

An  
Coimisiún  
Pleanála

**Direction**  
**CD-021606-25**  
**ACP-323659-25**

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The submissions on this file were considered at a meeting held on 18/12/2025.

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

**WHEREAS** a question has arisen as to whether:

- (a) formation of a public garden / amenity park, including land grading, introduction of ornamental planting, and structured landscaping,
- (b) installation of paved surfaces, hard landscaping, and fixed boundary treatments or kerbing,
- (c) construction of an artificial pond and associated infrastructure,
- (d) placement of street furniture, signage, and public amenities such as benches and bins, and
- (e) the possible alterations to existing curtilage walls, access routes, or gates, all at Seán Keating Garden/Park, Rathfarnham Castle, Rathfarnham Castle Park, Rathfarnham, Dublin, is or is not development and is or is not exempted development,

**AND WHEREAS** Angela O'Donoghue of Ballyboden Tidy Towns Clg, of 17 Glendoher Close, Rathfarnham, Dublin requested a declaration on the said questions from South Dublin County Council, and the Council issued a declaration on the 18<sup>th</sup> day of August 2025 stating that:

- (a) the formation of a public garden / amenity park, including land grading, introduction of ornamental planting, and structured landscaping,
- (b) the installation of paved surfaces, hard landscaping, and fixed boundary treatments or kerbing,
- (c) the construction of an artificial pond and associated infrastructure,
- (d) the placement of street furniture, signage, and public amenities such as benches and bins, and
- (e) the possible alterations to existing curtilage walls, access routes, or gates, is development and is exempted development,

**AND WHEREAS** Angela O'Donoghue of Ballyboden Tidy Towns Clg referred the declaration for review to An Coimisiún Pleanála on the 15<sup>th</sup> day of September 2025,

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

- (a) Sections 2(1), 3(1), 4(1)(aa), 57, 78, 178(1) and 179 of the Planning and Development Act 2000, as amended,
- (b) Article 80(1)(k) of the Planning and Development Regulations, as amended,
- (c) the provisions of the South Dublin County Development Plan 2022-2028, and
- (d) the pattern of development in the area,

**AND WHEREAS** An Coimisiún Pleanála has determined that

- (a) the formation of a public garden / amenity park, including land grading, introduction of ornamental planting, and structured landscaping, is development and is exempted development, having regard to the nature of the development, the development comes within the scope of section 4(1)(aa) of the Planning and Development Act 2000, as amended.

- (b) the installation of paved surfaces, hard landscaping, and fixed boundary treatments or kerbing, is development and is exempted development, having regard to the nature of the development, the development comes within the scope of section 4(1)(aa) of the Planning and Development Act 2000, as amended.
- (c) the construction of an artificial pond and associated infrastructure, is development and is exempted development, having regard to the nature of the development, the development comes within the scope of section 4(1)(aa) of the Planning and Development Act 2000, as amended.

and

- (d) the placement of street furniture, signage, and public amenities such as benches and bins, is development and is exempted development, having regard to the nature of the development, the development comes within the scope of section 4(1)(aa) of the Planning and Development Act 2000, as amended.

**AND WHEREAS** An Coimisiún Pleanála has also determined that

- (e) the matter raised in the fifth question relating to '*Possible alterations to existing curtilage walls, access routes or gates*' is unclear and ambiguous and as such cannot be determined, having regard to the absence of specific and detailed information on file.

**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:

(a) the formation of a public garden / amenity park, including land grading, introduction of ornamental planting, and structured landscaping at Seán Keating Garden/Park, Rathfarnham Castle, Rathfarnham Castle Park, Rathfarnham, Dublin is development and is exempted development,

(b) the installation of paved surfaces, hard landscaping, and fixed boundary treatments or kerbing at Seán Keating Garden/Park, Rathfarnham Castle, Rathfarnham Castle Park, Rathfarnham, Dublin is development and is exempted development,

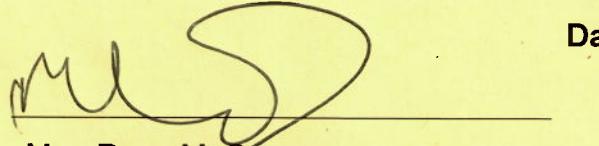
(c) the construction of an artificial pond and associated infrastructure at Seán Keating Garden/Park, Rathfarnham Castle, Rathfarnham Castle Park, Rathfarnham, Dublin is development and is exempted development, and

(d) the placement of street furniture, signage, and public amenities such as benches and bins, at Seán Keating Garden/Park, Rathfarnham Castle, Rathfarnham Castle Park, Rathfarnham, Dublin is development and is exempted development.

**Planning**

**Commissioner:**

**Date:** 06/01/2026

  
MaryRose McGovern