

An
Bord
Pleanála

Board Order
ABP-314129-22

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: EC44/22

WHEREAS a question has arisen as to whether the erection of a pedestrian gate in the rear boundary hedge of an existing house at Meenoline South, Templeglantine, County Limerick is or is not development or is or is not exempted development:

AND WHEREAS Rachel O'Keeffe of Upper Grange, Kilmallock, County Limerick requested a declaration on the said question from Limerick City and County Council and the said Council issued a declaration on the 1st day of July, 2022 stating that the said matter is development and is not exempted development:

AND WHEREAS Rachel O'Keeffe referred the declaration for review to An Bord Pleanála on the 20th day of July, 2022:

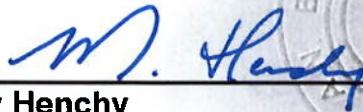
AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 6 and article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 5 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended,
- (d) The planning history of the site,
- (e) The Roads Act 1993, as amended, and
- (f) The report and recommendation of the Inspector

AND WHEREAS An Bord Pleanála has concluded that –

- (a) The construction of the pedestrian gate involves 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 and is therefore development.
- (b) This development would come within the scope of Class 5 of Part 1 of the Second Schedule to the Planning and Development Regulations 2001, as amended, and would, therefore, constitute exempted development, and,
- (c) None of the restrictions on exemption set out in article 9(1) of these Regulations apply in this instance.

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 erection of a pedestrian gate in the rear boundary hedge of an existing house at Meenoline South, Templeglantine, County Limerick is development and is exempted development.



Mary Henchy

Member of An Bord Pleanála

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

Dated this *18th* day of *September* 2024