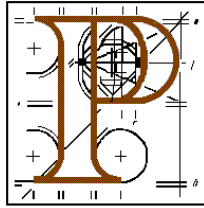


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Limerick City and County**

**Planning Authority Reference Number: EC 15/76**

An Bord Pleanála Reference Number: 91.RL.3452

**WHEREAS** a question has arisen as to whether the use of lands for community allotments within a permitted pitch and putt course at Newtown, Monaleen Road, Castletroy, Limerick is or is not development or is or is not exempted development:

**AND WHEREAS** Eugene Harrington of “Clogher”, Monaleen Road, Castletroy, County Limerick requested a declaration on the said question from Limerick City and County Council and the said Council issued a declaration on the 14<sup>th</sup> day of December, 2015 stating that the said matter is development and is not exempted development:

**AND WHEREAS** the said Eugene Harrington referred the declaration for review to An Bord Pleanála on the 19<sup>th</sup> day of January, 2016:

**AND WHEREAS** An Bord 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)(a) 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) Parts 1 and 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site,
- (g) the nature and scale of the change of use in this context (circa 1000 square metres used as allotments), and
- (h) the pattern of development in the area:

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

- (a) the permitted use of the lands is for pitch & putt,
- (b) the use of the lands for allotments comes within the meaning of either allotments or agriculture pursuant to section 2(1) of the Planning and Development Act, 2000, as amended,
- (c) the change of use from pitch & putt to allotments does not constitute a material change of use of the land pursuant to section 3(1) of the Planning & Development Act, 2000, and, therefore, does not constitute development, and:
- (d) the change of use does not constitute development as defined in section 3(1) of the Planning and Development Act, 2000:

**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 use of lands for community allotments within a permitted a pitch and putt course at Newtown, Monaleen Road, Castletroy, Limerick is not 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.

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

**Dated this        day of                    2016.**