



An
Bord
Pleanála

Board Direction
ABP-309705-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/07/2021.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the alteration of a raised stone kerbing and the removal of gravel finish surrounding the base of the war memorial constitutes development which is exempted development.

AND WHEREAS the question was referred to Offaly County Council on the 21st day of January, 2021.

AND WHEREAS Offaly County Council in considering this declaration request determined that the raised stone kerbing and the removal of the gravel finish surrounding the base of the war memorial is development and is exempted development by reference to Section 2 and Section 3 of the Planning and Development Act 2000, (as amended) and furthermore the works carried out under the Part 8 consent by Offaly County Council and the provisions of Section 4(1)(aa) and (f) of the Planning and Development Act 2000 would also support the view that the works constituted exempted development.

AND WHEREAS Fergal McCabe referred the question to An Bord Pleanála on the 11th day of March, 2021.

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

- (a) Section 2 and 3 of the Planning and Development Act 2000 (as amended).
- (b) Section 4(1)(aa) and Section 4(1)(f) of the Planning and Development Act 2000.
- (c) The provisions of Section 57(1) of the Act.

AND WHEREAS the Board concluded that the alteration of the raised stone kerbing surrounding the base of the war memorial materially affects the character of the protected structure in question and an element of the structure (i.e. the area where wreaths were laid) which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and was therefore not deemed to be exempted development under Section 4(1)(aa) in accordance with the provisions of Section 57(1)(aa) of the Planning and Development Act (as amended).

AND 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 alterations constitute development that is not exempted development.

Board Member:

Maria FitzGerald
Maria FitzGerald

Date: 23/07/2021