



An
Bord
Pleanála

Inspector's Report ABP-320914-24

Question

Whether the fencing erected at two locations blocking off established right of way is or is not development or is or is not exempted development

Location

Killiney Golf Club, Ballinclea Road, Killiney, Co. Dublin.

Declaration

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

REF9124

Applicant for Declaration

Patrick J. Drudy on behalf of Rocheshill Protection Association

Planning Authority Decision

Is exempted development

Referral

Referred by

Patrick J. Drudy

Owner/ Occupier

Killiney Golf Club

Observer(s)

Killiney Golf Club

Date of Site Inspection

10th February 2025

Inspector

Aisling MacNamara

1.0 Site Location and Description

- 1.1. The site is an area of open space at Roches Hill, Killiney, County Dublin. Roches Hill is a hilly and rocky area of scrub and vegetation that is roughly bounded to the west by Killiney Golf Club and to its northern, eastern and southern sides by residential development. Roches Hill is open to the public and there are paths crossing the hill linking the area to the surrounding built up area. The site that is the subject of this referral is a linear parcel of land that is owned by Killiney Golf Club, located adjoining the eastern boundary of the golf club. The site forms part of the wider open space area that is Roches Hill.

2.0 The Question

- 2.1. The question before the Board is whether the following is or is not development and is or is not exempted development:
- 2.2. *Fencing erected at two locations off established right of way. See Map. Length of fencing: approx. 12 metres close to Golf Club Wicket Gate and 10 metres at the other end of an established right of way. No permission sought. See separate letter for detail.*
- 2.3. I propose to re-word the question as follows:
- 2.4. *Whether fencing erected at two locations – 12 metres close to Golf Club Wicket Gate and 10 metres at the other end of lands at Killiney Golf Club, Ballinclea Road, Killiney, Co. Dublin is or is not development or is or is not exempted development.*

3.0 Planning Authority Declaration

3.1. Declaration

The planning authority have issued a declaration as follows:

Having regard to

- a) Sections 2, 3, 4(2)(a) and 208 of the Planning and Development Act 2000, as amended,

- b) Class 9 & 11, Schedule 2, Part 1 Articles 6(1), 9(1)(a) of the Planning and Development Regulations, as amended

It is considered that the proposed works constitute development and constitute exempted development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planners report concludes with a recommendation as per the declaration issued by the planning authority. The report highlights the following:
 - There was no obstruction on any pathway leading from Claremont Road to Glenalua Road via Roches Hill and therefore the Claremont Road via Roches Hill to Glenalua Road right of way is considered to be in tact and unobstructed. There is fencing in place which could be perceived to be blocking access to the path, however there is a well worn path running around the fence enabling access to the path on the other side. This is the case for both fences. There is no obstruction to this path. It is not considered that the fencing prevents the land being used for recreational purposes.

3.2.2. Other Technical Reports

None

4.0 Planning History

PA D95A/0106, PL06D.097552 – Killiney Golf Club - March 1996 – Refuse – Permission for extension to golf club – 2 reasons for refusal: (i) the golf course extension located within Roches Hill area designated as a site of scientific interest in the current development plan would interfere with this area of special interest which it is necessary to preserve, would have an adverse impact on ecology of the site and contrary to proper planning and sustainable development, (ii) the proposed golf course extension would interfere with established pedestrian pathways across these lands which would seriously injure the amenities of the area and be contrary to proper planning and development of the area.

ENF14224 – File opened pertaining to erection of mesh fencing without benefit of planning permission

Reference is made in the planners report to the following historic applications:

- (i) Application by Lord Talbot in 1964 under 1934 Town and Regional planning Act for a motel and chalets which was refused permission,
- (ii) Application by XJS Investments in 1982 for apartments and dwellings which was refused by An Bord Pleanala in 1986.

