

An  
Bord  
Pleanála

Board Direction  
ABP-309852-21

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/02/2022.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether (1) the making of a small opening in the boundary wall between Belmont Lawn and Ardagh Crescent, Blackrock, Dublin and (2) the construction of a short section of pathway across the lawn to link to the existing pathways across Belmont Lawn, is or is not development or is or is not exempted development:

**AND WHEREAS** Mr. Ruadhán Kenny, 16 Belmont Lawn, Stillorgan Road, Co. Dublin, A94 FW53, requested a declaration on the question from Dún Laoghaire Rathdown County Council and no declaration on said question was issued by the planning authority:

**AND WHEREAS** Mr. Ruadhán Kenny, 16 Belmont Lawn, Stillorgan Road, Co. Dublin, A94 FW53, referred the question for decision to An Bord Pleanála on the 22<sup>nd</sup> day of March, 2021:

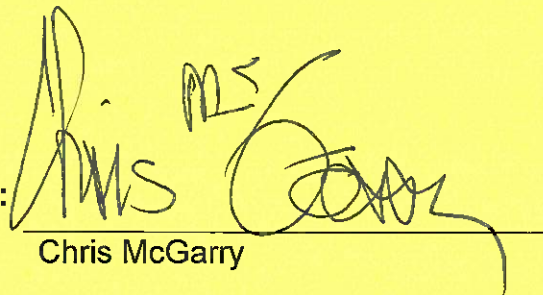
**AND WHEREAS** An Bord Pleanála, having considered the nature of the question, is satisfied that the referral should not be further considered by it:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 138 (1) of the Planning and Development Act, 2000, as amended, hereby dismisses the referral under subsection (1)(b)(i) of section 138 of the Act, based on the reasons and considerations set out below.

### **REASONS AND CONSIDERATIONS**

Having regard to the nature of the referral, and the totality of the documentation on file which confirms that the relevant works to which the question relates would be implemented by or on behalf of the planning authority, it is considered that in such circumstances the provisions of Section 4(1) and Section 179 of the Planning and Development Act 2000 (as amended) as appropriate, or Part 8 of the Planning and Development Regulations 2001 (as amended) as appropriate, would apply to any such implementation of the works in question and that in this context the provisions of Section 5 of the Planning and Development Act 2000, as amended are not applicable in this particular case. In these circumstances, it is, therefore, considered that the referral should not be further considered by the Board.

**Board Member:**

 MS  
Chris McGarry

**Date:** 07/03/2022