



An
Bord
Pleanála

Board Direction
ABP-305880-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/03/2020.

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 fence across a planned roadway within the Planning Authority's area is or is not development or is or is not exempted development:

AND WHEREAS Dun Laoghaire- Rathdown County Council referred this question under Section (5)4 of the of the Planning and Development Act, 2000, as amended to An Bord Pleanála for consideration:

AND WHEREAS on the basis of the documentation and submissions on file, An Bord Pleanála has decided to reword the question as follows:

WHEREAS a question has arisen as to whether the replacement of a fence across a planned roadway within the Planning Authority's area is or is not development or is or is not exempted development:

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

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

Article 6(1) and article 9(1) and Class 11 as described in Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

the planning history of the site,
the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

On the basis of the documentation and submissions on file, a timber field boundary fence was in existence at this location in 2009 and was replaced by the current metal fence in 2016,

The replacement of this fence involved the carrying out of works and therefore constituted development,

The replacement of this fence comes within the scope of Class 11 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

and

On the basis of the documentation and submissions on file, the replacement of this fence did not contravene any condition of any permission and does not endanger public safety by reason of a traffic hazard or by obstruction of road users and does not obstruct any public right of way.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Planning and Development Act as amended, hereby decides that the replacement of a fence on these lands is development and is exempted development.

Board Member:

Date: 19/03/2020

Maria FitzGerald