

An  
Bord  
Pleanála

## Board Direction ABP-314129-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on the 15/01/2024 and the 10/09/2024.

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 pedestrian gate in the rear boundary hedge of an existing house is or is not development or is or is not exempted development:

**AND WHEREAS** Rachel O'Keeffe requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 1<sup>st</sup> day of July, 2021 stating that the matter was development and was not exempted development:

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

- (a) Section 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 6 and article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 5 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and

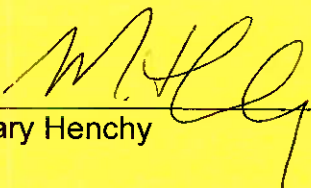
- (d) The planning history of the site, and
- (e) The Roads Act 1993, as amended.
- (g) The report and recommendation of the Inspector

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

- (a) The construction of the pedestrian gate involves the carrying out of works, which comes within the meaning of development in Section 3 (1) of the Planning and Development Act 2000, as amended and is therefore development.
- (b) This development would come within the scope of Class 5 of Part 1 of the Second Schedule to the Planning and Development Regulations 2001, as amended, and would therefore, constitute exempted development, and,
- (c) None of the restrictions on exemption set out in article 9(1) of these Regulations apply in this instance.

**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 pedestrian gate in the rear boundary hedge of an existing house at Meenoline South, Templeglantine, Co. Limerick is development and is exempted development.

**Board Member:**

  
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Mary Henchy

**Date:** 13/09/2024