



An
Bord
Pleanála

Board Direction
ABP-311797-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/04/2023.

The Board decided, as set out in the following Order, that the works outlined is development and is exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the following works at Griffith Park, Drumcondra, Dublin 9, constitutes development and if so whether that development can be considered exempted development:

The provision of a café and toilet building measuring approx. 12.19m long x 2.44m wide x 2.59m high within Griffith Park, with associated site works and foul drainage connection (the referral includes the requirement for an EIA screening and AA screening).

AND WHEREAS Gavin Smyth of 6 Ferguson Road, Drumcondra, Dublin, requested a declaration on this question from Dublin City Council and the Council made a declaration by order of the 29th day of September, 2021, stating that the proposed development is exempt from the requirement to obtain planning permission under Section 32 of the Planning & Development Acts 2000 (as amended)

AND WHEREAS the question was referred to An Bord Pleanála by Mr. Gavin Smyth on the 26th day of October, 2021, including a revised wording of the question as follows:

Whether the provision of public toilets in conjunction with retail unit/café unit, c. 12.19m long x 2.44m wide x 2.59m high with associated site works including foul drainage connection, water connection, ESB connection or generator provision, hard standing area, bin provision, outdoor seating/tables, removal of trees, alterations to landscaping and all associated works above and below ground, is or is not development or is or is not exempted development.

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

- (a) Sections 2(1), 3(1), 4(1)(f), 4(4), and 178(2) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9, and Part 8 of the Planning and Development Regulations 2001, as amended
- (c) the provisions of the Dublin City Development Plan 2022-2028,
- (d) the characteristics of the site and the pattern of development in the area, and
- (e) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that the proposal involves works which constitute development and is exempted development as it falls within the scope of Section 4(1)(f) of the Planning and Development Act, 2000, as amended:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the works consisting of the provision of public toilets in conjunction with retail unit/café unit, c. 12.19m long x 2.44m wide x 2.59m high with associated site works including foul drainage connection, water connection, ESB connection or generator provision, hard standing area, bin provision, outdoor seating/tables, removal of trees, alterations to landscaping and all associated works above and below ground, at Griffith Park, Drumcondra, Dublin, is development and is exempted development.

Board Member:

Una Crosse
Una Crosse

Date: 17/04/2023