

**Planning and Development Acts 2000 to 2020**

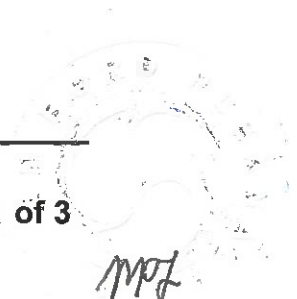
**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 0093/21**

**WHEREAS** a question has arisen as to whether or not the construction of a cycleway along a section of Griffith Avenue between Gracepark Road and Calderwood Road is development and if it is development, whether or not such development is exempted development at Griffith Avenue, Dublin:

**AND WHEREAS** The Griffith Avenue Group care of Fiona Gartland of 139 Griffith Avenue, Dublin requested a declaration on the said question from Dublin City Council and the said Council issued a declaration on the 12<sup>th</sup> day of April, 2021 stating that the said matter is development which is exempted development:

**AND WHEREAS** The Griffith Avenue Group care of Fiona Gartland referred the declaration for review to An Bord Pleanála on the 7<sup>th</sup> day of May, 2021:



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

- (a) Sections, 2, 4 and 4(1)(e) and Section 179 of the Planning and Development Act 2000, and in particular Section 179(6)(bb) of the said Act, and
- (b) the fact that the restrictions referred to in the referral by The Griffith Avenue Group related specifically to restrictions under Schedule 2 of the Planning and Development Regulations 2001 and not the exempted development provisions under Section 4 of the Act.

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

- (a) the provision of a cycleway inclusive of bollards/wands and road markings along Griffith Avenue constitutes works under the definition set out in Section 2 of the Planning and Development Act 2000 and, therefore, constitutes development as per Section 3 of the Act,
- (b) the proposed development would fall within the category of works required for the maintenance or improvement of a road and is, therefore, exempted development under the provisions of Section 4(1)(e) of the Planning and Development Act 2000, and
- (c) furthermore, the mandatory requirements for development carried out by, or on behalf of, a local authority, as provided for in Section 179 of the Planning and Development Act 2000 do not apply to works to improve facilities for cyclists according to Section 179(6)(bb) of the Act.

**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 provision of a cycleway along this section of Griffith Avenue constitutes development, which is exempted development, at Griffith Avenue, Dublin.

## **Matters Considered**

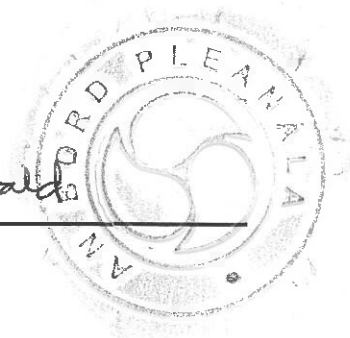
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

*Dr. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

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



Dated this 17<sup>th</sup> day of Nov. 2021.