

An
Bord
Pleanála

Board Direction ABP-316012-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/04/2024.

The Board decided, as set out in the following Order, that

WHEREAS a question has arisen as to whether

- the importation of and deposit of soil and /or subsoil,
- the use of the shed and activities on site for sorting, bagging of soil and/or subsoil and transportation off site,
- the parking of commercial vehicles and
- the erection of a 3m high timber fence

is or is not development or is or is not exempted development.

AND WHEREAS Tom Kelliher, Pat O'Reilly and others requested a declaration on this question from Kildare Council and the Council issued a declaration on the 1st day of March, 2023 stating that the matter was development and was not exempted development:

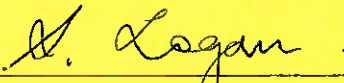
AND WHEREAS Tom Kelliher, Pat O'Reilly and others referred this declaration for review to An Bord Pleanála on the 1st day of March, 2023:

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

- (d) The erection of a 3m high fence is in excess of the limitation under CLASS 4 of Part 3, of Schedule 2.

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 importation and deposit of soil along with sorting, bagging of soil and/or subsoil and transportation off site, parking of commercial vehicles and erection of a 3m high fence is development and is not exempted development.

Board Member:


Stewart Logan

Date: 10/04/2024