

An
Bord
Pleanála

Board Direction
ABP-313409-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/10/2023.

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

WHEREAS a question has arisen as to whether the gate erected at the entrance sited on south-eastern boundary of lands in Folio MH 56744F on Local Road L40042 in Rathcairn, Athboy, Co. Meath is or is not development or is or is not exempted development:

AND WHEREAS Colm Griffin requested a declaration on this question from Meath County Council and the Council issued a declaration on the 25 day of March, 2022 stating that the matter was development and was not exempted development:

AND WHEREAS Colm Griffin referred this declaration for review to An Bord Pleanála on the 21 day of April, 2022:

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

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

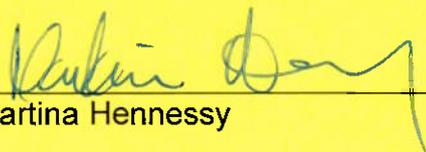
- (b) Article 6(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) The submissions on file and the report of the planning authority

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the erection of the gate constitutes works, which in turn constitutes development within the meaning of the Planning and Development Act 2000, as amended.
- (b) the gate erected does not come within the scope of Class 9 of Part 1 of Schedule 2 of the Regulations as the height of the gatepost (steel girder), which forms part of the gate or gateway, exceeds 2 metres,

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 gate constructed at entrance sited on south-eastern boundary of lands in Folio MH 56744F on Local Road L40042 in Rathcairn, Athboy, Co. Meath is development and is not exempted development.

Board Member:


Martina Hennessy

Date: 09/10/2023