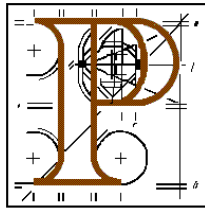


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dún Laoghaire-Rathdown County

Planning Authority Reference Number: 7015

An Bord Pleanála Reference Number: 06D.RL.3407

WHEREAS a question has arisen as to whether the use of part of the lands within The Harold School, Glasthule, Dun Laoghaire, County Dublin for purposes incidental to the primary educational use of the site (namely staff car parking area within the school grounds) is not development:

AND WHEREAS the Staff of The Harold School care of Sean Lucy and Associates Limited of 23E Lough Sheever Corporate Park, Mullingar, County Westmeath requested a declaration on the said question from Dún Laoghaire-Rathdown County Council and the said Council issued a declaration on the 8th day of September, 2015 stating that the said matter is not exempted development:

AND WHEREAS the said Staff of the Harold School referred the declaration for review to An Bord Pleanála on the 25th day of September:

AND WHEREAS An Bord Pleanála decided to reformulate the question as follows:

‘Whether the parking of cars in the school grounds at The Harold School, Eden Road Lower, Glasthule, Dun Laoghaire, County Dublin is or is not development or is or is not exempted development’.

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

- (a) sections 2, 3, 4 and 57(1) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations 2001, as amended,
- (c) Class 40 of Part 1 of Schedule 2 to the said Regulations, and
- (d) the documentation on file and the report of the Planning Inspector:

AND WHEREAS An Bord Pleanála has concluded that –

- (a) the original use of the yard was principally as a recreational school yard serving Presentation Brother's School,
- (b) any parking of cars that occurred on or before the appointed day, October 1st, 1964, if parking occurred at all, was of a very limited nature and extent and did not compromise the school yard's principal function,
- (c) the parking of cars in the school yard, notwithstanding the stated purpose to serve the parking needs of teaching staff, is a change of use from use as a school yard,
- (d) the parking of cars in the school yard in place of school yard use creates increased and/or modified vehicular traffic movements in the area which give rise to different traffic and pedestrian safety and residential amenity considerations which are material in planning terms,
- (e) the material change of use comprises development which comes within the meaning of section 3(1) of the Planning and Development Act, 2000, as amended,
- (f) the use does not come within the scope of section 4 of the Planning and Development Act, 2000, as amended, and
- (g) the use does not come within the scope of Article 6 of the Planning and Development Regulations, 2001, (Part 1, 2 or 3 of Schedule 2 to these Regulations, as amended) or Article 10 of the Planning and Development Regulations 2001:

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 parking of cars in the school grounds at the Harold School, Eden Road Lower, Glasthule, Dun Laoghaire, County Dublin is development and is not exempted development.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.