

Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: EX877

WHEREAS a question has arisen as to whether the completion of works consisting of a two metre high palisade fence at Dromin Lower, Listowel, County Kerry is or is not development or is or is not exempted development:

AND WHEREAS James Brennan of Skehanerin, Listowel, County Kerry requested a declaration on the question from Kerry County Council and the Council issued a declaration on the 26th day of January, 2021 stating that the matter is development which is not exempted development:

AND WHEREAS James Brennan referred the declaration for review to An Bord Pleanála on the 19th day of February, 2021:

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

- (a) sections 2, 3 and 4 of the Planning and Development Act 2000, as amended,
- (b) articles 5 to 11 of the Planning and Development Regulations 2001, as amended, with particular reference to articles 6 and subsections 9(1)(a)(viiB), (x) and (xi),
- (c) Part 3, Exempted Development – Rural, of Schedule 2 of those Regulations, with particular reference to Class 4, and
- (d) the previous declarations by Kerry County Council under planning authority reference numbers EX624 and EX858:

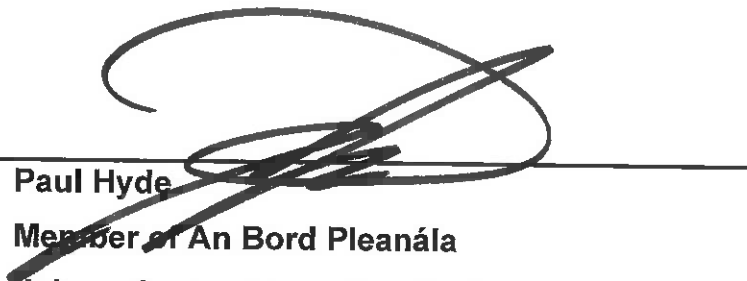
AND WHEREAS An Bord Pleanála has concluded that -

- (a) the erection of the fence constitutes ‘development’ for the purposes of the Planning and Development Act, 2000, as amended,
- (b) the fence is not subject to the restrictions on exemption set out in article 9 of the Planning and Development Regulations, 2001, as amended, with particular reference to subsections 9(1)(a)(viiB), (x) and (xi),
- (c) the fencing is not of a class of development which requires environmental impact assessment, and
- (d) the erection of the fencing comes within the scope of Class 4 of Part 3 of Schedule 2 of those Regulations:

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 completion of works consisting of a two metre high palisade fence at Dromin Lower, Listowel, County Kerry 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.



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

Dated this **28th** day of **MAY** 2021.