

An
Coimisiún
Pleanála

Commission Order
ACP-322999-25

Planning and Development Act 2000, as amended

Planning Authority: South Dublin County Council

Planning Authority Reference Number: ED25/0047

WHEREAS a question has arisen as to whether the removal of landscaping features and recreational, community and biodiversity amenities (comprising of boules court, fixed insect bars (kickabout posts), pollinator-friendly flower beds, tree planting, including dedicated fruit orchard area, bulb planting, in defined landscape zones) at Pearse Brothers Park, Ballyboden, Dublin 16, is or is not development or is or is not exempted development:

AND WHEREAS Ballyboden Tidy Towns CLG requested a declaration on this question from South Dublin County Council and the Council did not make a declaration in this instance:

AND WHEREAS South Dublin County Council referred this question to An Coimisiún Pleanála on the 9th day of July 2025:

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to -

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended.
- (b) Section 3(1) of the Planning and Development Act, 2000.
- (c) Section 4(1) (aa) of the Planning and Development Act, 2000, as amended.
- (d) Article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended.
- (e) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.
- (f) Relevant case law.
- (g) The provisions of the South Dublin County Development Plan, 2022 – 2028.
- (h) The planning history of the site.
- (i) The documentation on the file, including submissions on behalf of the requestor Ballyboden Tidy Towns CLG.
- (j) The pattern of development in the area.
- (k) The report and recommendation of the Inspector:

AND WHEREAS An Coimisiún Pleanála has concluded that:

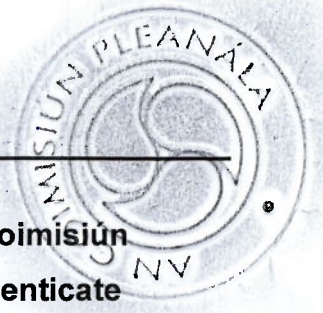
- (a) The removal of landscaping features and recreational, community and biodiversity amenities (comprising of pollinator-friendly flower beds, tree planting, including dedicated fruit orchard area, bulb planting, in defined landscape zones) is not works within the scope of section 2(1) of the Planning and Development Act, 2000, as amended, and therefore does not constitute development that comes within the scope of section 3(1) of the Planning and Development Act, 2000, as amended.
- (b) The removal of landscaping features and recreational, community and biodiversity amenities (comprising of boules court and fixed insect bars (kickabout posts)), constitutes works that come within the scope of section 2(1) of the Planning and Development Act, 2000, as amended.
- (c) The said works constitute development that comes within the scope of section 3(1) of the Planning and Development Act, 2000, as amended.
- (d) The said works is exempted development as it falls within the scope of Section 4(1) (aa) of the Planning and Development Act, 2000, as amended.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that:

- (a) The removal of landscaping features and recreational, community and biodiversity amenities (comprising of pollinator-friendly flower beds, tree planting, including dedicated fruit orchard area, bulb planting, in defined landscape zones) is not development.
- (b) The removal of landscaping features and recreational, community and biodiversity amenities (comprising of boules court, fixed insect bars (kickabout posts)) is development and is exempted development.


Declan Moore

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 26th day of JANUARY 2026.