An Coimisiún Pleanála

Inspector's Report ACP-324196-26

Question	Whether the following works to restore a 1.2m high stone wall within the boundary of site and surrounding house (lime mortar pointing) is or is not development and is or is not exempted development.
Location	Termonbeg, Tarmon, Castlerea, Co. Roscommon

Declaration

Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	DED 923
Applicant for Declaration	John Larkin
Planning Authority Decision	Split Decision

Referral

Referred by	John Larkin
Owner/ Occupier	Not applicable.
Observer(s)	None.

Date of Site Inspection	03 July 2026
Inspector	Sandra Eapen

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1.0 Site Location and Description

The subject referral is made in relation to a rural site located off the L-1616 Ardass Road (Local Primary Road) and bound by a cul-de-sac along its eastern boundary. The subject site contains a single storey, pre-1963, building and 1.2m high stone wall along the rear gable. The site is located 100m from Tarmon National School and 3.4km from Castlerea town.

2.0 The Question

2.1. The referrer in their application form for declaration described the works as “1.2m stone wall within boundary of site and surrounding house, lime mortar pointing.”

2.2. The Planning Authority rephrased the question as: “Whether the following works to restore a 1.2m high stone wall within the boundary of site and surrounding house (lime mortar pointing) is or is not development and is or is not exempted development.”

3.0 Planning Authority Declaration

3.1. Declaration

Roscommon County Council issued a split decision on the declaration:

- The works outlined were declared as development.
- The proposed works were found to be in compliance with the conditions and limitation associated with Class 5, Article 6, Part 1 of Schedule 2, 2001 Regulations.
- The works to restore the existing section of 1.2m high stone wall within the boundary of site and surrounding house (lime mortar pointing) indicated on plans and particulars received as “reinstate wall using reclaimed stone and lime mortar pointing” and outlined in red on the site layout plan is exempted development. under Class 5 of Schedule 2, Part 1 of the Planning Regulations 2001 as amended.
- The works to restore a 1.2m high stone wall within the boundary of site and surrounding house (lime mortar pointing) indicated on plans and particulars received

as “wall to be built along the eastern site boundary” and outlined in green on the site layout plan is not exempted development as per restrictions on exemptions under Article 9 (1) (a) (iii) by which carrying out a development would endanger public safety by reason of traffic hazard or obstruction of road uses.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report made by the Planning Authority dated 09 March 2026 is the basis for the declaration. The main points/ considerations within the report can be comprehended as follows:

- The site consists of a single storey cottage. No RMPs or protected structures are recorded in the site vicinity.
- Castlerea Area Office reported a number of concerns with regard to the works in relation to traffic safety, road drainage and potential obstruction of road users.
- The outlined works were considered to constitute development as defined in Section 3 of the Planning and Development Act 2000 as amended.
- The works were considered under Class 5 of Schedule 2, General Exempted Developments under Part 1 of Planning and Development Regulations 2001 as amended – which allows for the construction, erection or alteration of a wall of stone within the curtilage of a house.
- The report considered the works as rebuilding of an existing stone wall and noted that the proposed location is at variance with the original stone wall.
- The wall used to tie into the gable and not run along past the building.
- A previous agricultural opening has been omitted, and a new opening has been formed to the rear of the cottage.
- Available sightlines will be greatly reduced if the wall is built and require planning permission. Works would also impact drainage at this location.

4.0 Planning History

4.1. Subject Site

There are no relevant applications on subject site.

The following planning applications within site vicinity are relevant to understand the site context:

- 2560539 – Permission **granted** on 31/3/2026 to John Larkin for the construction of a slated cubicle shed, and cow calving shed to toe with an existing slatted shed on a site to the south. In the site layout plan submitted under this application the subject building is noted as 'neighbouring agricultural building' outside the red line boundary.
- 2660064 – Retention permission **granted** on 31/3/2026 to John Larking for an existing 4 bay and a 5-bay slatted cattle sheds and associated pens on a site to the south. The subject building is noted as 'neighbouring agricultural building' outside the red line boundary in the site layout plan for this application.
- 2460524 – Permission **granted** on 17/4/2025 to John Larkin for renovating an existing dwelling and for the construction of an extension to the rear including new treatment system on a site to the north.
- 2560072 – Permission **granted** on 19/06/2025 to John Larkin for the construction of a 4-bay double, dry bed calf rearing shed on a site to the east.
- 2360129 – Permission **granted** on 17/11/2023 to John Larking for replacement of an existing septic tank system on a site to the east.

4.2. Previous Referral Decisions

- ABP-305239-19: The referral was made in relation to the erection of a 1.2m high boundary wall at Grange, Kilmallock, Co. Limerick. The Commission determined that the construction of the wall is development and would be considered exempt under Class 11, Part 1 of Schedule 2 of the Planning Regulations 2001. However, the works were de-exempted under Article 9 (1) (a) (iii) of the Planning Regulations with regard to possible endangerment of public safety by reason of traffic hazard or obstruction of road users.

