

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902
By Registered Post



Date: 19 March 2021

Section 5 of the Planning and Development Act 2000 (as amended) (the "Planning Acts") | Referral for review of refusal by Dún Laoghaire Rathdown County Council ("DLRCC") to issue determination

Dear Secretary

I wish to refer for review by An Bord Pleanála DLRCC's refusal to make a decision in respect of a request made pursuant to section 5 of the Planning Acts.

I enclose the following:

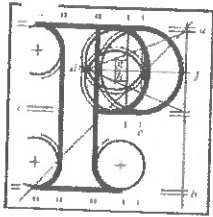
1. Completed application form
2. Postal Order in the sum of €220
3. Original request for declaration dated 30 October 2020
4. DLRCC acknowledgement of receipt dated 6 November 2020
5. DLRCC first request for information dated 24 November 2020
6. Response to DLRCC first request for information dated 4 December 2020
7. DLRCC second request for information dated 14 December 2020
8. Response to DLRCC second request for information dated 6 February 2020
9. DLRCC notification of refusal to make decision dated 9 March 2021

I await hearing from you.

Yours sincerely

Ruadhán Kenny

AN BORD PLEANÁLA	
LDG-	<u>037723-21</u>
ABP-	_____
22 MAR 2021	
Fee: €	<u>220</u> Type: <u>PMO</u>
Time: _____	By: <u>Leofob</u>



An
Bord
Pleanála

Planning Appeal Form

Your details

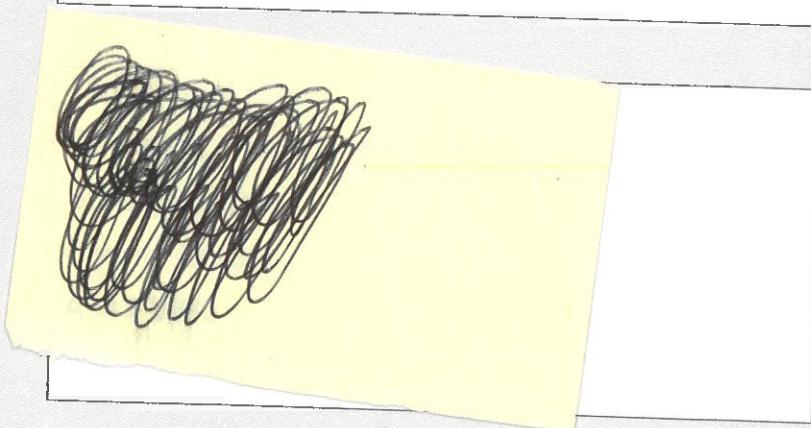
1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Ruadhán Kenny

(b) Address



Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please also provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

N / A

(b) Agent's address

N / A

Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) **Planning authority**

(for example: Ballytown City Council)

Dún Laoghaire Rathdown County Council

(b) **Planning authority register reference number**

(for example: 18/0123)

Active School Travel initiative

(c) **Location of proposed development**

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Boundary between the Belmont estate and the Ardagh estate, Blackrock, County Dublin – see map enclosed with initial request submitted to DLRCC.

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

DLRCC has advised that *"It is noted that the provisions under Section 5 of the Planning and Development Act 2000 (as amended), do not apply to specified development by, or on behalf of, or in partnership with Local Authorities, as prescribed in Part 8 of the Planning and Development Regulations 2001 (as amended). In this regard, a decision cannot be made on this Section 5 request."*

There is no reference in section 5 of the Planning and Development Act 2000 (as amended) to Part 8 of the Planning and Development Regulations 2001 (as amended). A determination must be made as to whether or not the proposed development (as described in my initial request to DLRCC) is or is not exempted development and, if it is determined that the proposed development is exempted development, the basis upon which the proposed development is deemed to be exempted development must be set out.

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct **fee** is included with your appeal. You can find out the correct fee to include in our [Fees and Charges Guide](#) on our website.

Oral hearing request

9. If you wish to [request the Board to hold an oral hearing](#) on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on [our website](#) or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing

NALA has awarded this document its Plain English Mark
Last updated: April 2019.

Planning Appeal Form
April 2019


**Plain
English**
Approved by NALA

Planning Department
An Rannóg Pleanála
Registry Section
Ciarán Carolan
Asst. Staff Officer
Direct Tel: 01 2054700
Fax: 01 2803122



Reference No: Ref10520

Application Type: Declaration on Development and Exempted Development Act
– Section 5, Planning & Development Act (as amended)

Registration Date: 08-Dec-2020

Decision Date: 09-Mar-2021

Location: Boundary Wall between Belmont Lawn and Ardagh Crescent,
Blackrock, Co Dublin

Development Works: (1) The making of 'a small opening in the wall between Belmont Lawn and Ardagh Crescent' and
(2) The construction of 'a short section of pathway across the lawn to link to the existing pathways across Belmont lawn'.