5.0 Policy Context

5.1. Development Plan

Dun-Laoghaire Rathdown County Development Plan 2022-2028

- The site is zoned objective F: To preserve and provide for open space with ancillary active recreational amenities.
- It is a specific local objective to prepare a Management Plan for Killiney Hill Park to include the area comprising the entire pNHA of Killiney Hill and Roches/Mullins Hill in consultation and liaison with the National Parks and Wildlife Service.
- The 'Claremont Road via Roches Hill to Glenalua Road' public right of way (map 7) runs roughly along the eastern boundary of the site.
- The 'Killiney Golf Club Pavilion to Roches Hill' public right of way (map 7) runs along the northern boundary of the site.
- Policy Objective GIB18: Protection of Natural Heritage and the Environment: It is a Policy Objective to protect and conserve the environment including, in particular, the natural heritage of the County and to conserve and manage Nationally and Internationally important and EU designated sites - such as Special Protection Areas (SPAs), Special Areas of Conservations (SACs), proposed Natural Heritage Areas (pNHAs) and Ramsar sites (wetlands) - as well as non-designated areas of high nature conservation value known as

locally important areas which also serve as 'Stepping Stones' for the purposes of Article 10 of the Habitats Directive.

- Policy Objective GIB21: Designated Sites: It is a Policy Objective to protect and preserve areas designated as proposed Natural Heritage Areas, Special Areas of Conservation, and Special Protection Areas. It is Council policy to promote the maintenance and as appropriate, delivery of 'favourable' conservation status of habitats and species within these areas.

5.2. Natural Heritage Designations

Dalkey Coastal Zone and Killiney Hill/ Roches Hill is a proposed Natural Heritage Area.

6.0 The Referral

6.1. Referrer's Case

Patrick J. Drudy has appealed the declaration decision of Dun-Laoghaire Rathdown County Council. The following points are made:

- The Council has erred in its conclusions that the fencing does not (1) fence or enclose any land habitually used by the public, and (2) does not obstruct a right of way.
- The Council's decision appears to confuse the different rights of way on Roches Hill, which has led the Council into error. The decision fails to correctly identify that the fenced off pedestrian pathway which leads from the Golf Club Wicket Gate to the Claremont / Glenalua ROW is itself both an established pedestrian pathway and a right of way.
- It is requested that ABP examine the issue again and find that the development is not exempted development.
- It is not in compliance with Article 9(1)(a)(x) and Article 9(1)(a)(xi) of the Planning and Development Regulations 2001.
- It is not relevant whether an alternative path to the fenced land is available – the fence is blocking the path and encloses land habitually open to or used by

the public during the previous 10 years and which is a public right way. Right of way is obstructed, irrespective of whether it is specifically referenced in the CDP. The new path which mitigates the impact of the fencing is not appropriate for public use and is hazardous and the availability of an alternative route is not relevant.

- A copy of the documentation submitted with the original section 5 application is submitted. Reference is made to planning application 95A/0106 which was appealed under PL06D.097552 and to the information in this file pertaining to the subject lands and to the reports of the planning authority and ABP orders which make reference to 'rights of way' / 'established pedestrian pathways' on the lands. Reference is made to a map prepared for PL06D.097552 by Brady Shipman Martin for Rocheshill Protection Association which shows rights of way on Roches Hill.
- The 'right of way' is established through long term public use.

6.2. Planning Authority Response

None

6.3. Owner/ occupier's response

The landowner, Killiney Golf Club have engaged Marston Planning Consultancy to prepare a response to the section 5 referral. The following points are made:

- The planning authority were correct in their decision that the undertaken works constitute development and exempted development and request the Board to uphold this decision.
- Background information is provided:
 - The lands within the subject site were purchased by the golf club in 1990. At the same time the Council purchased the remaining lands on Roches Hill. The alignment of the boundary was to ensure that an existing public right of way was retained almost entirely within lands purchased by the Council.

- The fencing was erected after unauthorised access to the land in March 2023 by a council contractor carrying out works to create a firebreak at Roches Hill. As an ameliorative measure the contractor was requested to erect temporary fencing. The removal of overgrown vegetation opened up access and further cutting back of planting by other users. In December 2023 permanent fencing was erected. This was discussed with and approved by the Parks Department of the Council. This resulted in the 'opening up' of the pathway.
- Agree that works have been carried out which amount to 'development'. The works are exempt under Class 11.
- The golf club is not seeking to block or modify the existing rights of way 'Killiney golf Club pavilion to Roches Hill' and 'Claremont Road via Roches Hill to Glenalua Road'.
- There is no basis for the referrer to claim that the restriction on exempted development apply in this case under Article 9(1)(a)(x) or Article 9(1)(a)(xi). Whilst a fence is erected, it does not enclose land. No person is obstructed from walking through the golf club lands at their own risk. There is no evidence that this newly opened pathway created by the Council's contractor during fire break works in 2023 has been habitually open to or used by the public during the 10 years preceding the erection of the fence or forms a public right of way. It is not contested that there are a number of public rights of way and other pathways on Roches Hill, however this cannot be interpreted that every single pathway or newly opened up pathway form a public right of way.
- The subject path is not identified as a public right of way in the Development Plan. There is no evidence that there is a public right of way on the lands owned by the golf club. Reference to maps drawn by Brady Shipman Martin submitted under PL06D.097552 have no legal basis.
- The submission includes a survey map showing the boundary of the golf club lands on Roches Hill and the public right of way.

