

An
Coimisiún
Pleanála

Direction
CD-021150-25
ABP-320857-24

The submissions on this file and the Inspector's report were considered at a meeting held on 31/10/2025.

The Commission decided, generally as recommended by the Inspector, as indicated hereunder:

WHEREAS a question has arisen as to whether minor alterations to the north-western boundary treatments to a house at Rosshill Road, Galway City, is or is not development, and is or is not exempted development,

AND WHEREAS this question was reworded so as to reflect the situation on the site to - whether, the (i) the provision of a block wall in lieu of timber fence, and (ii) the repair and infilling of the original concrete fencing posts with green colour chain-link mesh and hedge protective mesh, is or is not development, and is or is not exempted development.

AND WHEREAS Tony and Laura Caulfield requested a declaration on the said question from Galway City Council and the said Council issued a declaration on the 27th day of August 2024 stating that the matter was development and was not exempted development:

AND WHEREAS Tony and Laura Caulfield referred the declaration for review to An Coimisiún Pleanála on the 19th day of September 2024:

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

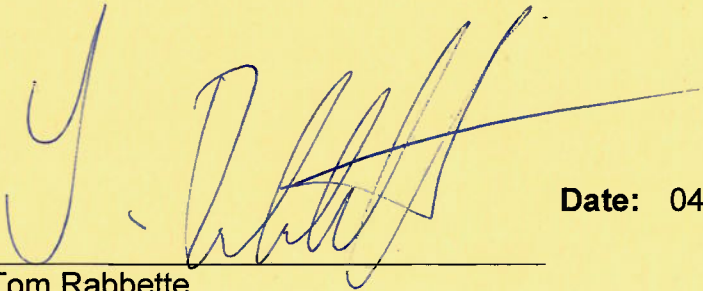
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and Articles 9(1)(a) (i), (vi), and (viiB) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 5 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended,
- (d) The nature and extent of the works.
- (e) The documentation on file, including the submission of the referrer and the documentation provided by the planning authority.

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The provision of a block wall in lieu of timber fence, and the repair and infilling of the original concrete fencing posts with green colour chain-link mesh and hedge protective mesh, constitutes the carrying out of “works” and is therefore “development” within the meaning of Section 3 of the Planning and Development Act, 2000, as amended;
- (b) The block wall and fence are located within the curtilage of a dwelling, and come within the scope of Class 5 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and complies with the conditions and limitations to which this Class is subject;
- (c) The works which are the subject of this referral would not require an Appropriate Assessment as they would not be likely to have a significant effect on the integrity of a European Site, and therefore the restriction on exemptions under Article 9(1)(a)(viiB) of the Planning and Development Regulations, 2001, as amended, do not apply in this instance.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the Planning and Development Act, 2000 Act, as amended, hereby decides that the provision of a block wall in lieu of timber fence, and the repair and infilling of the original concrete fencing posts with green colour chain-link mesh and hedge protective mesh is development and is exempted development.

**Planning
Commissioner:**



Tom Rabbette

Date: 04/11/2025