



An
Coimisiún
Pleanála

Direction
CD-021284-25
ABP-322683-25

The submissions on this file and the Inspector's report were considered at a meeting held on 14/11/2025.

The Commission decided the referral in accordance with the following draft Order:

WHEREAS a question has arisen as to whether the erection of a two-metre-high security fencing around a site affected by knotweed until such time as the knotweed is eradicated by specialists at Prospect House and lands at Mullach Allain, Omeath, County Louth is or is not development or is or is not exempted development,

AND WHEREAS Aloha Mullavelley Limited care of P. Herr and Associates of Block 4, Third Floor, Quayside Business Park, Mill Street, Dundalk, County Louth requested a declaration on the said question from Louth County Council and the said Council issued a declaration on the 9th day of May, 2025 stating that the said matter is development and is not exempted development,

AND WHEREAS Aloha Mullavelley Limited care of Catherine Allison and Co. Solicitors of 6 Roden Place, Dundalk, County Louth referred the declaration for review to An Coimisiún Pleanála on the 4th day of June, 2025,

AND WHEREAS An Coimisiún Pleanála, in considering this referral, decided to rephrase the question as follows:

Whether the erection of fencing, circa 1.8 metres in height and circa 2.5 metres in height, around a site affected by knotweed until such time as the knotweed is eradicated by specialists at Prospect House and lands at Mullach Allain, Omeath, County Louth is or is not development and is or is not exempted development.

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) – (xii) of the Planning and Development Regulations 2001, as amended,
- (c) Class 11 of Part 1 of the Second Schedule of 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
- (f) the report and recommendation of the Inspector.

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) the erection of fencing, circa 1.8 metres in height and circa 2.5 metres in height, around the site 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,
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- (b) the fencing exceeds a height of 1.2 metres, and does not come within the scope of Class 11 of Part 1 of the Second Schedule of the Planning and Development Regulations 2001, as amended, and

- (c) aside from the fact that the fencing does not come within the scope of Class 11 of Part 1 of the Second Schedule of the Planning and Development Regulations 2001, as amended, 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, as amended, hereby decides that the erection of fencing, circa 1.8 metres in height and circa 2.5 metres in height, around a site affected by knotweed until such time as the knotweed is eradicated by specialists at Prospect House and lands at Mullach Allain, Omeath, County Louth is development and is not exempted development.

Planning

Commissioner:

Eamonn James Kelly

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Date: 14/11/2025