



**Question**

Whether the removal landscaping features and recreational, community and biodiversity amenities at Pearse Brothers Park, is or is not development or is or is not exempted development.

**Location**

The open space/greenspace/neighbourhood Park opposite houses 25-34 Pearse Brothers Park, Ballyboden, Dublin 16

**Declaration**

Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	ED25/0047
Applicant for Declaration	Ballyboden Tidy Towns clg.
Planning Authority Decision	No declaration

**Referral**

<b>Referred by</b>	South Dublin County Council
<b>Owner/ Occupier</b>	South Dublin County Council

**Observer(s)** None

**Date of Site Inspection** 26<sup>th</sup> 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

Whether the removal 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 9<sup>th</sup> of July 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

The following relates to the referral site.

- SD218/0008 – Part 8 planning application approved on the 11<sup>th</sup> 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.322650-25 (PA Ref. ED25/0038) – referral application received by ACP asking whether the landscaping and recreational improvements consisting of the installation of the 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. Referrer's Case

#### 6.1.1. The following is a summary of the applicant's case, submitted to the Planning Authority.

- Works related to the removal of established community amenities, are as follows,

- A constructed boules court, with formal layout.
  - Fixed insect bars (kickabout posts).
  - Pollinator-friendly flower beds.
  - Tree planting, including dedicated fruit orchard area.
  - Bulb planting, in defined landscape zones.
- These amenities were installed with public and community engagement.
- Their removal was part of a SDCC Part 8 (Ref. SD218/0008) process, without public consultation.
- The removal of the above is development as defined in Section 3(1) of the Act. The above features and structures were designed, funded and installed through public engagement.
- The removal of the features does not fall within any exemptions.
- It is requested that all related works cease immediately, and no further alteration, removal or construction is undertaken, which would undermine the validity of the Section 5 application.
- The installation of the boules court of the 4 insect bars (wooden bollards / kickabout posts) was carried out by a contractor (CPCL) directed by SDCC.
- The two large pollinator beds, tree plantation and bulb plantation were installed by residents under the supervision of SDCC.
- The following is background correspondence and documentation related to the current Section 5 application.
  - A concurrent Section 5 application (Ref. ED25/0044) submitted to SDCC on the 19<sup>th</sup> of June 2025. This application relates to the removal of a public footpath, grass verge and 9 car parking spaces.
  - A concurrent Section 5 application (Ref. ED25/0038) submitted to SDCC concerning the installation of the above landscape and amenity features.
  - An addendum submitted to SDCC on the 19<sup>th</sup> of May 2025 to support Section 5 application Ref. ED25/0038.

- The addendum was returned by SDCC without consideration.
- SDCC referred Section 5 application Ref. ED25/0038 to ACP.
- The Section 5 application Ref. ED25/0038 referral to ACP was incomplete, as did not include the addendum referred to above.
- Correspondence in relation to the suspension of works until the Section 5 determination was circulated to SDCC and the site contractor.
- The amenity features were removed despite the Section 5 application Ref. ED25/0038. It is questioned whether the removal of these amenity features should have proceeded given the live Section 5 application.
- The proposal to remove these amenity features is unauthorised and not subject to public consultation.
- The removal of such valued recreational, community and biodiversity features from a zoned open space also included the removal of a zoned open space and replaced with a zoned residential space.
- The complete Part 8 application is not available for public viewing.
- The removal of these recreational, community and biodiversity structures and features materially alters the character of the open space / neighbourhood park, the use of the subject site and is not exempted development.

6.1.2. The applicant's submission also includes a 'Statement of Position' which outlines the process into the Part 8 application.

- The development being constructed differs on site materially from the approved Part 8 process.
- The original Part 8 process was flawed on a number of grounds.
  - Lack of transparency – removal of public footpath, car parking and recreational amenity features were not described in the Part 8 documentation available for public consultation.
  - There is no evidence that the post changes, removal of amenities in ED25/0038 and alterations now subject to ED25/0044 were

reassessed under Section 179(6)(b), which requires public consultation.

- Permission granted over land zoned 'open space', which only allows residential development under strict conditions.
- Development has resulted in the loss of public and the residential amenities contrary to the development plan objectives.
- The SDCC's Chief Executive Report did not accurately reflect the full scope and substance to the Part 8 application, which is a breach of section 179(3) of the Act.
- Works including the removal of a constructed boules court, with formal layout, fixed insect bars (kickabout posts), pollinator-friendly flower beds, tree planting, including dedicated fruit orchard area and bulb planting, in defined landscape zones were not described in the Part 8 documentation.
- No material alteration procedure appears to have been initiated as required under Section 176(6)(b).
- The referral application offers the only alternative short of initiating enforcement or JR proceedings.
- The OPR are investigating aspects of this project, which supports the view that the concerns are well founded.
- It is requested that works on the site pause until such time as ACP and the OPR review the development.

