

An
Bord
Pleanála

Board Order
ABP-319589-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: R82324

WHEREAS a question has arisen as to whether, on land at the communal recreational/amenity area of Ardpatrick (formerly Susie's Field) between Assumption Road and Pope's Road, Lady's Well east of North City Link Road (N20), Cork City, -

- (i) the proposed erection of a fence and gate is, or is not, exempted development within the meaning of the Planning and Development Acts, 2000, as amended, and the Planning and Development Regulations, and
- (ii) such development would result in the segregation of the estate, and the control, and or prohibition, of access through Ardpatrick, whether this would represent development that would materially alter the terms of the parent planning permission, as amended and the interruption of a recreational amenity currently enjoyed by residents and members of the public and is or is not development or is or is not exempted development:

AND WHEREAS Donal Kelleher of 11 The Close, Ardpatrick, Lady's Well, Cork City requested a declaration on the said question from Cork City Council and the said Council issued a declaration on the 22nd day of March, 2024, stating that the erection of a fence and gate is development and is exempted development:

AND WHEREAS Donal Kelleher referred the declaration for review to An Bord Pleanála on the 17th day of April, 2024:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to Sections 2(1), 3(1), 4(1)(a)(aa), 4(4), 5, 178 and 179 of the Planning and Development Act, 2000, as amended:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the proposed erection of a fence and gate is development and is exempted development having regard to the nature of the development, being development by a local authority in its functional area, the development comes within the scope of section 4(1)(a)(aa) of the Planning and Development Act, 2000, as amended, and
- (b) having considered the nature of the question of whether such development would result in the segregation of the estate, and the control, and or prohibition, of access through Ardpatrick, whether this would represent development that would materially alter the terms of the parent planning permission, as amended, and the interruption of a recreational amenity currently enjoyed by residents and members of the public, An Bord Pleanála is satisfied that this aspect of the referral should not be further considered as these objections relate to the parent permission and refer to parts of the Planning and Development Act,

2000, as amended, which are outside the scope of the matters to be considered under the provisions of Section 5 of that Act:

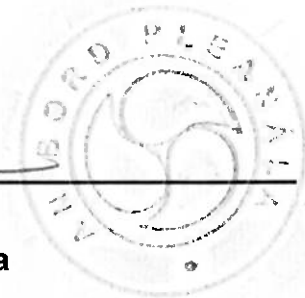
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that, on land at the communal recreational/amenity area of Ardpatrick (formerly Susie's Field) between Assumption Road and Pope's Road, Lady's Well east of North City Link Road (N20), Cork City the erection of a fence and gate is development and is exempted development.



Paul Caprani

Member of An Bord Pleanála

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



Dated this 21st day of February 2025.