



An
Coimisiún
Pleanála

Inspector's Report ABP-322650-25

Question

Whether the landscaping & recreational improvements consisting of the installation of the boules court and 4 insect bars, 2 large pollinator flower beds, bulb planting and tree planting and the installation and specification of the Boules Court and 4 insect bars is or is not development or is or is not exempt.

Location

Pearse Brothers Park, Ballyboden,
Dublin 16

Declaration

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

ED25/0038

Applicant for Declaration

Ballyboden Tidy Towns clg.

Planning Authority Decision

No declaration

Referral

Referred by

South Dublin County Council.

Owner/ Occupier

South Dublin County Council.

Observer(s)

Ballyboden Tidy Towns clg.

Date of Site Inspection

26th November 2025.

Inspector

Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The referral site is located within an established suburban housing estate, i.e. Pearse Brothers Park, in Ballyboden, Dublin 16.
- 1.2. The subject site comprises of an area of public open space associated with the housing estate.
- 1.3. Construction works are currently ongoing on the referral site, and this involves the implementation of the Part 8 approval (SD218/0008) which relates to the construction of 10 no. housing units for Independent Living for Older Persons.

2.0 The Question

- 2.1. Whether the installation of landscaping features and recreational, community and biodiversity amenities at Pearse Brothers Park, Ballyboden, Dublin 16 is or is not development or is or is not exempted development.

3.0 Planning Authority Declaration

- 3.1.1. No declaration made by the Planning Authority. The Planning Authority on the 27th of May 2025, in accordance with Section 5(4) of the Planning and Development Act, 2000 (as amended), referred a referral to the Commission for determination.

3.2. Planning Authority Reports

- None

3.2.1. Other Technical Reports

- None

4.0 Planning History

- 4.1.1. The following relates to the referral site.
 - SD218/0008 – Part 8 planning application approved on the 11th of October 2021 for Social Housing Project for Independent Living for Older Persons comprising of 10 no. housing units.

Concurrent cases on the referral site;

- ABP.322999-25 (PA Ref. ED25/0047) – referral application received by ACP asking whether the removal of landscaping and recreational improvements consisting of a boules court, 4 no. insect bars, 2 no. large pollinator flower beds, bulb planting is or is not development or is or is not exempted development. Application undecided.
- ABP.323007-25 (PA Ref. ED25/0044) – referral application received by ACP asking whether the removal of an existing pedestrian public footpath and reduction of existing on-street car parking is or is not development or is or is not exempted development. Application undecided.

5.0 Policy Context

5.1. South Dublin County Development Plan, 2022 – 2028

The referral site is zoned 'RES' whereby the land use zoning objective is '*to protect and/or improve residential amenity*'.

5.2. Natural Heritage Designations

- South Dublin Bay SAC (site code 000210) – 7.6 km east
- South Dublin Bay and River Tolka Estuary SPA (site code 004024) – 7.6 km east
- Fitzsimon's Wood pNHA (site code 001753) – 3 km northwest
- Dodder Valley pNHA (site code 000991) – 3.6 km southeast

6.0 The Referral

6.1. The applicant's case, submitted to the Planning Authority includes the following documentation.

- Completed Section 5 application form submitted to South Dublin County Council (SDCC).

- Part 4 of Section 5 application form describes the proposed development as *'landscaping and recreational improvements consisting of the installation of the boules court and 4 insect bars (kickabout posts) by CPCL, 2 large pollinator flower beds, bulb planting and tree planting, co-located and co-designed with Public Realm Officials and installation and specification of the Boules Court and 4 insect bars by CPCL as instructed / directed by SDCC Officials'*.
- Maps indicating the location of the open space / green space / neighbourhood park.
- Map indicating location of landscaping and recreational features located within the open space / green space / neighbourhood park.
- Correspondence from Environment, Water and Climate Change Department of SDCC (dated 9th June 2023) indicating unauthorised works has taken place on Pearse Brothers Park.

6.2. Planning Authority Response

- The PA responded stating they had no further comments.

6.3. Further Responses

The following is a summary of an observation by the applicant to the referral to ACP.

