



**An
Bord
Pleanála**

**Board Order
ABP-312207-21**

Planning and Development Acts 2000 to 2021

Planning Authority: Laois County Council

Planning Register Reference Number: S5/2021/36

WHEREAS a question has arisen as to whether the removal of a rectangular flowerbed with permanent surround and its replacement with a granite water fountain and surround at The Square, Clonaslee, County Laois is or is not development or is or is not exempted development:

AND WHEREAS Sarah Sherlock of The Green, Clonaslee, County Laois requested a declaration on this question from Laois County Council and the Council issued a declaration on the 15th November, 2021 stating that the matter is development and is exempted development:

AND WHEREAS Sarah Sherlock referred this declaration for review to An Bord Pleanála, on the 13th day of December, 2021:

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

- (a) sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended,
- (b) articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 of Schedule 2 to those Regulations,
- (d) the planning history of the site, and
- (e) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the works carried out to install the fountain constituted 'development' within the meaning of the Planning and Development Act, 2000, and
- (b) the development which consisted of the replacement of a raised flowerbed with a permanent surround with a granite three tired water fountain and surround within a public paved area materially constitutes an alteration of a public area and Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 does not apply in this instance:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the removal of a rectangular flowerbed with permanent surround and its replacement with a granite water fountain and surround at The Square, Clonaslee, County Laois is development and is not exempted development.

Una Crosse

Una Crosse

Member of An Bord Pleanála

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

Dated this *1st* day of *June* 2023.