## 6.2. Planning Authority Response

- None

# 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’

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;

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

7.1.5. 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**

<b>Column 1</b> <b>Description of Development</b>	<b>Column 2</b> <b>Conditions and Limitations</b>
<p><b>Class 33</b></p> <p>The development consisting of the laying out and use of land –</p> <ul style="list-style-type: none"> <li>a. as a park, private open space or commercial garden,</li> <li>b. as a roadside shrine, or</li> <li>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.</li> </ul>	<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><b>Class 36</b></p> <p>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</p>	<ol style="list-style-type: none"> <li>1. The floor area of any building constructed or erected shall not exceed 40 sq. metres.</li> <li>2. The height of any building or other structure constructed or</li> </ol>

<p>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.</p> <p>b. Development consisting of the carrying out by or on behalf of a State authority or other public body on a nature reserve 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>	<p>erected shall not exceed 10 metres.</p> <p>3. Any car park provided or constructed shall incorporate parking space for not more than 40 cars.</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 25<sup>th</sup> 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 11<sup>th</sup> 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, summarised in section 6.0 above, addresses several issues in respect of the Part 8 application pertaining to the referral site, which is the green open space opposite houses 25-34 Pearse Brothers Park. The applicant's submission refers to issues such as the land use zoning objectives and the process of the Part 8 application including public consultation. Having regard to the foregoing, I consider that the Part 8 application on the referral site 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, and included recreational items such as 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. These recreational items and amenity features are now removed from the referral site and the question before the Commission is whether their removal constitutes development, and if so falls within the scope of exempted development.
- 9.1.5. Given that the landscaping and recreational features no longer exist and the referral site has gone through a Part 8 planning process, I acknowledge that it is difficult to define the full details of the landscaping and recreational features. However, having regard to the information available on file, I am satisfied that the question currently posed to the Commission generally reflects the previous condition of the green open space opposite houses 25-34 Pearse Brothers Park. 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. In considering whether the removal of landscaping features and recreational, community and biodiversity amenities involves works, that constitutes development,

and/or whether a material change of use has occurred, I will examine each of the landscape / amenity features in turn.

9.2.4. Boules Court

I note from the applicant's submitted photographs that the former Boules Court on the green open space, which is the referral site, 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 removal of the Boules Court would have required excavation to remove the loose gravel and 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)

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

9.2.7. Based on the submitted photographs I would note that there are 4 no. kickabout posts, 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, I would consider the goal posts on the referral site, based on the information on the file, 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.

9.2.9. Photographs included with the applicant's submission shows the use of a mini excavator removing one of the kickabout posts. The removal therefore involves excavation 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. Also as noted above the green open space included landscape features, and the question before the Commission, is whether alterations to this green open space that involved the removal 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.

9.2.12. Notwithstanding Section 4(1)(i) of the Act, which states that development consisting of the felling of trees shall be exempt development, I consider that the cutting down of trees, removal of flower beds and bulb planting as undertaken on the subject site 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 green open space without the said landscape and amenity features 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 with these landscape and amenity features. As such the green open space without the 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 removal of the Boules court and the kickabout post is development, whereas the removal 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. Section 4(1) of the Act defines certain types of development as being exempted development, including under 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).'*

- 9.3.3. The development involves the removal of the boules court and the removal of kickabout posts within a green open space within the local authority's functional area. I would also note that South Dublin County Council is not a coastal county.
- 9.3.4. I would therefore conclude that the development comprising of the removal of the boules court and the kickabout posts is exempted development having regard to Section 4(1)(aa) of the Act.

### 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)(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

10.1.1. 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

11.1.1. I have considered case ABP-322999-25 in light of the requirements S177U of the Planning and Development Act, 2000, as amended.

11.1.2. 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.

11.1.3. 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.

11.1.4. 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.

11.1.5. 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.

11.1.6. 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 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 referral for review to An Coimisiún Pleanála on the 9<sup>th</sup> 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) 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 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, and

- 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.

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

. 19<sup>th</sup> December 2025

## Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-322999-25
<b>Proposed Development Summary</b>	Whether the removal landscaping features and recreational, community and biodiversity amenities at Pearse Brothers Park, is or is not development or is or is not exempted development.
<b>Development Address</b>	The open space/greenspace/neighbourhood Park opposite houses 25-34 Pearse Brothers Park, Ballyboden, Dublin 16.
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2,	No Screening required.

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	

<p><b>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)?</b></p>	
<p><b>Yes</b> <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p><b>No</b> <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_