



An
Bord
Pleanála

Board Order 61.RL.3808

Planning and Development Acts 2000 to 2017

Planning Authority: Galway City Council

Planning Register Reference Number: P/DC/3/15/17

WHEREAS a question has arisen as to whether the construction of a railing and footpath and a 1.2-metre high bow top railing at lands adjacent to number 6A Devon Park, Salthill, Galway is or is not development or is or is not exempted development:

AND WHEREAS Sisters of Mercy Western Province care of O'Neill O'Malley Limited of 2nd Floor, Technology House, Galway Technology Park, Parkmore, Galway requested a declaration on this question from Galway City Council and the Council issued a declaration on the 24th day of August, 2017 stating that the matter is development and is not exempted development:

AND WHEREAS Sisters of Mercy Western Province care of O'Neill O'Malley Limited of 2nd Floor, Technology House, Galway Technology Park, Parkmore, Galway referred the declaration for review to An Bord Pleanála on the 19th day of September, 2017:

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,
- (c) Article 6(1), Article 9(1) and Article 10(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Class 11 and Class 13 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the planning history of the site, and
- (f) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the construction of a railing and footpath and a 1.2-metre high bow top railing at lands adjacent to number 6A Devon Park constitute works that come within the scope of Section 3(1) of the Planning and Development Act, 2000, as amended, and, therefore, constitute development,
- (b) the construction of the railing would come within the scope of the exemptions provided under Class 11 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and the construction of the footpath would come within the scope of Class 13 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and