NOTIFICATION OF DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

In pursuance of its functions under the planning & Development Act, 2000 (as amended), Dún Laoghaire-Rathdown County Council has, by Order No. Ref.REF28/21 dated 09-Mar-2021 decided to issue a Declaration that:

The Applicant in their recent response has clarified that the proposed works are to be undertaken by the Local Authority. Upon further consideration, it is noted that the provisions under Section 5 of the Planning and Development Act, 2000 (as amended), do not apply to specified development by, on behalf of, or in partnership with Local Authorities, as prescribed in Part 8 of the Planning and Development Regulations 2001 (as amended). In this regard, a decision cannot be issued on this Section 5 request.

Date of issue: 09-Mar-2021

Signed: Ciarán Carolan
For Senior Executive Officer

NOTE: Where a Declaration is issued under Section 5, any Person issued with such a Declaration, may, on payment to An Bord Pleanála, 64 Marlborough Street, Dublin 1, of a fee of €220, refer the Declaration for review, **within 4 weeks** of the date of issue of the Declaration.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 PLANNING & DEVELOPMENT ACT 2000 (as amended)

Reference No: Ref10520

Applicant: Ruadhán Kenny 16, Belmont Lawn, Stillorgan Road
Co Dublin, A94FW53

Agent: Ruadhán Kenny 16, Belmont Lawn, Stillorgan Road
Co Dublin, A94FW53

Registration Date: 08-Dec-2020

Location: Boundary Wall between Belmont Lawn and Ardagh Crescent,
Blackrock, Co Dublin

Agent: Ruadhán Kenny 16, Belmont Lawn, Stillorgan Road Co Dublin,
A94FW53

Description of Works: (1) The making of 'a small opening in the wall between Belmont Lawn and Ardagh Crescent' and
(2) The construction of 'a short section of pathway across the lawn to link to the existing pathways across Belmont lawn'.

Report:
Enda Duignan

**PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED
SECTION 5**

Ref: 105/20

Matter for Determination:

Declaration pursuant to Section 5 of the Planning & Development Act, 2000 (as amended), in respect of:

- The making of "a small opening in the wall between Belmont Lawn and Ardagh Crescent"; and,
- The construction of "a short section of pathway across the lawn to link to the existing pathways across Belmont lawn".

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RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

The subject site relates to an open spaces area within the Belmont Lawn residential estate and the boundary wall between Belmont Lawn and Ardagh Crescent, Blackrock, Co Dublin.

Site/Premises:

As noted in the foregoing, the site relates to an area of public open space within the Belmont Lawn residential estate. The site also extends to include the boundary wall between Belmont Lawn and Ardagh Crescent. Belmont Lawn and Ardagh Crescent are both established residential areas which are characterised by detached and semi-detached dwellings of typically a single and double storey form. It is noted that both Belmont Lawn and Ardagh Crescent are cul-de-sacs and there appears to be no direct link between the two areas.

ZONING

In the 2016 - 2022 Dún Laoghaire-Rathdown County Development Plan, the lands are zoned, 'F', with a stated objective, 'To preserve and provide for open space with ancillary active recreational amenities'.

PLANNING HISTORY

No recent history of planning applications on site.

ENFORCEMENT HISTORY

No known enforcement history.

PREVIOUS DECLARATIONS UNDER SECTION 5

No record of previous declarations under Section 5.

PROPOSED DEVELOPMENT

The proposed development consists of the following:

- The making of "a small opening in the wall between Belmont Lawn and Ardagh Crescent"; and,
- The construction of "a short section of pathway across the lawn to link to the existing pathways across Belmont lawn".

ASSESSMENT

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

The first matter for determination is whether the proposal would or would not constitute development.

With regard to the proposal, the Planning Authority refers to Section 3 (1) of the Planning and Development Act, 2000 (as amended), which defines 'development' as follows:

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

With regard to Section 3 (1) above, Section 2 (1) of the Planning and Development Act, 2000 (as amended) is also relevant which defines 'works' as follows:

'Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure'.

Having regard to the above, it is considered that the proposal, namely the provision of an opening in the wall between Belmont Lawn and Ardagh Crescent and the construction of a short section of pathway across the lawn to link to the existing pathways across Belmont lawn would constitute works and is development.

Exempted Development or not Exempted Development

The second matter to determine is whether the proposal would constitute exempted development or not. It is noted that the Applicant has indicated on the application form that they are not the owners of the lands in question. It is unclear from the submitted documentation whether the existing open space area is taken-in-charge by the Local Authority.

The making of a small opening in the wall between Belmont Lawn and Ardagh Crescent

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LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

The above referenced works are considered to fall under Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, which is detailed as follows:

'The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.'

The conditions and limitations included within Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, notes that:

'The height of any such structure shall not exceed 2 metres.'

