



An
Bord
Pleanála

Board Direction
ABP-307510-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/10/2020.

The Board decided, as set out in the following Order, that the erection of a post and rail fence on privately owned land at Coast Road, Kilmichael East, Myrtleville, Co. Cork is development and is not exempted development.

Board Order as follows:-

WHEREAS the following question has arisen as to whether:

The erection of a concrete post and rail fence on privately owned land is or is not exempted development at Coast Road, Kilmichael East, Myrtleville, County Cork,

AND WHEREAS Mr. Brendan Mullins, of 27 College Grove, Ennis, County Clare, requested a declaration on the said question from An Bord Pleanála on the 6th day of July 2020.

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

(a) section 3 of the Planning and Development Act, 2000, as amended,

(b) Article 6(1) & Article 9(1)(a)(iii), (x) & (xi) of the Planning and Development Regulation's 2001, as amended,

(c) Class 11(a) of Part 1 of Schedule 2 of the Planning and Development Regulation's 2001, as amended, and

(d) the submissions on file,

AND WHEREAS An Bord Pleanála has concluded that –

- The fence in question is development for the purposes of Section 3 of the Planning and Development Act 2000, as amended.
- The development comprises exempted development under Class 11(a) of Part 1 of Schedule 2 of the Planning and Development Regulations 2000, as amended.
- The development would not be exempted development, having regard to Article 9(1)(a)(x) as it would consist of the fencing or enclosure of land habitually open to or used by the public during the ten years preceding such fencing or enclosure of a means of access to the seashore or other place of natural beauty or recreational utility.

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 erection of a post and wire fence on privately owned land is development and is not exempted development at Coast Road, Kilmichael East, Myrtleville, County Cork

Board Member:

Date: 16/10/2020

Dave Walsh