



Board Direction

Ref: 04.RL3417

The submissions on this file and the Inspector's report were considered at a Board meeting held on 8th February 2016.

The Board decided, generally in accordance with the Inspector, and as set out below, that the erection of a playground climbing frame and the erection of a Perspex roof over an existing play area in connection with a crèche premises is development and is not exempted development, all at Little Paradise Crèche, Ballycurreen, Frankfield, Douglas, County Cork.

WHEREAS a question has arisen as to whether the erection of a playground climbing frame structure and the erection of a Perspex roof over an existing play area in connection with a crèche premises at Little Paradise Crèche, Ballycurreen, Frankfield, Douglas, County Cork, are or are not development, or are or are not exempted development:

AND WHEREAS Cork County Council referred the said question to An Bord Pleanála on 7th October 2015:

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

- (a) sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) the definitions of a "structure" and of "works" set out in Section 2 of the Planning and Development Act, 2000, as amended, and
- (c) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended:

AND WHEREAS An Bord Pleanála has concluded that -

- (i) the playground climbing frame constitutes a structure, the erection of which required works to be undertaken, and which, therefore, constitutes development,

- (ii) a Perspex roof over the play area would constitute a structure, the erection of which would require works to be undertaken, which would, therefore, constitute development,
- (iii) having regard to the location of this development within a crèche premises, there are no provisions in the planning and development legislation under which the development could avail of an exemption from the general obligation to obtain planning permission:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(4) of the 2000 Act, hereby decides that the erection of a playground climbing frame and the erection of a Perspex roof over an existing play area in connection with a crèche premises is development and is not exempted development, all at Little Paradise Crèche, Ballycurreen, Frankfield, Douglas, County Cork.

Board Member: _____ Date: 9th February 2016
Fionna O' Regan