- 6.3.1. The submission includes correspondence from Palmer / Pearse Brothers Park – Residents Association, summarised as follows:

Background and Context

- The boules court, insect bars, pollinators beds, tree planting including fruit orchard and bulb plantation was installed as part of wider community engagement commenced in November 2020.
- It was carried out in collaboration with Ballyboden Tidy Towns clg and direct support of SDCC.
- SDCC specifically requested letters of support and permission from the occupants of no.s 25 – 34 Pearse Brothers Park, which was provided.

- A long-standing agreement between the local authority and the residents provided that no further development will take place on the green space.

Use of Amenities and Community Impact

- The community amenities were installed in response to community demand and are low impact activities enjoyed by all ages, including older residents, retirees, intergenerational groups, children and teenagers, passers-by and walkers.
- The amenities are well used.
- The installations did not displace any existing recreational use, nor did they involve significant groundworks or structural construction.
- The small park with its features and structures is in line with the zoning designation of the site.

Community Involvement and Oversight

- The project was collaborative involving residents, Ballyboden Tidy Towns, SDCC and CPCL (contractor).
- The project was proposed by Ballyboden Tidy Towns, co-designed with SDCC staff, delivered by CPCL, a contractor recommended approved and instructed to use by SDCC.
- Prior consultation was undertaken with residents.

Planning Considerations

- The South Dublin County Development Plan, 2016 – 2022, zoned the subject site as ‘open space’ with an objective to preserve and provide for open space and recreational amenities.

6.3.2. The submission also includes the following correspondence and documentation related to the current Section 5 application.

- Completed Section 5 application to SDCC.
- An addendum submitted to SDCC on the 19th of May 2025 to support Section 5 application Ref. ED25/0038.

- The addendum was returned by SDCC without consideration (19th May 2025).
- Applicant's response to SDCC (21st May 2025) for non-acceptance of addendum.
- Correspondence in relation to the suspension of works until the Section 5 determination was circulated to SDCC and the site contractor.
- A concurrent Section 5 application (Ref. ED25/0047) submitted to SDCC concerning the removal of the above landscape and amenity features.

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000, as amended

7.1.1. Section 2(1) of the Act states the following:

- 'development' has the meaning assigned to it by Section 3;
- 'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'

7.1.2. Section 3(1) states that:

- 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or over land'.

7.1.3. Section 4(1) The following shall be exempted development for the purposes of this Act:-

4 (1) (aa) is relevant:

- 'development by a local authority in its functional area (other than, in the case of a local authority that is a coastal planning authority, its nearshore area)'

4 (1) (f) is relevant:

- ‘development carried out on behalf of, or jointly or in partnership with, a local authority, pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity’

7.1.4. 4 (1) (i) is relevant:

- Development consisting of the thinning, felling and replanting of trees, forests and woodlands, the construction, maintenance and improvement of non-public roads serving forests and woodlands and works ancillary to that development, not including the replacement of broadleaf high forest by conifer species;

7.1.5. Section 4(2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development.

7.1.6. Section 4(4) provides that development shall not be exempted development if an Environmental Impact Assessment (EIA) or an Appropriate Assessment (AA) of the development is required.

7.2. **Planning and Development Regulations, 2001, as amended**

7.2.1. Article 6(1) of the Planning and Development Regulations 2001, as amended, (hereinafter referred to as ‘the Regulations’) provide that ‘subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1’.

7.2.2. Schedule 2 of Part 1 to the Regulations set out the classes of exempted development, including ‘Class 33’ and ‘Class 36’, which are relevant considerations.

Exempted Development – Classes of Use

Development for amenity or recreational purposes

Column 1	Column 2
Description of Development	Conditions and Limitations
Class 33	

<p>The development consisting of the laying out and use of land –</p> <ul style="list-style-type: none"> a. as a park, private open space or commercial garden, b. as a roadside shrine, or c. for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land. 	<p>The area of any such shrine shall not exceed 2 square metres, the height shall not exceed 2 metres above the centre of the road opposite the structure and it shall not be illuminated.</p>
<p>Class 36</p> <ul style="list-style-type: none"> a. Development consisting of the carrying out by or on behalf of a State authority or other public body, on land used by the authority or body as a public park, of works incidental to that use, including the provision, construction or erection of any structure in connection with or for the purposes of the enjoyment of the park or which is required in connection with or for the purposes of the management or operation of the park. b. Development consisting of the carrying out by or on behalf of a State authority or other public body on a nature reserve 	<ul style="list-style-type: none"> 1. The floor area of any building constructed or erected shall not exceed 40 sq. metres. 2. The height of any building or other structure constructed or erected shall not exceed 10 metres. 3. Any car park provided or constructed shall incorporate parking space for not more than 40 cars.