5.0 Policy Context

5.1. Development Plan

The subject site is indicated as un-zoned rural lands in the Roscommon Development Plan 2022-28.

Under Section 12.24 on Roads and Transportation – safe unobstructed sight distances required for local roads are stated as 90m. New rural entrances are not to be located within 40m of a junction consisting of Local Primary Roads. There are no protected structures or archaeological monuments near the subject site. Although the site is located within an Exceptional – High Value Landscape Character Area there are no scenic views or routes impacting the site location.

5.2. Natural Heritage Designations

Bellanagare Bog SAC (Site Code 000592) and SPA (Site Code 004105) is located 3km upstream of the site.

Corliskea/Trien/Cloonfelliv Bog SAC (Site Code 002110) is located 6.4km downstream of the site.

6.0 The Referral

6.1. Referrer's Case

This referral has been made by the owner/occupier. The main points raised in the case can be summarized as follows:

- The referrer requests that the appeal be limited to the second part of the split decision in relation to the construction of a wall along the eastern site boundary outlined in green in the site layout plan which was deemed as not exempt development.
- The determination relies on the concerns raised by the Castlerea Area Office on reduced sightlines, impairment of roadside drainage and restricted access to the cul-de-sac from narrowing of the junction.

- The Referrer claims that the Planning Authority's conclusion is based on a misrepresentation of the physical characteristics of the site and are not based on the actual conditions on the ground.
- A detailed topographical survey including visual splays available has been submitted as part of the appeal
- The plan shows that the wall does not interfere with any manhole as there is no grated manhole at this location, there is no impact to road drainage.
- The wall does not narrow the junction as the survey confirms that a clearway of 1.6m is maintained between the wall and edge of road.
- The sightlines at the junction are not impacted by the proposed development. The survey submitted shows that a Stopping Sight Distance (SSD) of 90m at a 2.4m setback is available at the entrance with the proposed wall.
- The construction of the wall would fall under Class5, Schedule 2, Part 2 of the Planning and Development Regulations, 20001 as amended and is not impacted by restrictions under Article 9 (1) (a).
- Also notes that there was a minor error with regard to the address used in the determination by the Planning Authority. The address used was Ardagh, Castlerea instead of Ardass, Castlerea.

6.2. Planning Authority Response

Response received from the planning authority includes correspondence between the referrer and planning authority. The response also notes that the address of the owner of the land and the name of the occupier of the land is John Larkin, Ardass, Castlerea, Co. Roscommon.

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000

The following definitions under Section 2(1) are relevant to the referral:

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal…

"habitable house" means a house which—

(a) is used as a dwelling,

(b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or

(c) was provided for use as a dwelling but has not been occupied;

"house" means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

As per 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, or…*

Section 4(1) sets out various forms and circumstances in which development is exempted development for the purposes of this Act.

Section 4(2)(a)(i) "*The Minister may by regulations provide any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that – (i) By reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or …."*

Section 4(4) states that *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 per Article 6 (1) *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.

SCHEDULE 2, Part1 - Development within the curtilage of a house

Description of Development	Conditions and Limitations
Class 5 The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.	1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres. 2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered. 3. No such structure shall be a metal palisade or other security fence.
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 block or mass concrete.	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.

Article 9 of the Regulations sets out the restrictions to exemptions: (inter alia)

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

(i) contravene a condition...

(ii) material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

(viiB) works that would require an Appropriate Assessment.

(viiC) adversely impact a Natural Heritage Area.

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years…

(xi) obstruct any public right of way,

8.0 **Assessment**

The purpose of this referral is not to determine the acceptability of the works in terms of the proper planning and sustainable development of the area, but whether the works carried out constitute development and if so, does it fall within the scope of exempted development. It is noted that the referrer only seeks clarification on the part of the question that was declared as not exempt development. However, for completeness and in accordance with Section 5(3)(a) of the Planning and Development Act, 2000 as amended (hereafter referred to as the 2000 Act), all works that were part of the Planning Authority's declaration is re-examined in this review.

8.1. **Scope of the Question**

8.1.1. The applicant has provided a Topographical Survey and Ordinance Map indicating the location and extent of the subject stone boundary wall within the referral documentation. The Topographical Survey Map submitted shows two sections to the wall. Along the southern site boundary, bordering the L-1616 Ardass Road, the section of the wall is denoted as "Wall Exempted" by the referrer and is outlined in orange. It is understood that this section of the wall was indicated as "reinstate wall using reclaimed stone" in the declaration application to the Planning Authority. Along the eastern site boundary, running alongside the cul-de-sac, the remaining section of the wall is denoted as "Proposed Wall" by the referrer and is outlined in blue. The height of both sections of the wall is indicated as 1.2m.

