



An
Bord
Pleanála

Board Direction
ABP-313609-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/10/2023.

The Board decided, as set out in the following Order, that

WHEREAS a question has arisen as to whether the proposed connection of 6 No. driveways and the associated footpath, to meet the southern edge of the existing Oranhill Avenue estate road is or is not development or is or is not exempted development:

AND WHEREAS Decourcey Developments Ltd requested a declaration on this question from Galway County Council and the Council issued a declaration on the 20th day of April, 2022 stating that the matter was development and is not exempted development:

AND WHEREAS Decourcey Developments Ltd referred this declaration for review to An Bord Pleanála on the 16th day of May, 2022:

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)(h) of the Planning and Development Act, 2000, as amended,
- (d) the planning history of the site,
- (e) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that the existing estate road and footpath are each a 'structure' in accordance with the meaning provided at Section 2 of the Planning and Development Act, 2000, as amended and that the construction of vehicular accesses and footpath extension, to serve approved housing, which involves an act of construction and thereby constitutes development, would not render the appearance of the road or footpath structures in the area of the subject site inconsistent with their character elsewhere in the estate, in accordance with the requirements of Section 4(1)(h) of the Act.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(4) of the 2000 Act, hereby decides that the proposed connection of 6 No. driveways and the associated footpath, to meet the southern edge of the existing Oranhill Avenue estate road is development and is exempted development.

Board Member:



Liam Bergin

Date: 18/10/2023