



Planning and Development Acts 2000 to 2022

Planning Authority: Mayo County Council

Planning Register Reference Number: Plan/H16/mg

WHEREAS a question has arisen as to whether the clearance of a hedgerow/trees within or bounding the curtilage of a house and the construction of a post and timber fence under 1.2 metres in height (with some post exceeding 1.2 metres by circa 0.047 metres) within or bounding the curtilage of a house and adjacent to a non-public road at Townland of Mullauns, Ballina, County Mayo is or is not development or is or is not exempted development,

AND WHEREAS the said question was referred to An Bord Pleanála by Mayo County Council on the 30th day of June, 2023,

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

- (a) Section 2(1) and Section 3(1) of the Planning and Development Act 2000, as amended,
- (b) Article 6(1) and article 9(1) of the Planning and Development Regulations 2001, as amended, and
- (c) the planning history of the site and the drawings submitted in respect of the referral,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the removal of hedgerow and erection of a fence constitutes development, and
- (b) the development contravenes condition number 18 attached to planning permission under planning register reference number P09/672; therefore Article 9(1)(a) of the Planning and Development Regulations 2001, as amended, applies in this instance. Therefore, the development, as carried out, is not exempted development,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(4) of the Planning and Development Act 2000, as amended, hereby decides that the clearance of a hedgerow/trees within or bounding the curtilage of a house and the construction of a post and timber fence under 1.2 metres in height (with some post exceeding 1.2 metres by circa 0.047 metres) within or bounding the curtilage of a house and adjacent to a non-public road at Townland of Mullauns, Ballina, County Mayo is development and is not exempted development.



Mary Henchy

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

Dated this 14th day of May 2024.