



An
Bord
Pleanála

Board Order
ABP-309705-21

Planning and Development Acts 2000 to 2020

Planning Authority: Offaly County Council

Planning Register Reference Number: DEC 21/02

WHEREAS a question has arisen as to whether the alteration of the raised stone kerbing and the removal of gravel finish surrounding the base of the war memorial at O'Connor Square, Tullamore, County Offaly is or is not development or is or is not exempted development:

AND WHEREAS Fergal MacCabe of 4 Summerhill Parade, Sandycove, County Dublin requested a declaration on the question from Offaly County Council and the Council issued a declaration on the 17th day of February, 2021 stating that the matter is development and is exempted development:

AND WHEREAS Offaly County Council in considering this declaration request determined that the raised stone kerbing and the removal of the gravel finish surrounding the base of the war memorial is development and is exempted development by reference to Section 2 and Section 3 of the Planning and Development Act 2000, as amended, and furthermore the works carried out under the Part 8 consent by Offaly County Council and the provisions of Section 4(1)(aa) and (f) of that Act would also support the view that the works constituted exempted development:

AND WHEREAS Fergal MacCabe referred the declaration for review to An Bord Pleanála on the 11th day of March, 2021:

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

- (a) Sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) Sections 4(1)(aa) and 4(1)(f) of that Act, and
- (c) the provisions of Section 57(1) of that Act:

AND WHEREAS An Bord Pleanála has concluded that the alteration of the raised stone kerbing surrounding the base of the war memorial materially affects the character of the protected structure in question and an element of the structure (that is, the area where wreaths were laid) which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, and was therefore not deemed to be exempted development under Section 4(1)(aa) of the Planning and Development Act 2000, as amended in accordance with the provisions of Section 57(1)(aa) of that Act:

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 alteration of the raised stone kerbing and the removal of gravel finish surrounding the base of the war memorial at O'Connor Square, Tullamore, County Offaly 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.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *3rd* day of *August* 2021.

