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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: AAS52038**

**WHEREAS** a question has arisen as to whether the fencing off, by a 1.2 metres high mesh fence, of open space at Millbourne Drive, Ashbourne, County Meath is or is not development or is or is not exempted development:

**AND WHEREAS** Beata Smyl of 46 Millbourne Drive, Ashbourne, County Meath requested a declaration on the question from Meath County Council and no declaration issued by the planning authority:

**AND WHEREAS** Beata Smyl referred the question for decision to An Bord Pleanála on the 12<sup>th</sup> day of August, 2020:

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

- (a) sections 2(1), 3(1), and 4 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) Part 1 of Schedule 2 to those Regulations,
- (d) the planning history of the site, and
- (e) the pattern of development in the area:

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

- (a) the erection of the fence constitutes “works” that comes within the meaning of development as set out in section 3(1) of the Planning and Development Act 2000,
- (b) the works fall within a class of exempted development under article 6, namely Class 11 of Part 1 of Schedule 2, as amended, of the Planning and Development Regulations, 2001, and
- (c) the works do not come within the scope of the restrictions on exemption under article 9(1)(a)(x) of those Regulations:

**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 fencing off, by a 1.2 metres high mesh fence, of open space at Millbourne Drive, Ashbourne, County Meath 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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**Michelle Fagan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**