation from the permission as issued.

Yours faithfully,

For Director of Services,
Planning Dept.