6.4. Further Responses

A further response was received from the referrer Patrick J. Drudy. The following points are made:

- Contends that the erection of two fences by Killiney Golf Club obstructs direct access to an established pedestrian pathway which is also a right of way through long term public use. The pathway has been habitually used for at least 40 years and continues to be used to this day.
- The erection of fencing is also inconsistent with An Bord Pleanála Order (PL06.097552), the pNHA and Dun Laoghaire CDP 2022-2028 and seriously injures the amenity of the area.
- Disagree with the background provided by the golf club regarding the erection of the fences. The Council did not 'open up' the pathway – barriers were erected for safety reasons, the Council did no work on the pathway itself.
- The pathways have been in place for many years prior to 2023 works. Evidence includes documentation relating to planning applications D95A/0106 and PL06.097552 which refer to rights of way and habitual use of pathways across the 3.1 acre subject site and a Brady Shipman Martin map 1982 titled 'Rights of Way' showing 'principle paths', letters dated 2024 from local residents confirming the use of the subject pathway for many years and photographs.
- The erection of the fences mean that the public is blocked from direct access to the pathway as existed in the past. The pathway around the fences is hazardous.
- In relation to Article 9(1)(vi) the fencing interferes with the character of the pathway and surrounding area.

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000 as amended

Section 2(1)

“works “..includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...”

“fence” includes a hoarding or similar structure but excludes any bank, wall or other similar structure composed wholly or mainly of earth or stone

Section 3(1) In this Act, except where the context otherwise requires, "development" means— (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land

Section 4

(1) sets out development that is exempt from requiring planning permission.

(2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

7.2. Planning and Development Regulations, 2001 as amended

Article 6 (1) states as follows: ‘Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1’.

Article 9 (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

Schedule 2

Part 1 – Exempted Development – General – Sundry Works

CLASS 9

The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.

Conditions and Limitations

The height of any such structure shall not exceed 2 metres.

CLASS 11

The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of – (a) any fence (not being a hoarding or sheet metal fence), or (b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

Conditions and Limitations

1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.
2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.

8.0 Assessment

8.1. Is or is not development

- 8.1.1. Having regard to Section 2(1) and 3(1) of the Planning and Development Act 2000 (as amended), it is considered that the construction of a fence is ‘development’.

8.2. Is or is not exempted development

- 8.2.1. Development can be exempt from the requirement for planning permission by either section 4 of the Planning and Development Act 2000 (as amended) or by Article 6 of the Planning and Development Regulations 2001 (as amended).
- 8.2.2. The development does not fall into any of the categories of exempted development under Section 4 of the Planning and Development Act 2000 (as amended).
- 8.2.3. Article 6(1) states that subject to article 9, development of a class listed in part 1 of schedule 2 shall be exempted development subject to the conditions and limitations of the class.
- 8.2.4. I consider that class 11 would be applicable which relates to the erection of any fence other than within or bounding the curtilage of a house. The height of the fence is 1.2m and therefore satisfies the conditions and limitations of class 11.
- 8.2.5. Class 9 relates to a gate or gateway and I do not consider that this class is of relevance.
- 8.2.6. The fence is 'exempted development' under Article 6.

8.3. Restrictions on exempted development

- 8.3.1. Article 9(1)(a) sets out circumstances where an otherwise exempt development would not be exempt due to a stated restriction. The relevant restrictions are considered below:

Article 9(1)(a)(vi)

- 8.3.2. Development shall not be exempted development if the carrying out of development would "interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan".
- 8.3.3. There are no preserved views or prospects impacted by the fence. This area is not included in Appendix 8 Landscape Assessment Study and Landscape /Seascape Character Areas. The site is on lands zoned "to preserve and provide for open space

with ancillary active recreational amenities” and there is a specific objective to prepare a management plan for the area in consultation with National Parks and Wildlife Service. There is no specific objective to preserve this landscape.

