



Planning and Development Acts 2000 to 2019

Planning Authority: Tipperary County Council

Planning Register Reference Number: S5/19/54

WHEREAS a question has arisen as to whether development comprising the replacement of existing netting and reinstatement of internal access roadway from clubhouse to stand for emergency vehicles at Garrykennedy, Portroe, County Tipperary is or is not development or is or is not exempted development:

AND WHEREAS Portroe GAA care of John Joe Lewis Architectural Services Limited of Number 4 Silver View, Nenagh, County Tipperary requested a declaration on the said question from Tipperary County Council and the said Council issued a declaration on the 2nd day of July, 2019 stating that the said development is development and is exempted development:

AND WHEREAS Jacqueline Kennedy of 30 Ardarra, Portroe, Nenagh, County Tipperary referred the declaration for review to An Bord Pleanála on the 25th day of July, 2019:

AND WHEREAS, having considered the grounds of referral, the Board is of the opinion that the referral should not be further considered by it:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 138 (1) of the Planning and Development Act, 2000, hereby dismisses the said referral under subsection (1)(b)(i) of section 138 of the said Act, based on the reasons and considerations set out below:

Reasons and Considerations

The Board is satisfied that, in the particular circumstances, the referral should not be further considered by it having regard to Section 5(3)(a) of the Act, as the person who referred the declaration for review by the Board was not entitled to make the referral, as this person is not a person to whom the declaration on the question was issued by the planning authority under Section 5(2)(a) of the Act, as this person is neither the person who, on payment of the prescribed fee, requested in writing from the planning authority a declaration on the question, as required by Section 5(1) of the Act, nor the owner and occupier of the land in question.

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.

John Connolly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020