

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: Ref 10520

WHEREAS a question has arisen as to whether (1) the making of a small opening in the boundary wall between Belmont Lawn and Ardagh Crescent, and (2) the construction of a short section of pathway across the lawn to link to the existing pathways across Belmont Lawn, located between the boundary wall at Belmont Lawn and Ardagh Crescent, Blackrock, County Dublin is or is not development or is or is not exempted development:

AND WHEREAS Ruadhán Kenny of 16 Belmont Lawn, Stillorgan Road, County Dublin requested a declaration on the question from Dún Laoghaire-Rathdown County Council and no declaration on the said question was issued by the planning authority:

AND WHEREAS the said Ruadhán Kenny referred the question for decision to An Bord Pleanála on the 22nd day of March, 2021:

AND WHEREAS An Bord Pleanála, having considered the nature of the question, is satisfied 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, as amended,

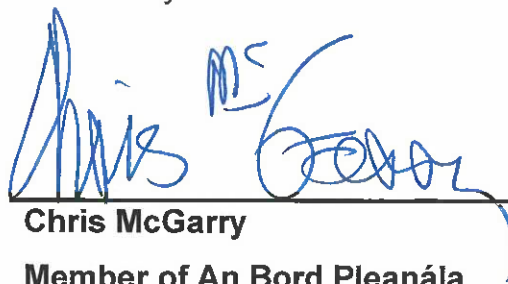
hereby dismisses the referral under subsection (1)(b)(i) of section 138 of the Act, based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the nature of the referral, and the totality of the documentation on file which confirms that the relevant works to which the question relates would be implemented by or on behalf of the planning authority, it is considered that in such circumstances the provisions of Section 4(1) and Section 179 of the Planning and Development Act 2000, as amended, as appropriate, or Part 8 of the Planning and Development Regulations 2001, as amended, as appropriate, would apply to any such implementation of the works in question and that in this context the provisions of Section 5 of the Planning and Development Act 2000, as amended, are not applicable in this particular case. In these circumstances, it is, therefore, considered that the referral should not be further considered by the Board.

Matters Considered

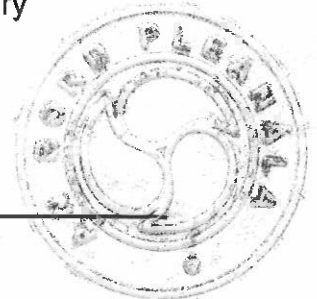
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



Chris McGarry

Member of An Bord Pleanála

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



Dated this 14th day of March 2022.