

An
Bord
Pleanála

Board Direction
ABP-316143-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/04/2024.

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

WHEREAS a question has arisen as to whether the installation of a boom-barrier that will not be higher than 2 metres is or is not development or is or is not exempted development.

AND WHEREAS Vernon Mews Owners Management CLG, C/o Michael McAdam requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 1st day of March 2023 stating that the matter was development and was not exempted development.

AND WHEREAS Vernon Mews Owners Management CLG, C/o Michael McAdam referred this declaration for review to An Bord Pleanála on the 31st day of July 2023.

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

- (a) Section 2(1) of the Planning and Development Act, 2000 to 2023
- (b) Section 3(1) of the Planning and Development Act, 2000 to 2023
- (c) Section 4 of the Planning and Development Act, 2000 to 2023
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001 to 2023

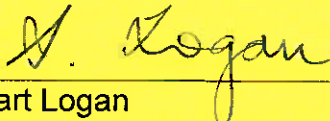
- (e) Classes 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 to 2023
- (f) The pattern of development in the area and
- (g) The report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

- a) the installation of a boom barrier that will not be higher than 2 metres is 'development' within the meaning of the Planning and Development Act 2000 to 2023;
- b) the boom barrier is a gate within the scope of Class 9, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 and complies with the conditions and limitations of pertaining to Class 9, Part 1, Schedule 2 of the said 2001 Regulations;
- c) that the boom barrier would endanger public safety by reason of a traffic hazard and the obstruction of other road users and therefore, subject to Article 9 (1)(a)(iii), is not exempted development for the purposes of the Act;
- d) that the lifting barrier materially affects the implementation of the traffic circulation system forming part of a permission granted under Part III of the Act contrary to the provisions of Section 32 (2) of the Act.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning & Development Act, 2000 to 2023, hereby decides that the installation of a boom barrier that will not be higher than 2 metres is 'development' and is not 'exempted development'.

Board Member:


Stewart Logan

Date: 04/04/2024