



An
Bord
Pleanála

**Board Direction
93.RL 3538**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12th January 2018.

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

WHEREAS a question has arisen as to whether the erection of a new gate and gate post and the replacement of an existing gate to existing vehicular entrances is or is not development or is or is not exempted development:

AND WHEREAS Helen Keane requested a declaration on this question from Waterford City and County Council and the Council issued a declaration on the 20th day of December 2016 stating that the matter was development and was exempted development:

AND WHEREAS Helen Keane referred this declaration for review to An Bord Pleanála on the 18th day of January 2017:

AND WHEREAS An Bord Pleanála, in the light of the documentation on the file, and the content of the declaration, has reformulated the question as follows:-

“whether the erection of a new gate and gate post and the replacement of an existing gate to existing vehicular entrances at Coolbunnia, Cheekpoint, County Waterford 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 –

- (a) Section 2(1), 3(1), 4(2)(a)(I) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and article 9(1) and Class 9, Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (c) Section 2(1) of the Roads Act, 1993
- (d) the pattern of development and the character of the landscape in the area,
- (e) the Report of the Planning Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The development comes within the scope of Sections 2(1) and 3(1), of the Planning and Development Act 2000, as amended, and constitutes development,
- (b) The development comes within the scope of Article 6(1), Class 9, Part 1, Schedule 2, of the Planning and Development Regulations 2001, as amended,
- (c) The development does not come within the scope of Article 9(1)(a)(ii), (iii), (vi), and (vii) of the Planning and Development Regulations 2001, as amended,

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 new gate and gate post and the replacement of an existing gate to

existing vehicular entrances is development and is exempted development.

Board Member

Date: 12/01/2018.

Terry O'Niadh