



Planning and Development Acts 2000 to 2018

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: Ref12617

WHEREAS a question has arisen as to whether the car parking spaces granted under planning register reference number D98A/0022, An Bord Pleanála reference number PL 06D.106187 enable them to be used for public use and/or whether their use and intensification of use as public spaces at Killiney Hill Plaza, Killiney Hill Road, Killiney, Glenageary, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Killiney Hill Plaza Management Company Limited care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin requested a declaration on the said question from Dun Laoghaire-Rathdown County Council and the Council issued a declaration on the 17th day of November 2017, stating that the matter is not development:

AND WHEREAS Killiney Hill Plaza Management Company Ltd referred this declaration for review to An Bord Pleanála, on the 14th day of December, 2017:

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

- (a) section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) section 3(1) of the Planning and Development Act, 2000,
- (c) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (e) the planning history of the site:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the car parking sites in question were identified in planning permission planning register reference number D98A/0022, An Bord Pleanála reference number PL 06D.106187 as visitor parking spaces specifically to serve the apartment development to which the permission relates,
- (b) the change of use of these car parking spaces from being solely for visitors to the apartment development to use by the general public is a change of use from the permitted use,
- (c) this change of use would represent an intensification of use of these spaces from a low turnover of private residential/visitor car use serving Killiney Hill Plaza only to a high turnover of public car use serving Killiney Village and its associated uses, and is, therefore, a material change of use, and

- (d) there are no provisions for exemptions for the change of use from use as a private car park to use as a public car park or vice versa in Schedule 2 of the Planning and Development Regulations 2001, as amended.

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 use of car parking spaces granted under planning register reference number D98A/0022, An Bord Pleanála reference number PL 06D.106187 for public use at Killiney Hill Plaza, Killiney Hill Road, Killiney, Glenageary, Dublin is development and is not exempted development:

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.