



An
Bord
Pleanála

Board Direction
ABP-310187-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/11/2021.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether or not the construction of a cycleway along a section of Griffith Avenue between Gracepark Road and Calderwood Road is development and if it is development and whether or not such development is exempted development.

AND WHEREAS the question was referred to Dublin City Council by the Griffith Avenue Group on 15th March, 2021 and Dublin City Council issued a declaration on the 9th April, 2021 determining that the works to be undertaken is development which is exempted development.

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

- (a) Sections, 2, 4 and 4(1)(e) and Section 179 of the Planning and Development Act 2000, and in particular Section 179(6)(bb) of the said Act.
- (b) The fact that the restrictions referred to in the Referral by Griffith Avenue Group related specifically to restrictions under Schedule 2 of the Planning and Development Regulations 2001 and not the exempted development provisions under Section 4 of the Act.

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AND WHEREAS An Bord Pleanála has concluded that

- (a) The provision of a cycleway inclusive of bollards/wands and road markings along Griffith Avenue constitutes works under the definition set out in Section 2 of the Planning and Development Act 2000 and therefore constitutes development as per Section 3 of the Act.
- (b) the proposed development would fall within the category of works required for the maintenance or improvement of a road and is therefore exempted development under the provisions of Section 4(1)(e) of the Planning and Development Act 2000.
- (c) Furthermore, the mandatory requirements for development carried out by or on behalf of a local authority as provided for in Section 179 of the Planning and Development Act 2000 do not apply to works to improve facilities for cyclists according to Section 179(6)(bb) of the Act.

NOW THEREFORE An Bord Pleanála in exercise of the powers conferred on it by Section 5(4) of the Act hereby decides that the provision of a cycleway along this section of Griffith Avenue constitutes development which is exempted development.

Board Member: Maria FitzGerald
Maria FitzGerald

Date: 11/11/2021