

An
Bord
Pleanála

**Board Direction
ABP-313420-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/10/2023.

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

WHEREAS a question has arisen as to whether the construction of a refuse bin storage area for the exclusive use of the adjacent Eurospar shop and the storage of waste therein and on the adjacent public footpath and parking spaces is or is not development and is or is not exempted development at 129-131 Ballymun Road, Glasnevin, Dublin 11, is or is not development or is or is not exempted development:

AND WHEREAS Bridget O'Neill requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 30th day of March, 2022 stating that the matter was development and was exempted development:

AND WHEREAS Bridget O'Neill referred this declaration for review to An Bord Pleanála on the 24th day of April, 2022:

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

a) sections 2(1), 3(1), and 4(1)(f) of the Planning and Development Act, 2000, as amended,

(b) Sections 178 and 179 of the Planning and Development Act;

(c) Article 80 of the Planning and Development Regulations 2001, as amended,

(d) the planning history of the site, and

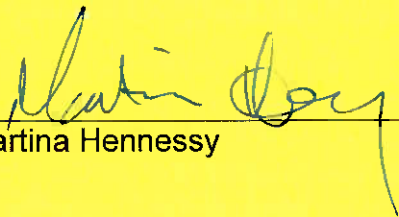
(e) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

(a) The said works carried out at 129-131 Ballymun Road, Glasnevin, Dublin 11, constitute works by reference to section 3 of the 2000 Act, and therefore comes within the meaning of “development” in this section

(b) There is no evidence that a written contract was entered into by Dublin City Council with any party as required by Section 4(1)(f) of the Planning and Development Act 2000, as amended and therefore the said works are not exempted development.

Board Member:


Martina Hennessy

Date: 12/10/2023