



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: 93/19

WHEREAS a question has arisen as to whether the erection of a fence across a planned roadway within the planning authority's area at Elmfield, Ballyogan/Castle Court Lands (Clay Farm Loop Road), Ballyogan Road, Dublin is or is not development or is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Dún Laoghaire-Rathdown County Council on the 8th day of November, 2019:

AND WHEREAS on the basis of the documentation and submissions on file, An Bord Pleanála has decided to reformulate the question as follows:

WHEREAS a question has arisen as to whether the replacement of a fence across a planned roadway within the planning authority's area at Elmfield, Ballyogan/Castle Court Lands (Clay Farm Loop Road), Ballyogan Road, Dublin 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) sections 2(1), 3(1) and 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and Article 9(1) and Class 11 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (c) the planning history of the site, and
- (d) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) on the basis of the documentation and submissions on file, a timber field boundary fence was in existence at this location in 2009 and was replaced by the current metal fence in 2016,
- (b) the replacement of this fence involved the carrying out of works and therefore constituted development,
- (c) the replacement of this fence comes within the scope of Class 11 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (d) on the basis of the documentation and submissions on file, the replacement of this fence did not contravene any condition of any permission and does not endanger public safety by reason of a traffic hazard or by obstruction of road users and does not obstruct any public right of way:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(4) of the Planning and Development Act, 2000, as amended, hereby decides that the replacement of a fence across a planned roadway within the planning authority's area at Elmfield, Ballyogan/Castle Court Lands (Clay Farm Loop Road), Ballyogan Road, Dublin 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.

Maria FitzGerald

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

Dated this day of 2020.