

An  
Bord  
Pleanála

## Board Order ABP-313420-22

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 0069/22**

**WHEREAS** a question has arisen as to whether the construction of a refuse bin storage area for the exclusive use of the adjacent Eurospar Shop and the storage of waste therein and on the adjacent public footpath and parking spaces at 129-131 Ballymun Road, Glasnevin, Dublin is or is not development or is or is not exempted development,

**AND WHEREAS** Bridget O'Neill care of Joe Bonner of The Airport Hub, Unit 1, Furry Park, Old Swords Road, Santry, Dublin requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 1<sup>st</sup> day of April, 2022 stating that the development is exempted development,

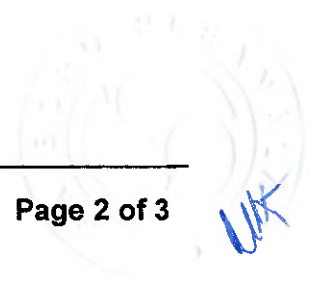
**AND WHEREAS** Bridget O'Neill care of Joe Bonner referred this declaration for review to An Bord Pleanála on the 25<sup>th</sup> day of April, 2022,

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

- (a) Sections 2(1), 3(1), and 4(1)(f) of the Planning and Development Act 2000, as amended,
- (b) Sections 178 and 179 of the Planning and Development Act 2000, as amended,
- (c) Article 80 of the Planning and Development Regulations 2001, as amended,
- (d) the planning history of the site,
- (e) the pattern of development in the area, and
- (f) the report of its Inspector,

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

- (a) the said works carried out at 129-131 Ballymun Road, Glasnevin, Dublin constitute works by reference to section 3 of the Planning and Development Act 2000, as amended, and, therefore, come within the meaning of “development” in this section, and
- (b) there is no evidence that a written contract was entered into by Dublin City Council with any party as required by Section 4(1)(f) of the Planning and Development Act 2000, as amended, and, therefore, the said works are not exempted development,



**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5(4) of the Planning and Development Act 2000, as amended, hereby decides that the construction of a refuse bin storage area for the exclusive use of the adjacent Eurospar Shop and the storage of waste therein and on the adjacent public footpath and parking spaces at 129-131 Ballymun Road, Glasnevin, Dublin is development and is not exempted development.



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**Martina Hennessy**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *26<sup>th</sup>* day of *October* 2023.