8.3.4. This restriction does not apply.

Article 9(1)(a)(vii)

8.3.5. Development shall not be exempted development if the carrying out of development would “consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan”.

8.3.6. The works are on lands designated Dalkey Coastal Zone and Killiney Hill / Roches Hill proposed Natural Heritage Areas which is of significance for wildlife and habitats and therefore is of ecological interest.

8.3.7. Objectives GIB18 and GIB21 are objectives to protect, preserve and conserve proposed Natural Heritage Areas.

8.3.8. Having regard to the nature and scale of the works which is for a small section of fencing across a pathway, I do not consider that wildlife or habitat is altered.

8.3.9. This restriction does not apply.

Article 9(1)(a)(x)

8.3.10. Development shall not be exempted development if the carrying out of development would “consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility”.

8.3.11. The fences were erected across a path on Roches Hill in 2023 and are still in place. I am satisfied that the path has been habitually open to or used by the public in the last 10 years preceding such fencing, based on the following:

- the aerial photographs show that the path is in place in the years 2022, 2021, 2020, 2018, 2017, 2016, 2013, 2009,
- the letters submitted with the referral from local residents dated 2024 confirming their use of the path over many years.
- I would consider that the erection of the fencing is in itself an acknowledgement that the land was being accessed by the public.

I also note the planning history of the site including D95A/0106, PL06.097552 and the Brady Shipman Martin maps which indicate that the pathway has historically been used by the public (beyond the last 10 years preceding the fencing) and the ABP order PL06D.097552 which refers to established pedestrian pathways across these lands.

8.3.12. The pathway is an access to Roches Hill which is a recreational asset and is a means of access between the wicket gate at Killiney golf club and the Claremont /Glenalua ROW.

8.3.13. I am satisfied that fencing has occurred of land habitually open to or used by the public during the 10 years preceding the fencing for recreational purposes.

8.3.14. Therefore the restriction applies and the development is not exempted development.

Article 9(1)(a)(xi)

8.3.15. Development shall not be exempted development if the carrying out of development would “*obstruct any public right of way*”.

8.3.16. The County Development Plan includes two rights of way through the lands at Roches Hill which include ‘Claremont Road via Roches Hill to Glenalua Road’ and ‘Killiney Golf Club Pavilion to Roches Hill’. I am satisfied that the fences do not interfere with either of these rights of way.

8.3.17. I acknowledge that not every right of way is shown in a development plan. The referrer state that the path is a right of way. The golf club owners of the land state that the path is not a right of way. From the information submitted, including the letters from local residents confirming their use of the pathway for over 20 years, the aerial photographs (google earth) and the information on 95A/0106, there is evidence of people travelling over the pathway for more than 20 years and that it has

been open to anyone. However, the existence of the right of way is disputed by the golf club landowners and there is no evidence to show that the right of way is legally registered. As I am unclear as to whether or not the pathway has the legal standing of a public right of way, I do not consider it reasonable to conclude that the fencing obstructs a public right of way.

Article 9(1)(a)(viiB)

8.3.18. Development shall be exempted development if the carrying out of development would “comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site”.

8.3.19. I am satisfied that the development would not be likely to have a significant effect on the integrity of a European site and that appropriate assessment is not required. This is considered under the separate heading Appropriate Assessment below.

8.3.20. Therefore this restriction does not apply.

Article 9(1)(a)(viiC)

8.3.21. Development shall be exempted development if the carrying out of development would “consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000”.

8.3.22. The site is within land that is designated as proposed Natural Heritage Area ‘Dalkey Coastal Zone and Killiney Hill / Roches Hill’. The restriction applies to areas designated natural heritage order by order of the Wildlife Act. The land is a proposed natural heritage area only.

8.3.23. In any case, having regard to the nature and scale of works, I am satisfied that the development would not be likely to have an adverse impact on the lands.

