

AN BORD PLEANÁLA
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ABP- _____
14 SEP 2020
Fee: € _____ Type: _____
Time: 17:20 By: haw

An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

14 September 2020

Re: Submission in response to the Section 5 Declaration and Referral made to An Bord Pleanála in respect of a mesh fence at lands at Millbourne in Ashbourne, County Meath – ABP Case No. PL17.307913

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Dear Sir or Madam,

Future Analytics Consulting Ltd. (FAC) of 23 Fitzwilliam Square (South), Dublin 2 acts on behalf of Rybo Partnership of 6 Argus House, Greenmount Office Park, Harold's Cross Road, Dublin 6W.

FAC has been appointed to prepare this submission – as facilitated by Section 129 of the *Planning and Development Act 2000* (as amended) – in response to the Section 5 request for a declaration (referred to An Bord Pleanála, Case No. PL17.307913) made by Ms. Smyl on whether or not the “mesh fence” erected at referenced lands at Millbourne in Ashbourne, Co. Meath is considered to be development or not, and if it is, does it constitute exempted development or not. It is understood that no fee applies to the lodgement of this submission.

The referenced lands are those located south of Millbourne Drive, east of Millbourne Avenue, north of the Broadmeadow River and west of undeveloped lands in Ashbourne. Please refer to the aerial maps in Figures 1 and 2.

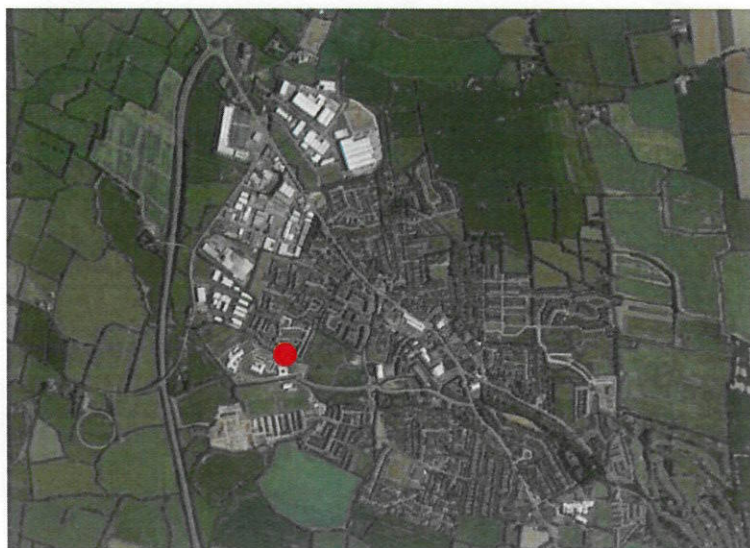


Figure 1: Location of the referenced lands marked in red.



Figure 2: Line of the stated “mesh fence” marked in fence.

Rybo Partnership erected a 1.2m-high wooden post, wooden rail and metal mesh fence at the referenced lands early in 2020 (Figures 3 and 4). This was done to protect these privately owned lands and to reduce the risk of liability should unauthorised access occur.



Figure 3: The erected fencing as viewed from the north-west corner.



Figure 4: Typical section of the erected fencing, with a height of 1.2m.

The fence is firmly asserted to be exempted development under Class 11 of Part 1 in Schedule 2 of the *Planning and Development Regulations 2001* (as amended). Class 11 ('Sundry Works') exempted development includes:

"The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of –

- (a) any fence (not being a hoarding or sheet metal fence), or*
- (b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.*

The specific 'Conditions'/'Limitations' that apply are:

- 1. "The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.*
- 2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered."*

As evidenced by the above images and upon a visit to the referenced lands, it is clear that the erected fence **(1) is not within nor does it bound the curtilage of a house, (2) is not comprised of hoarding or sheet metal and (3) does not exceed 1.2m in height.** Therefore, it falls within the Class 11 exemptions set out in the *Planning and Development Regulations 2001* (as amended).

With respect to the historic and live planning applications relating to the lands at Millbourne, it should be noted that a first-party planning appeal is presently under review by An Bord Pleanála (Reg. Ref. PL17.307457)

We trust that the above information allows for the Board to determine that the erected fence constitutes exempted development. Should you require any further information, please do not hesitate to contact the undersigned.

Yours faithfully,

Daniel Moody BA (Hons) MRUP
Associate (Planning)
Future Analytics Consulting Ltd.

