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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Limerick City and County Council**

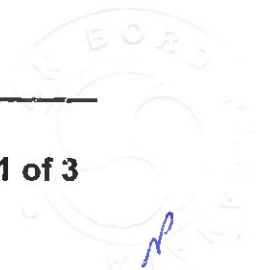
**Planning Register Reference Number: DC-049-20/PC/CL**

**WHEREAS** a question has arisen as to whether the removal of a public green area and the subsequent hard-coring of that portion of the green area for the purpose of providing vehicular access from the public road to the rear of a private dwelling house at 33 Strandville Gardens, O'Callaghan's Strand, Limerick is or is not development or is or is not exempted development:

**AND WHEREAS** the said question was referred to An Bord Pleanála by Limerick City and County Council on the 6<sup>th</sup> day of November, 2020:

**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) Section 4(1) of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,



- (e) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (f) the planning history of the site.

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

- (a) the removal of grass and the laying of hardcore and other materials to form a means of access are works of excavation and construction, and, as such, constitutes development,
- (b) on the basis of the information submitted as part of the referral, the Board is not satisfied that the development which is the subject of this referral has been implemented in a manner that is in accordance with a valid planning permission,
- (c) accordingly, the development is development and is not exempted development.

**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 removal of a public green area and the subsequent hard-coring of that portion of the green area for the purpose of providing vehicular access from the public road to the rear of a private dwelling house at 33 Strandville Gardens, O'Callaghan's Strand, Limerick, is development and is not exempted development.

## Matters Considered

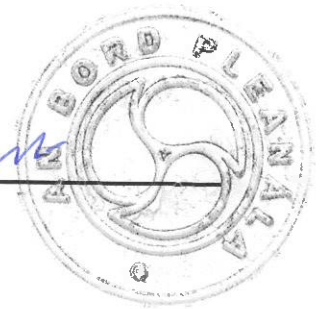
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

*Terry Prendergast*

**Terry Prendergast**

**Member of An Bord Pleanála**

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



Dated this *4<sup>th</sup>* day of *June* 2021.