

An  
Bord  
Pleanála

**Board Direction  
ABP-309494-21**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/05/2021.

The Board decided, as set out in the following Order, that the completion of works consisting of a 2 metre high palisade fence at Dromin Lower, Listowel, County Kerry is development and is development that is exempted development.

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the completion of works consisting of a 2 metre high palisade fence is or is not development and is or is not exempted development:

**AND WHEREAS** the said question was referred to An Bord Pleanála by James Brennan on the 19<sup>th</sup> day of February, 2021:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had particular regard to:

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

- (a) articles 5-11 of the Planning and Development Regulations 2001 (as amended), with particular reference to articles 6 and subsections 9(1)(a)(viiB), (x) and (xi), and
- (b) Part 3 of Schedule 2 *Exempted Development – Rural* of the Regulations, with particular reference to Class 4, and
- (c) the previous declarations by Kerry County Council under P.A. Refs. EX624 and EX858

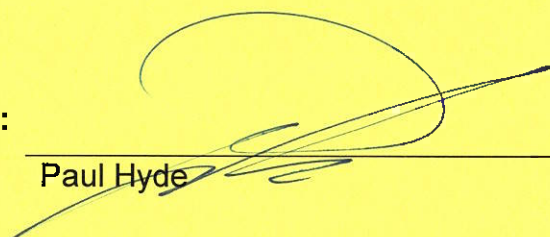
**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) the erection of the fence constitutes 'development' for the purposes of the Planning and Development Act,
- (b) the fence is not subject to the restrictions on exemption set out in Article 9 of the Planning and Development Regulations, with particular reference to subsections 9(1)(a)(viiB), (x) and (xi),
- (c) the fencing is not of a class of development which requires environmental impact assessment, and
- (d) the erection of the fencing comes within the scope of Class 4 of Part 3 of Schedule 2 of the Regulations:

**NOW THEREFORE** the Board, in exercise of the powers conferred on it by section 5 of the 2000 Act, has decided that the completion of works consisting of a 2 metre high palisade fence at Dromin Lower, Listowel, County Kerry is development and is development that is exempted development.

development.

**Board Member:**



Paul Hyde

**Date:** 26/05/2021