



An  
Bord  
Pleanála

**Board Direction**  
**ABP-305239-19**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/02/2020.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the erection of a 1.2m high boundary wall at Grange, Kilmallock, Co. Limerick is or is not development or is or is not exempted development:

**AND WHEREAS** Claudia Reidy requested a declaration on this question from Limerick City & County Council and the Council issued a declaration on the 26<sup>th</sup> day of July, 2019, stating that the matter was development and was not exempted development:

**AND WHEREAS** Claudia Reidy referred this declaration for review to An Bord Pleanála on the 22<sup>nd</sup> day of August, 2019:

**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 5(2)(b) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Class 11 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the history of the site,
- (g) the information on the file, and
- (h) the pattern of development in the area:

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

- (a) Under Section 3(1) of the Planning and Development Act, 2000 – 2019, the erection of the proposed boundary wall is development,
- (b) Under Class 11 of Part 1 of Schedule 2 to Article 6(1) of the Planning and Development Regulations, 2001 – 2019, the erection of the proposed boundary wall is exempted development, and
- (c) Under Article 9(1)(a)(iii) of the Planning and Development Regulations, 2001 – 2019, the erection of the proposed boundary wall shall not be exempted development if the carrying out of such development would endanger public safety by reason of traffic hazard or obstruction of road users and so it is not exempted development.

**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 erection of a

1.2m high boundary wall at Grange, Kilmallock, Co. Limerick is development that is not exempted development.

**Board Member:**

**Date:** 19/02/2020

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Maria FitzGerald