8.1.2. In considering the extent of works described in the documentation submitted I have rephrased the question as follows to clarify the scope of the declaration.

i. Whether the restoration of a previously existing 1.2m (high) stone wall within the boundary of site and surrounding house with lime mortar pointing (outlined in orange on the submitted plan) is or is not exempted development.

ii. Whether the proposed construction of 1.2m high stone wall within the boundary of site with lime mortar pointing (outlined in blue on the submitted plan) is or is not exempted development.

8.2. Is or is not Development

8.2.1. The question refers to the restoration and construction of a boundary wall involving construction, repair or extension works. The works for the reinstatement of an existing boundary (previously existing) wall and the construction of an alteration/extension to the wall would include works over and under subject land and therefore would constitute 'development' as defined by Section 3(1) of the 2000 Act.

8.3. Is or is not exempted development

8.3.1. Article 6(1) of the Planning and Development Regulations, 2001, as amended (hereafter referred to as the 2001 Regulations) addresses exempted development and it refers, in this respect to, the Classes set out in Part 1 of Schedule 2 of these Regulations. The Planning Authority considered the building to be a pre-1963 structure and considered the works to be exempt under Class 5 of Part1, Schedule 2 of the 2001 Regulations for developments within the curtilage of a house.

8.3.2. The referrer has indicated the subject building on site to be a 'house' in the question. However, on site visit I found the building to be vacant and did not find any evidence of the building currently being use as a habitable house. In the referral cover letter, it was stated that the structure was built in 1823, both the boundary wall and house had fallen into disrepair until its restoration in 2021 with the support received from Heritage Council. I note that the outline of the structure is visible on historic maps such as first edition 6-inch map that was made between 1825 and 1840. Publicly available imagery shows the building in a state of dereliction up to 2019 and the site surroundings being used for agricultural storage. There is no relevant planning history on subject site to establish its last use or restoration as a residential dwelling house. The applicant's most recent planning history under Reg. Ref. 25-60539 and Reg. Ref. 26-60064 for a different site across the road denotes the subject building as a 'neighbouring agricultural building' in the Site Layout Plan. I thereby conclude that the structure is not eligible to be considered as a dwelling house. Class 11 of Part 1, Schedule 2 of the 2001 Regulations would be more relevant to the subject works as it allows for the construction, erection, lowering, repair or replacement, of a wall on land other than within or bounding the curtilage of a house under exempt development. The section of the wall, that is proposed to be repaired using reused

stone (indicated in orange in the submitted map) with lime pointing would comply with the limitations of Class 11 and therefore can be considered to be exempt. The section of the wall that is proposed to be constructed (indicated in blue in the submitted map) at a different location within the site curtilage would also satisfy the limitations and conditions of the said Class 11 of Part 1, Schedule 2 of the 2001 Regulations and therefore could be considered as exempt development.

8.4. Restrictions on exempted development

8.4.1. Restrictions on exemptions are set out in Article 9 of the 2001 Regulations. Restrictions detailed include non-compliance with planning permission conditions, endangering of public safety, interference with landscape value, obstruction of public right of way, impact to European sites, impact to designated natural heritage area or materially affect the character of an architectural conservation area. Section 4(4) of the 2000 Act also restricts exempt development where an Environmental Impact Assessment or an Appropriate Assessment is required for the works. Please see Section 9 and Section 10 of this report in relation to screening for Appropriate Assessment and Environmental Impact Assessment Screening.

8.4.2. The Planning Authority in their declaration considered the section of the wall that is to be restored to be exempt and the section of wall that was proposed to be constructed at a new location to be not exempt as it would endanger public safety by reason of traffic hazard or obstruction of road users under Article 9(1) (a) (iii) of the 2001 Regulations. The subject site is located at a T junction with the L1616 Ardass Road (approx. 4m to 5.5m wide) running along the southern site boundary and a cul-de-sac (approx. 3m to 4.5m wide) serving other dwellings running along the eastern side. The site is located 100m from Termon National School. On site visit I observed the site to be open along the road edges and the only wall on site was along the rear gable end of the dwelling, away from the road edges. Previous pictures of the site from 2024 included in the planning authority's report show two separate sections to the wall, along L1616 Ardass Road (southern boundary) in an east west direction and a smaller section extending from the gable end of the building addressing the cul-de-sac (along the eastern boundary) in a north south direction within the site. An entrance was provided at the corner of the site directly addressing the T junction.

