



**An  
Bord  
Pleanála**

**Board Direction  
BD-018181-24  
ABP-318088-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/11/2024.

The Board decided this referral generally in accordance with the Inspector's recommendation and following draft order.

**WHEREAS** a question has arisen as to whether the Living Streets: Coastal Mobility Route is or is not development or is or is not exempted development:

**AND WHEREAS** Susan Joyce requested a declaration on this question from Dún Laoghaire-Rathdown County Council and the Council issued a declaration on the 11<sup>th</sup> day of September 2023 stating that the matter was development and was exempted development:

**AND WHEREAS** Susan Joyce referred this declaration for review to An Bord Pleanála on the 22<sup>nd</sup> day of September 2023:

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

- (a) Section 2(1), 3(1), 4(1)(e), 4(4) and 179(6)(bb) of the Planning and Development Act, 2000, as amended,
- (b) The Roads Act 1993
- (c) The Road and Traffic Act 1994

(d) Guidelines issues by the Department of Transport dated October 2023 (Guidelines on Traffic Works Procedures – Section 38 of the Road Traffic Act 1994).

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) The works refer to development consisting of the carrying out by a local authority of works required for the maintenance or improvement of a road. Specifically, works to improve facilities for cyclists provided under section 38 of the Road Traffic Act 1994, as exempted by Section 179(6)(bb) of the Planning and Development Act 2000 (as amended).
- (b) The primary purpose of the project is the provision of a two-way segregated cycle path.
- (c) The development is not development for which an Appropriate Assessment or Environmental Impact Assessment is required and therefore the restriction on exemption set out in Section 4(4) of the Planning and Development Act 2000 (as amended) does not apply.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3)(a) of the 2000 Act, hereby decides that the Living Streets: Coastal Mobility Route is development and is exempted development.

**Board Member**

*Eamonn James Kelly*  
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Eamonn James Kelly

**Date:** 13/11/2024