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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: EC22/19**

**WHEREAS** a question has arisen as to whether the erection of a 1.2 metre high boundary wall at Grange, Kilmallock, County Limerick is or is not development or is or is not exempted development:

**AND WHEREAS** Claudia Reidy care of John T. Garrett and Associates of Unit 2, Ballyanrahan East, Main Street, Patrickswell, County Limerick requested a declaration on this question from Limerick City and County Council and the Council issued a declaration on the 26<sup>th</sup> day of July, 2019, stating that the matter is development and is not exempted development:

**AND WHEREAS** Claudia Reidy care of John T. Garrett and Associates of Unit 2, Ballyanrahan East, Main Street, Patrickswell, County Limerick referred this declaration for review to An Bord Pleanála on the 22<sup>nd</sup> day of August, 2019:

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

- (a) sections 2(1), 3(1) and 5(2)(b) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 11 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the information on the file, and
- (f) the pattern of development in the area:

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

- (a) the erection of the proposed boundary wall constitutes development under section 3(1) of the Planning and Development Act 2000
- (b) the erection of the proposed boundary wall is exempted development and having regard to the nature of the works would come within Class 11 of Part 1 of Schedule 2 to Article 6(1) of the Planning and Development Regulations, 2001, as amended, and

- (c) Under Article 9(1)(a)(iii) of the Planning and Development Regulations, 2001, as amended, the erection of the proposed boundary wall shall not be exempted development if the carrying out of such development would endanger public safety by reason of traffic hazard or obstruction of road users and therefore, the development in question is not exempted development:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the erection of a 1.2 metre high boundary wall at Grange, Kilmallock, County Limerick is development and is not 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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**Maria FitzGerald**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**