

Planning and Development Acts 2000 to 2022

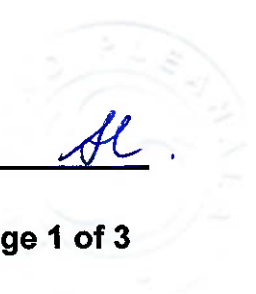
Planning Authority: Dublin City Council

Planning Register Reference Number: 0042/23

WHEREAS a question has arisen as to whether the installation of a boom barrier that will not be higher than two metres at Vernon Mews, Vernon Avenue, Clontarf, Dublin is or is not development or is or is not exempted development,

AND WHEREAS Vernon Mews Owners Management CLG care of Michael McAdam of 4 Vernon Mews, Clontarf, Dublin requested a declaration on the said question from Dublin City Council and the Council issued a declaration on the 1st day of March, 2023 stating that the matter is development and is not exempted development,

AND WHEREAS Vernon Mews Owners Management CLG referred the declaration for review to An Bord Pleanála on the 27th day of March, 2023,



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

- (a) Section 2(1) of the Planning and Development Act 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act 2000, as amended,
- (c) Section 4 of the Planning and Development Act 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (e) Classes 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (f) the pattern of development in the area, and
- (g) the report of the Inspector,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the installation of a boom barrier that will not be higher than two metres is 'development' within the meaning of the Planning and Development Act 2000, as amended,
- (b) the boom barrier is a gate within the scope of Class 9, Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, and complies with the conditions and limitations pertaining to Class 9, Part 1, Schedule 2 of the said Regulations,

- (c) the boom barrier would endanger public safety by reason of a traffic hazard and the obstruction of other road users and, therefore, subject to Article 9 (1)(a)(iii), is not exempted development for the purposes of the Act, and
- (d) the lifting barrier materially affects the implementation of the traffic circulation system forming part of a permission granted under Part III of the Act contrary to the provisions of Section 32 (2) of the Act,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the installation of a boom barrier that will not be higher than two metres at Vernon Mews, Vernon Avenue, Clontarf, Dublin is development and is not exempted development.



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

Dated this *12th* day of *April* 2024.