



Planning and Development Acts 2000 to 2020

Planning Authority: Galway City Council

Planning Register Reference Number: P/DC/3/13/20

WHEREAS a question has arisen as to whether the opening of a pedestrian gateway from the rear of the house into an area of public open space at 31 The Maples, Doctor Mannix Road, Salthill, Galway City is or is not development or is or is not exempted development:

AND WHEREAS Tom Barry of 31 The Maples, Doctor Mannix Road, Salthill, Galway City requested a declaration on the question from Galway City Council, and the Council issued a declaration on the 24th day of September, 2020 stating that the matter is development:

AND WHEREAS Tom Barry referred the declaration for review to An Bord Pleanála on the 20th day of October, 2020:

AND WHEREAS An Bord Pleanála, has reformulated the question as follows-

whether the opening of a pedestrian gateway in the boundary wall between the rear private amenity space and an area of public open space, both to the rear of number 31 The Maples, Doctor Mannix Road, Salthill, Galway City is or is not development or is or is not exempted development:

AND WHEREAS An Bord 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) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 5, Part 1 of Schedule 2 to those Regulations,
- (d) the planning history of the site, including all the conditions of appeal reference number PL 61.094183, where no such condition restricts the carrying out of exempted development in accordance with the provisions of the Act and Regulations,
- (e) The Roads Act, 1993,
- (f) An Bord Pleanála's declaration under reference number ABP-302804-18, and
- (g) the Planning Inspectors Report:

AND WHEREAS An Bord Pleanála has concluded that the opening of a pedestrian gateway in the boundary wall between the rear private amenity space and an area of public open space -

- (a) would constitute the carrying out of works which comes within the meaning of development in section 3(1) of the Planning and Development Act, 2000,

- (b) would come within the scope of class 5, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, and
- (c) would be exempted development as there are no restrictions to exemptions under article 9 (1)(a)(ii) of those Regulations that are applicable:

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 opening of a pedestrian gateway in the boundary wall between the rear private amenity space and an area of public open space, both to the rear of number 31 The Maples, Doctor Mannix Road, Salthill, Galway City is development and is exempted development.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Maria FitzGerald
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2021.