



Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: R724/22

WHEREAS a question has arisen as to whether the gateway means of access to a public road that was formed in the shared boundary wall between Dosel Drive and the rear of Number 11 Arbour Court, Grange, Cork, is or is not development or is or is not exempted development.

AND WHEREAS Alan Duggan of 57 Dosel Drive, Grange Heights, Douglas, Cork requested a declaration on the said question from Cork City Council and the said Council issued a declaration on the 20th day of July, 2022 stating that the matter is development and is exempted development:

AND WHEREAS Alan Duggan referred the declaration for review to An Bord Pleanála on the 28th day of July, 2022:

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000,
- (b) articles 6 and 9 of the Planning and Development Regulations, 2001,
- (c) Class 5 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001,
- (d) the definition of 'public road' within the meaning of the Planning and Development Act, 2000, and the definition of 'public road' within the meaning of the Roads Act, 1993,
- (e) the meaning of the word 'access' as applied at article 9(1)(a)(ii) of the Planning and Development Regulations, 2001, and
- (f) the location of the five-metre-wide public open space area outside of the rear curtilage of Number 11 Arbour Court onto the pedestrian gate accesses.

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the formation of a pedestrian gateway is development which comes within the scope of the exempted development provisions of Class 5 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001,
- (b) the restrictions on exempted development contained at article 9(1)(a)(ii) of the Planning and Development Regulations, 2001 do not affect the exemption under the said Class 5 for a solely pedestrian access onto open space amenity area, and

(c) the formation of the gateway for pedestrian use is, therefore, exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the gateway means of access to a public road that was formed in the shared boundary wall between Dosel Drive and the rear of Number 11 Arbour Court, Grange, Cork is development and is exempted development.



Martina Hennessy

Member of An Bord Pleanála

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

Dated this 27th day of November 2023.