



Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council.

Planning Register Reference Number: ED00692.

WHEREAS a question has arisen as to whether the formation of a vehicular entrance from an agricultural tract of land onto Local Road L2023, and the installation of a gate structure on or near the front boundary of this land within the townland of Mylerstown, Two Mile House, Naas, County Kildare is or is not development or is or is not exempted development:

AND WHEREAS Ulric (Ollie) Barry care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin requested a declaration on the question from Kildare County Council and no declaration issued by the planning authority:

AND WHEREAS the said Ulric (Ollie) Barry referred the question for decision to An Bord Pleanála on the 28th day of December, 2018:

AND WHEREAS, having regard to the nature of the question and the documentation submitted as part of the referral, An Bord Pleanála decided to reformulate the question as follows -

Whether the relocation of an existing gate and gate posts to an existing agricultural entrance is or is not development or is or is not exempted development within the townland of Mylerstown, Two Mile House. Naas, County Kildare:

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

- (a) sections 2(1), 3(1), 4(2)(a)(i) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and 9(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) section 2(1) of the Roads Act, 1993, as amended,
- (e) the planning history of the site,
- (f) the pattern of development in the area, and
- (g) 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), of the Planning and Development Regulations 2001, as amended, and also Class 9 of Part 1 of Schedule 2 to those Regulations, and

- (c) development does not come within the scope of the restrictions on exemption as set out under Article 9(1)(a)(i), (ii), (iii), and (viiB) 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) (b) of the 2000 Act, hereby decides that the relocation of an existing gate and gate posts to an existing agricultural entrance within the townland of Mylerstown, Two Mile House. Naas, County Kildare is development and is exempted development.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Stephen Bohan

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.