



## Board Direction

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**Ref: 06D.RL.3407**

The submissions on this file and the Inspector's report were considered at a Board meeting held on May 25<sup>th</sup>, 2016.

The Board decided that:

‘the parking of cars in the school grounds at the Harold School, Eden Road, Glasthule, Dun Laoghaire, County Dublin is development and is not exempted development.

The Board, generally in accordance with the Inspector's report and recommendation, approved of the terms of the draft order, as set out below.

**WHEREAS** a question has arisen as to whether the use of part of the lands within The Harold School, Glasthule, Co. Dublin for purposes incidental to the primary educational use of the site (namely staff car parking area within the school grounds) is not development:

**AND WHEREAS** the Staff of The Harold School care of Sean Lucy and Associates Limited of 23E Lough Sheever Corporate Park, Mullingar, County Westmeath requested a declaration on the said question from Dun Laoghaire-Rathdown County Council and the said Council issued a declaration on the 8<sup>th</sup> day of September, 2015 stating that the said matter is not exempted development:

**AND WHEREAS** the said Staff of the Harold School referred the declaration for review to An Bord Pleanála under Section 5(3) of the Planning and Development Act 2000 as amended, on the 25<sup>th</sup> day of September, 2015:

**AND WHEREAS** An Bord Pleanála decided to reformulate the question as follows:

‘whether the parking of cars in the school grounds at The Harold School, Eden Road Lower, Glasthule, Dun Laoghaire, County Dublin 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, 3, 4 and 57(1) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations 2001, as amended,
- (c) Class 40 of Part 1 of Schedule 2 to the said Regulations, and
- (d) The documentation on file and the report of the planning inspector:

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

- (a) the original use of the yard was principally as a recreational school yard serving Presentation Brother's School;
- (b) Any parking of cars that occurred on or before the appointed day, October 1<sup>st</sup>, 1964, if parking occurred at all, was of a very limited nature and extent and did not compromise the school yard's principal function;
- (c) The parking of cars in the school yard, notwithstanding the stated purpose to serve the parking needs of teaching staff, is a change of use from use as a school yard;
- (d) The parking of cars in the school yard in place of school yard use creates increased and/or modified vehicular traffic movements in the area which give rise to different traffic and pedestrian safety and residential amenity considerations which are material in planning terms;
- (e) The material change of use comprises development which comes within the meaning of section 3(1) of the Planning and Development Act, 2000;
- (f) the use does not come within the scope of section 4 of the Planning and Development Act, 2000, as amended, and
- (g) the use does not come within the scope of Article 6 of the Planning and Development Regulations, 2001, (Part 1, 2 or 3 of Schedule 2 to these Regulations, as amended) or Article 10 of the Planning and Development Regulations 2001:

**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 parking of cars in the school grounds at The Harold School, Eden Road Lower, Glathule, Dun Laoghaire, County Dublin is development and is not exempted development.

Board Member: \_\_\_\_\_  
Nicholas Mulcahy

Date: June 13<sup>th</sup>, 2016