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**Planning and Development Acts 2000 to 2021**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: ED21/0031**

**WHEREAS** a question has arisen whether the proposed use of part of a golf course as a GAA playing pitch at Saint Mary's Park Road, Moneyatta Commons, Saggart, County Dublin, is or is not development and is or is not exempted development:

**AND WHEREAS** Burnella Cottages Limited, care of Alan Whelan of O'Connor Whelan Limited, 222 – 224 Harold's Cross Road, Dublin requested a declaration on this question from South Dublin County Council and the Council issued a declaration on the 13<sup>th</sup> day of May, 2021 stating that the matter is development and is exempted development:

**AND WHEREAS** Burnella Cottages Limited referred this declaration for review to An Bord Pleanála, on the 1<sup>st</sup> day of June, 2021:

**AND WHEREAS** having regard to the nature of the referral, An Bord Pleanála, is satisfied that, in the particular circumstances, the referral should not be further considered by it:

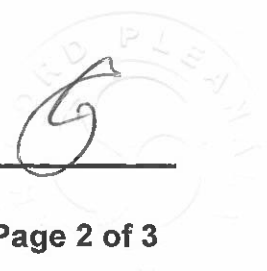
**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 138(1)(b)(i) of the Planning and Development Act, 2000, hereby dismisses the said referral, based on the reasons and considerations set out below.

### **Reasons and Considerations**

Having regard to:

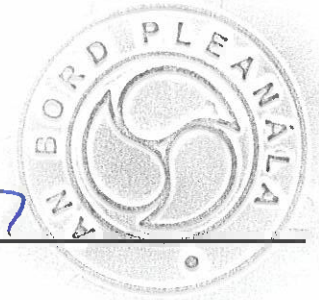
- (a) the separate determination by the planning authority on the 8<sup>th</sup> day of February, 2021, under planning register reference ED21/0004, of the same or substantially the same question in respect of the same land,
- (b) the fact that the planning authority's determination has not been successfully challenged by way of section 50 of the Planning and Development Act 2000, as amended, and
- (c) the fact that a different determination has not been made on the same or substantially the same question in respect of the same land, on the basis that a change in planning facts or circumstances had occurred,

it is considered that the subject referral amounts to an impermissible attack on the planning authority's section 5 declaration which, in substance, questions the validity of that declaration other than by way of section 50 of the Act, where such a challenge is prohibited by section 50(2) of the Act.



## 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.



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**John Connolly**

**Member of An Bord Pleanála**

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

Dated this 31<sup>st</sup> day of JANUARY 2022