<p>established in accordance with section 15 of the Wildlife Act, 1976, as amended by sections 26 and 27 of the Wildlife (Amendment) Act, 2000, of works (including the provision, construction, erection of structures) in connection with or for the purposes of the enjoyment of the reserve or which are required in connection with the management or operation of the reserve.</p>	
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- 7.2.3. As provided for in Article 9(1)(a), the development to which article 6 relates, shall not be exempted development, under certain circumstances and the restrictions and limitations are outlined in this Article.

8.0 Relevant Referrals

- 8.1.1. ABP-311797-21: The Board determined on the 25th of April 2023 that works consisting of the provision of public toilets in conjunction with retail unit/café unit, c. 12.19m long x 2.44m wide x 2.59m high with associated site works including foul drainage connection, water connection, ESB connection or generator provision, hard standing area, bin provision, outdoor seating/tables, removal of trees, alterations to landscaping and all associated works above and below ground, at Griffith Park, Drumcondra, Dublin, is development and is exempted development. The Board accepted the Inspector's recommendation. The Inspectors Report concludes that the proposal would involve the carrying out of 'works' and would constitute 'development' in accordance with section 3(1) of the Act, and that the development would be exempted development having regard to the provisions of section 4(1)(f) of the Act.
- 8.1.2. ABP Ref. RL2414: The Board determined on the 11th of September 2007 that the use of open space for football pitches on lands at Open Space, Hunter's Run,

Pheasant's Run, Clonee, Dublin, carried out by Fingal County Council constitutes exempted development within the meaning of section 4(1)(b) of the Planning and Development Act, 2000, as amended.

9.0 Assessment

9.1. Introduction

- 9.1.1. The purpose of this referral is not to determine the acceptability or otherwise of the matters raised in respect of the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes development, and if so, falls within the scope of exempted development.
- 9.1.2. In this regard, I note the applicant's submission and response submission, outlined above in section 6.1 and 6.3 respectively, refers to material planning considerations, such as the land use zoning objectives and community use of the amenities. I consider that these material planning considerations is entirely separate to the questions of 'development' and 'exempted development' as outlined in section 5 of the Act of 2000, as amended.
- 9.1.3. As I have noted above the referral site is currently an active construction site, implementing the Part 8 approved application (LA Ref. SD218/0008), and the site is enclosed by construction hoarding. The question, the subject of the referral before the Commission, relates to the referral site prior to the commencement of construction activities on the site.
- 9.1.4. Prior to the current construction activities, the referral site was a green open space used as a recreational and amenity space. The question before the Commission is whether the installation of a boules court, fixed insect bars (kickabout posts), pollinator-friendly flower beds, tree planting, including dedicated fruit orchard area, bulb planting, in defined landscape zones constitutes development, and if so falls within the scope of exempted development.
- 9.1.5. I acknowledge that it is difficult to define the full details of the landscaping and recreational features as they are not located on the referral site and the subject site has gone through a Part 8 planning process. However, having regard to the information available on file, I am satisfied that there is sufficient information on the

file to review the question currently posed to the Commission. Accordingly, I have no objection to determining the referral on this basis.

9.2. Is or is not development

9.2.1. Section 3(1)(a) of the Act defines development as the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land and in effect relates to both works and the material change in the use of land or structures.

9.2.2. Section 2(1) of the Planning and Development Act 2000, as amended, defines “works” as including any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal... .

9.2.3. I will examine each of the landscape / amenity features in turn in considering whether the installation of landscaping features and recreational, community and biodiversity amenities at Pearse Brothers Park involves works, that constitutes development, and/or whether a material change of use has occurred on the referral site.

9.2.4. Boules Court

I note that there is no documentation or drawings on the file indicating the scale of the Boules Court. Notwithstanding the applicant’s documentation includes photographs of a former Boules Court on the green open space, which is the referral site. The Boules Court comprised of an enclosed area of loose gravel, within the established green open space. The loose gravel was enclosed by a low-level wooden plinth, approximately 2 cm in height, and the level of the loose gravel, i.e. the Boules Court, was situated at a lower level than the immediately adjoining green open space.