8.3.24. Therefore this restriction does not apply.

Environmental Impact Assessment and Appropriate Assessment

8.3.25. Section 4(4) of the Planning and Development Act 2000 (as amended) states that notwithstanding any regulations under subsection (2), development shall not be

exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Appropriate Assessment

8.3.26. I have considered the development in light of the requirements of Section 177U of the Planning and Development Act 2000 (as amended). The subject site is located approximately 2.17m from Rockabill to Dalkey Island Special Area of Conservation (SAC) and 2.4km from Dalkey Island Special Protection Area (SPA) and approximately 4km from South Dublin Bay SAC and South Dublin Bay and River Toka Estuary SPA.

8.3.27. I am satisfied that it can be eliminated from further assessment because there is no risk to any European Site. The reason for this conclusion is as follows:

- The nature, scale and location of the development including the lack of any significant alterations to the lands or environment,
- The distance to the European site network,
- The absence of hydrological or ecological pathways between the development and any European site.

8.3.28. I consider that the proposed development would not be likely to have a significant effect individually or in-combination with other plans or projects, on a European site and appropriate assessment is therefore not required.

Environmental Impact Assessment

8.3.29. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 attached.

9.0 Recommendation

9.1. I recommend that the Board should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether fencing erected at two locations – 12 metres close to Golf Club Wicket Gate and 10 metres at the other end of lands at Killiney Golf Club, Ballinclea Road, Killiney, Co. Dublin is or is not development or is or is not exempted development.

AND WHEREAS Patrick J. Drudy requested a declaration on this question from Dun Laoghaire- Rathdown County Council and the Council issued a declaration on 29th August 2024 stating that the matter was development and was exempted development.

AND WHEREAS Patrick J. Drudy referred this declaration for review to An Bord Pleanála on 25th September 2024.

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

- (a) Sections 2(1), 3(1) and 4(2) 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 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended),
- (d) the DunLaoghaire-Rathdown County Development Plan 2022-2028
- (e) documentation on file
- (f) aerial photographs
- (g) the planning history including D95A/0106, PL06.097552

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the erection of a fence consists of carrying out of 'works' and therefore constitutes 'development' in section 3(1) of the Planning and Development Act 2000 (as amended), and is development,
- (b) the proposed works are within the description and conditions and limitations of development in class 11 of part 1 of schedule 2 of the Planning and Development Regulations under Article 6(1) of the Regulations,
- (c) having regard to the limited nature and scale of the works, the development does not interfere with the character of a landscape the preservation of which is an objective of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and accordingly the restriction on exempted development in Article 9(1)(a)(vi) does not apply,
- (d) having regard to the limited nature and scale of the works, the development does not alter a place of ecological interest (the proposed Dalkey Coastal Zone and Killiney Hill/ Roches Hill proposed natural heritage area) for which there is an objective in the development plan (objectives GIB18 and GIB21) to protect, preserve and conserve and accordingly the restriction on exempted development in Article 9(1)(a)(vii) does not apply,
- (e) the works comprise fencing of land habitually open to or used by the public during the 10 years preceding such fencing for recreational purposes and accordingly the restriction on exempted development in Article 9(1)(a)(x) does apply,
- (f) having regard to the lack of evidence and certainty regarding whether or not the path is a public right of way, there is insufficient information to conclude that the fencing obstructs a public right of way and accordingly, the restriction in Article 9(1)(a)(xi) does not apply.
- (g) the development is not likely to have a significant effect on the integrity of a European site and appropriate assessment is not

required and accordingly the restriction on exempted development in Article 9(1)(a)(viiB) does not apply,

- (h) The land is designated proposed Natural Heritage Areas (Dalkey Coastal Zone and Killiney Hill / Roches Hill) and is not a natural heritage area. The restriction on exempted development in Article 9(1)(a)(viiC) does not apply.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (X) (x) of the 2000 Act, hereby decides that the fencing erected at two locations – 12 metres close to Golf Club Wicket Gate and 10 metres at the other end of lands at Killiney Golf Club, Ballinclea Road, Killiney, Co. Dublin is development and is not exempted development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Aisling Mac Namara
Planning Inspector

28th February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	320914		
Proposed Development Summary	Erection of fencing		
Development Address	Killiney Golf Club, Ballinclea Road, Killiney, Co. Dublin.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes x	Tick if relevant and proceed to Q2.
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	x		No further action required

3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	x	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____