



An
Bord
Pleanála

**Board Order
06D.RL.3597**

Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: 5217

WHEREAS a question has arisen as to whether the construction of a temporary access road at the site of a permitted residential development (planning register reference number D13A/0689, An Bord Pleanála appeal reference number PL 06D.243799) on lands at Knockrabo, Mount Anville Road, Goatstown, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Knockrabo Investments DAC care of Tom Phillips and Associates of 80 Harcourt Street, Dublin requested a declaration on this question from Dún Laoghaire-Rathdown County Council and the Council issued a declaration on the 13th day of June, 2017 stating that the matter was development and was not exempted development:

AND WHEREAS Knockrabo Investments DAC care of Tom Phillips and Associates of 80 Harcourt Street, Dublin referred the declaration for review to An Bord Pleanála on the 28th day of June, 2017:

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, as amended,
- (b) Class 16 of Part 1 of the Second Schedule to the Planning and Development Regulations 2001, as amended,
- (c) the planning history of the subject site and in particular planning permission register reference number D13A/0689 (An Bord Pleanála appeal reference number PL 06D.243799),
- (d) the Roads Act, 1993, as amended, and,
- (e) the report of the Board’s Inspector, including the report of his inspection of the subject site on the 25th day of June, 2018.

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the provision of the temporary access road in question involved the carrying out of ‘works’, and is, therefore, development within the meaning of the Planning and Development Act 2000, as amended,
- (b) the temporary access road is, on the basis of the inspection carried out, being used for construction-related purposes in connection with the residential development permitted under planning permission register reference number D13A/0689 (An Bord Pleanála appeal reference number PL 06D.243799), and, therefore, comes within the scope of the exemption under Class 16 of Part 1 of the Second Schedule to the Planning and Development Regulations 2001, as amended, and

- (c) subject to the temporary access road being removed at the expiry of the period in which this residential development is being carried out, and the land being reinstated in accordance with that planning permission (or any subsequent planning permission), as required under the Condition and Limitation to which Class 16 is subject, the development would be 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 construction of a temporary access road at the site of a permitted residential development (planning register reference number D13A/0689, An Bord Pleanála appeal reference number PL 06D.243799) on lands at Knockrabo, Mount Anville Road, Goatstown, Dublin is development and is 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 2018