9.2.5. The installation of the Boules Court would have required excavation to remove topsoil and insert the low-level wooden plinth, and as such comes within the scope of ‘works’ as defined in Section 2(1) of the Act, and therefore constitutes development within the meaning of the Act.

9.2.6. Fixed insect bars (kickabout posts)

There are no precise details on the file, which might typically be illustrated on a drawing indicating the scale, nature and height of the kickabout posts. I would note that the applicants' documentation includes photographs of the relevant kickabout posts.

9.2.7. Based on the photographs I would note that there was 4 no. former kickabout posts located on the referral site, and they are enclosed with protective padding, and the posts are approximately 1 metre in height. The Commission will note that removable goal posts are not uncommon in areas of green open space within housing developments and can be typically owned by local residents.

9.2.8. Notwithstanding, as proposed, based on the information on the file, I would consider that the kickabout posts are a type that are mounted into ground sockets. I would consider that the sockets, which generally comprise of metal or heavy-duty plastic sleeves, are set permanently into the ground with concrete. Photographs included with the applicant's submission shows the use of a mini excavator removing one of the kickabout posts from the referral site.

9.2.9. As such the installation of these kickabout posts therefore would involve the operation of construction which comes within the scope of 'works' as defined in Section 2(1) of the Act, and therefore constitutes development within the meaning of the Act.

9.2.10. Landscaping

The referral site, as noted above, was previously a green open space within a housing estate. The question before the Commission, is whether alterations to this green open space providing for the installation of pollinator-friendly flower beds, tree planting, including dedicated fruit orchard area, bulb planting, in defined landscape zones is development.

9.2.11. I would note from Map 10 of the South Dublin County Development Plan, 2022 – 2028, that the referral site does not contain any Tree Preservation Orders, nor does the referral site contain any statutory landscape designations. As such I would not consider that any landscaping, as described above, would impact on a Development Plan designation or objective.

9.2.12. I consider that the planting of trees, the insertion of flower beds and bulb planting does not come within the description of “works” set out in Section 2(1) of the act being, “any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal ...”, it does not, in my view constitute development.

9.2.13. Material Change of Use

There is no definition of ‘material change of use’ in the Act, or any other statute. However, the question as to whether a change of use is a material one was addressed by Keane J. in the case of *Monaghan County Council v Brogan* [1987] IR 333. He stated that of relevance to this question are: “...*the matters which the planning authority would take into account in the event of a planning application being made for the use. If these matters are materially different (from the original use), then the nature of the use must equally be materially different*”.

9.2.14. I would note that other relevant case law supporting this position is *Esat Digifone v South Dublin County Council* (2002) and *Galway County Council v Lackagh Rock* (1985) which both confirm that the test of materiality are the matters that the PA would take into account in the event of a planning application.

9.2.15. I do not consider that the nature and the characteristics of the landscape and amenity features on the green open space would have had different planning considerations in relation to traffic generation, waste collection, noise or impacts on adjacent amenities generally, relative to that of the green open space without these landscape and amenity features. As such the green open space with the installation of landscape and amenity features, in my opinion, would not be materially different.

9.2.16. Conclusion

In conclusion therefore, and having regard to the above considerations, I am of the opinion that the installation of the Boules court and the kickabout post is development, whereas the installation of pollinator-friendly flower beds, tree planting, including dedicated fruit orchard area, bulb planting, in defined landscape zones is not development.

