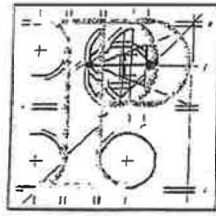


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Kerry County

Planning Authority Reference Number: EX333

An Bord Pleanála Reference Number: 08.RL.3219

WHEREAS a question has arisen as to whether the erection of fencing at a number of locations around the coastline of Fenit Island, Fenit, County Kerry is or is not development or is or is not exempted development:

AND WHEREAS Keep Ireland Open of 15 Pinewoods, Westport, County Mayo requested a declaration on the said question from Kerry County Council and the said Council issued a declaration on the 15th day of April, 2014 stating that the said matter is exempted development:

AND WHEREAS the said Keep Ireland Open referred the declaration for review to An Bord Pleanála on the 6th day of May, 2014:

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 6 and 9 of the Planning and Development Regulations, 2001, as amended,

- (c) Class 4 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) the evidence on file of public access to parts of this coastline within the past 10 years, and
- (e) the location of a section of the fence within a designated Special Area of Conservation:

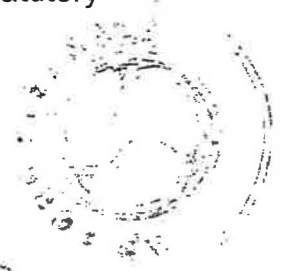
AND WHEREAS An Bord Pleanála has concluded that -

- pk
- (a) the erection of a fence constitutes "works" that comes within the meaning of "development" in section 3(1) of the Planning and Development Act, 2000, and is, therefore, development,
 - (b) the proposed works and use would be within the terms of development envisaged by Class 4 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
 - (c) the said erection of fencing around the coastline of Fenit Island comes within the scope of the restrictions on exemptions under Article 9(1)(a)(x) of the Planning and Development Regulations, 2001, and
 - (d) the said erection of the fencing (partly) within a designated Special Area of Conservation requires an Appropriate Assessment and, therefore, comes within the restrictions on exemptions under section 4(4) of the Planning and Development Act, 2000, as amended:

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 said erection of fencing at a number of locations around the coastline of Fenit Island, Fenit, County Kerry is development and is not 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.





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

Dated this 16th day of July 2015.