



An
Bord
Pleanála

Board Direction
ABP-308613-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/06/2021.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the removal of a public green area and the subsequent hard-coring of that portion of the green area for the purpose of providing vehicular access from the public road to the rear of a private dwelling house is or is not development or is or is not exempted development:

AND WHEREAS Limerick City & County Council referred this declaration for review to An Bord Pleanála on the 6th day of November, 2016:

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,

- (c) Section 4(1) 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 WHEREAS An Bord Pleanála has concluded that:

- (a) The removal of grass and the laying of hardcore and other materials to form a means of access are works of excavation and construction, and, as such, constitute development.
- (b) On the basis on the information submitted as part of the referral, the Board is not satisfied that the development which is the subject of this referral has been implemented in a manner that is in accordance with a valid planning permission.
- (c) Accordingly, the development is development and is not exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the removal of a public green area and the subsequent hard coring of that portion of the green area for the purpose of providing vehicular access from the public road to the rear of a private dwelling house is development and is not exempted development.

Board Member: Terry Prendergast Date: 01/06/2021
Terry Prendergast

