

An
Bord
Pleanála

Board Order
ABP-313930-22 (ABP-
308442-20)

Planning and Development Acts 2000 to 2022

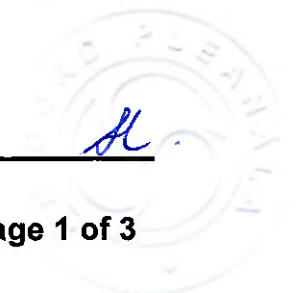
Planning Authority: Clare County Council.

Planning Register Reference Number: R2044.

WHEREAS a question has arisen as to whether the construction of a fence, a pedestrian gate and a vehicular gate on the road at the Former Anglers Rest, Doonass Demense, Clonlara, County Clare, is or is not development or is or is not exempted development or is or is not development or is or is not exempted development.

AND WHEREAS Clare County Council of New Road, Ennis, County Clare referred this declaration for determination by An Bord Pleanála, received on the 19th day of October 2020:

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, 6 and 9 of the Planning and Development Regulations 2001, as amended, and Part 1 of Schedule 2 to those Regulations, including Classes 5, 7, 9 and 11 including the relevant Conditions and Limitations,
- (c) the existing use and planning history of the site,
- (d) the pattern of development in the area,
- (e) the submissions of the Requester, the Referrer and the Owner/Occupier, and
- (f) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that the construction of a fence, a pedestrian gate and a vehicular gate on the road;

- (a) Does constitute the carrying out of works which comes within the meaning of development in Section 3(1) of the Planning and Development Act, 2000, as amended;
- (b) Does come within the scope of Class 5, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (c) The development would not be exempted development, having regard to Article 9(1)(a)(x) of those regulations as it would constitute the construction of a fence, a pedestrian gate and a vehicular gate on the road which encloses land habitually open to or used by the public during the 10 years preceding the construction of the fence, a pedestrian gate

and a vehicular gate on the road for recreational purposes or as a means of access to any riverbank or other place of recreational utility;

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 construction of a fence, a pedestrian gate and a vehicular gate on the road at the Former Anglers Rest, Doonass Demense, Clonlara, County Clare, is development and is not exempted development.

St. Logan

Stewart Logan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this *22* day of *February* 2024.