8.4.3. The Planning Authority's report notes that the proposed section of eastern wall is not along its original position extending from the side gable of the building and has been moved c.1.5m outward. The topographical survey provided shows 90m (y distance) sightlines as being available at the T junction, and as not impacted by the proposed wall on both sides of the cul-de-sac. The measurement was however not carried out from 2.4m (x distance) of the actual road edge and therefore does not satisfy the sight distance requirements set out in Chapter 12 of the Development Plan. The section of the 1.2m high proposed wall that is indicated in blue in the submitted map, directly addressing the T junction and cul-de-sac (eastern boundary) is likely to reduce the visibility splay available at the junction and reduce visibility for vehicles exiting the cul-de-sac onto the Ardass Road (L1616). Therefore, I agree with the Planning Authority's determination that the development would "endanger public safety by reason of traffic hazard" and therefor consider the development to be de-exempt under Article 9(1) (a) (iii) of the 2001 Regulations

8.4.4. In conclusion, I consider the restoration of previously existing section of the wall (indicated in orange on the submitted plan) along L1616 Ardass Road to be exempt development. The proposed construction of 1.2m high wall (indicated in blue on the submitted plan) addressing the junction and cul-de-sac would not be exempt development Article 9(1) (a) (iii) of the 2001 Regulations.

9.0 Screening for Appropriate Assessment

9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is not located within a designated site. Bellanagare Bog SAC (Site Code 000592) and SPA (Site Code 004105) is located 3km upstream of the site. Corliskea/Trien/Cloonfelliv Bog SAC (Site Code 002110) is located 6.4km downstream of the site.

9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could no have any effect on a European Site.

9.3. The reason for this conclusion is as follows:

- Scale and size of the proposed development
- The lack of connections to the SAC/SPA sites.
- Distance from any designated sites.

9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Environmental Impact Assessment (EIA) Screening

10.1. 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 (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

11.0 Recommendation

11.1. I recommend that the Commission should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether

(A) Whether the restoration of a previously existing 1.2m (high) stone wall within the boundary of site and surrounding house with lime mortar pointing (outlined in orange on the submitted plan)

(B) Whether the proposed construction of 1.2m high stone wall within the boundary of site with lime mortar pointing (outlined in blue on the submitted plan)

is or is not development or is or is not exempted development:

AND WHEREAS John Larkin, requested a declaration on this question from Council and the Council issued a declaration on the 9th day of March, 2026 stating that the matter was development

(a) The elements of the said development described as “restore 1.2m hight stone wall within the boundary of the site and surrounding house (lime and mortar pointing)” indicated on plans and particulars received as “reinstate wall using reclaimed stone and lime mortar pointing” and outlined red on the site layout plan received is exempted development.

(b) The elements of the said development described as “restore 1.2m high stone wall within the boundary of the site and surrounding house (lime and mortar pointing)” indicated on plans and particulars received as “wall to be built along the eastern site boundary” and outlined in green on the site layout plan received is deemed as not exempted development.

AND WHEREAS John Larkin referred this declaration for review to An Coimisiún Pleanála on the 7th day of April, 2026:

AND WHEREAS An Coimisiún 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,

(c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,

(d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,

(e) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

(f) the planning history of the site and immediate vicinity,

AND WHEREAS An Coimisiún Pleanála has concluded that:

(a) Under Section 3(1) of the Planning and Development Act, 2000 as amended, the restoration of a previously existing 1.2m (high) stone wall within the boundary of site and surrounding house with lime mortar pointing (outlined in orange on the submitted plan), and the proposed construction of 1.2m high stone wall within the boundary with lime mortar pointing (outlined in blue on the submitted plan) of site is development,

(b) Under Class 11 of Part 1 of Schedule 2 to Article 6(1) of the Planning and Development Regulations, 2001 as amended, the restoration of an existing boundary wall as indicated in item (A) of the referral is exempted development, and

(c) Under Article 9(1)(a)(iii) of the Planning and Development Regulations, 2001 as amended, the construction of the proposed boundary wall as indicated in item (B) of the referral is not exempted development as it was deemed to endanger public safety by reason of traffic hazard or obstruction of road users,

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that

i. the restoration of a previously existing 1.2m (high) stone wall within the boundary of site and surrounding house with lime mortar pointing (outlined in orange on the submitted plan) is development and is exempted development

ii. the proposed construction of 1.2m high stone wall within the boundary of site with lime mortar pointing (outlined in blue on the submitted plan) 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Sandra Eapen
Planning Inspector

24 July 2026

Form 1 - EIA Pre-Screening

Case Reference	ACP-324196-26
Proposed Development Summary	Declaration for the restoration/construction of a 1.2m high stone wall
Development Address	Ardass, Termonbeg, Castlerea, Co. Roscommon.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	**State the Class and state the relevant threshold**
☐ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	**State the Class and state the relevant threshold**

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	**Screening Determination required (Complete Form 3)**
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: Sandra Eapen **Date**: 24/07/2026