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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: S5 19/14**

**WHEREAS** a question has arisen as to whether the construction of a block wall, rendered and capped, at a height not exceeding 1.2 metres at Saint Oran's Park, Buncrana, County Donegal is or is not development or is or is not exempted development:

**AND WHEREAS** Marie and Peter Carey of 3 Saint Oran's Park, Buncrana, County Donegal requested a declaration on this question from Donegal County Council and the Council issued a declaration on the 24<sup>th</sup> day of July, 2019 stating that the matter is development and is exempted development:

**AND WHEREAS** Marie and Peter Carey referred the declaration for review to An Bord Pleanála on the 7<sup>th</sup> day of August, 2019:

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

- (a) sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended, and Class 5 and Class 11 of Part 1 of Schedule 2 to those Regulations,
- (c) the planning history of the site, and
- (d) the nature and the height of the boundary wall, including the attached brick pier:

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

- (a) the construction of the wall would involve the carrying out of works and would, therefore, constitute development, and
- (b) the development, involving the construction of a front boundary wall bounding the curtilage of the house on site, would come within the scope of Class 11 of Part 1 of Schedule 2 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 construction of a block wall, rendered and capped, at a height not exceeding 1.2 metres at Saint Oran's Park, Bunrana, County Donegal 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.

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

**Dated this            day of            2019.**