9.3. Is or is not exempted development

- 9.3.1. Development can be exempt from the requirement for planning permission by either Section 4 of the Planning and Development Act, 2000, as amended, or by Article 6 of the Planning and Development Regulations, 2001, as amended. Section 4(1) of the Act has primacy over the exempted development provisions of the Planning and Development Regulations, 2001, as amended.
- 9.3.2. In considering relevant exemptions for the development undertaken I would note that there are no contractual details available on the file in relation to the works undertaken on the referral site that led to the development of the Boules Court and the kickabout posts. Furthermore, the PA has not responded to the applicant's submission or provided any details in relation to the contractual arrangements in respect of the works undertaken on the site. However, the applicant's submission, which includes a submission from the Palmer / Pearse Brothers Park – Residents Association confirms that the project was proposed by Ballyboden Tidy Towns, co-designed with SDCC staff, delivered by CPCL, a contractor recommended, approved and instructed to use by SDCC.
- 9.3.3. I would therefore acknowledge the Ballyboden Tidy Towns (BTT's) were involved in the design and consultation of the project and therefore it is reasonable to conclude that BTT's provided a partnership role to the overall development. On the basis of the information on the file, I would consider, that development of the Boules Court and the kickabout posts was carried out by a contractor on behalf of the Council, in partnership with BTT's.
- 9.3.4. Section 4(1) of the Act defines certain types of development as being exempted development, including under Section 4(1)(f), which states as follows.
- 'development carried out on behalf of, or jointly or in partnership with, a local authority, pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity'*
- 9.3.5. I would therefore conclude, based on the information available on the file, that the development comprising of the installation of the boules court and the kickabout posts is exempted development having regard to Section 4(1)(f) of the Act.

9.3.6. I would also advise the Commission that Section 4(1)(aa) of the Act also provides an exemption of local authority works. Section 4(1)(aa), which states as follows.

‘development by a local authority in its functional area (other than, in the case of a local authority that is a coastal planning authority, its nearshore area).’

9.3.7. As such, and should the Commission consider that the role of BBT’s was not indeed a partnership role in contractual agreement, and that the works were carried out by the Council, albeit by a contractor on their behalf, then in that instance I would consider that Section 4(1)(aa) of the Act would be the applicable exemption.

9.4. Restrictions on exempted development

9.4.1. I note that Article 9 is not relevant to development exempted under section 4(1) of the Planning and Development Act, 2000, as amended.

9.4.2. I consider a restriction which applies to section 4(1)(f) and 4(1)(aa) of the Act is outlined in section 4(4) of the Act, which states that development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required. These matters are discussed in the following sections.

10.0 EIA Screening

10.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

11.0 Appropriate Assessment

11.1. I have considered case ABP-322650-25 in light of the requirements S177U of the Planning and Development Act, 2000, as amended.

11.2. The closest European Sites, part of the Natura 2000 Network, are the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA, both located approximately 7.6km east of the referral site.

11.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

11.4. The reason for this conclusion is as follows:

- Location-distance from nearest European site.
- The nature and scale of development.
- The absence of any ecological pathway from the development site to the nearest European Site.

11.5. I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

11.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

12.0 Water Framework Directive

12.1.1. I have individually assessed the subject development use and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the subject development, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

12.1.2. The reason for this conclusion is as follows.

- The minor nature and scale of development.
- The location of the site in a developed urban area.
- The absence of any hydrological connections.

12.1.3. I conclude that on the basis of objective information, that the subject development will not result in a risk of deterioration on any water body (rivers, lakes,

groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

13.0 Recommendation

13.1. I recommend that the Commission should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the installation 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) 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 referral for review to An Coimisiún Pleanála on the 27th day of May 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, as amended,

- (c) Sections 4(1)(f) and 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) Previous referrals to the Commission, including ABP-311797-21,
- (h) The provisions of the South Dublin County Development Plan, 2022 – 2028,
- (i) the planning history of the site,
- (j) The documentation on the file, including submissions on behalf of the requestor Ballyboden Tidy Towns clg,
- (k) the pattern of development in the area:
- (l) the report and recommendation of the Inspector:

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) the installation 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 installation 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)(f) 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 installation 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, and
- b. The installation of landscaping features and recreational, community and biodiversity amenities (comprising of boules court, fixed insect bars (kickabout posts)) carried out on behalf of the local authority is development and is exempted development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Kenneth Moloney
Senior Planning Inspector

19th December 2025

Form 1 - EIA Pre-Screening

Case Reference	ACP-322650-25
Proposed Development Summary	Whether the installation of landscaping features and recreational, community and biodiversity amenities at Pearse Brothers Park, is or is not development or is or is not exempted development.
Development Address	The open space/greenspace/neighbourhood Park opposite houses 25-34 Pearse Brothers Park, Ballyboden, Dublin 16.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	No Screening required.

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____