The Applicant has not indicated the height of the existing boundary wall between Belmont Lawn and Ardagh Crescent. In this regard, further information is required to allow for a determination to be made. The Applicant shall be requested to submit a scaled and dimensioned elevation of the existing wall identifying the height of the wall above natural ground level.

It noted that a third party would only be in a position to carry out the proposal if they have sufficient legal interest to carry out the proposed works.

The construction of a short section of pathway across the lawn to link to the existing pathways across Belmont lawn.

The Planning Authority are cognisant of Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, which is detailed as follows:

- a) *The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.*
- a) *Any works within the curtilage of a house for—*
 - i. *the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,*
 - ii. *the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.*

However, it is noted that that these works relate solely to the curtilage of a house. The current proposal relates to the construction of a pathway across an existing communal open space area to link in with the existing footpath which runs through the area of open space. It is noted that there are no provisions within the Planning and Development Regulations 2001, as amended, to allow a private individual to carry out the proposed works without the benefit of planning permission. The proposed works, namely the construction of a short section of

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LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

pathway across the lawn to link to the existing pathways across Belmont lawn are therefore not deemed to be exempted development.

It is noted that as part of the documentation submitted, the Applicant enclosed a Dun Laoghaire Rathdown County Council public consultation document titled 'Active School Travel, New Safe Walking and Cycling Routes, FAQs' (15/10/2020). A drawing titled 'Active School Travel, New Safe Walking and Cycling Routes, Mountains to Metals' is also enclosed which identifies a draft proposal to create an opening in the existing boundary wall separating Belmont Lawn and Ardagh Crescent and to provide a pedestrian pathway across the lawn to link to the existing pathways across Belmont lawn. If the works were to be undertaken by the Local Authority, the works may be deemed to be exempted development should they fall within the scope of Article 80 (1) (k) of the Planning and Development Regulations 2001, as amended, i.e. the cost of the works do not exceed €126,000. Article 80 (1) (k) of the Planning and Development Regulations 2001, as amended, is detailed as follows:

'any development other than those specified in paragraphs (a) to (j), the estimated cost of which exceeds €126,000, not being development consisting of the laying underground of sewers, mains, pipes or other apparatus.'

RECOMMENDATION

It is recommended that Further Information be requested to allow for a full assessment as follows:

- The Applicant has not indicated the height of the existing boundary wall between Belmont Lawn and Ardagh Crescent. The Applicant is therefore requested to submit a scaled and dimensioned elevation of the existing wall which identifies the height of the wall above natural ground level.

The Applicant responded to the request for further information on 8th December 2020.

As part of the response, the Applicant has submitted a scaled and dimensioned elevation of the existing wall which now clearly identifies the height of the wall above natural ground level. The wall, as indicated on the submitted elevations, has a height which ranges from between 1.84m to 2.083m above natural ground level. The Applicant has not indicated where it is proposed to provide the pedestrian connection. If the connection was to be located adjacent the public footpath on the southern side of Ardagh Crescent, the height of the wall at this location does not exceed 2m and the proposal may be deemed to be exempted development pursuant to Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, in the event a private individual sought to carry out the proposed works. It is noted that the height of the wall

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exceeds 2m adjacent the public roadway. If a connection was proposed at this location, planning permission may be required in the event a private individual sought to carry out the proposed works. Given the variance in height along the length this wall, the Planning Authority are unable to make a determination on this matter without the location of this connection being provided. It is again noted that if the works were to be undertaken by the Local Authority at this location, the works may be deemed to be exempted development should they fall within the scope of Article 80 (1) (k) of the Planning and Development Regulations 2001, as amended, i.e. the cost of the works do not exceed €126,000. Article 80 (1) (k) of the Planning and Development Regulations 2001, as amended.

RECOMMENDATION

It is recommended that a Clarification of Further Information be requested to allow for a full assessment as follows:

1. The Applicant has not indicated where it is proposed to provide the pedestrian connection in the existing boundary wall. If the connection was to be located adjacent the public footpath on the southern side of Ardagh Crescent, the height of the wall at this location does not exceed 2m and the proposal may be deemed to be exempted development pursuant to Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended (in the event a private individual sought to carry out the proposed works). It is noted that the height of the wall exceeds 2m adjacent the public roadway on Ardagh Crescent. If a connection was proposed at this location, planning permission may be required in the event a private individual sought to carry out the proposed works. Given the variance in height along the length this wall, the Planning Authority are unable to make a determination on this matter without the location of this connection being provided. The Applicant is therefore requested to provide clarity on this matter to allow a determination to be made.

The Applicant responded to the request for further information on 10th February 2021. As part of their response, the Applicant noted the following:

'As the program in relation to which the development in respect of which the request for declaration is made is proposed to be carried out by DLRCC, I am not in a position to provide clarity on this matter. Despite repeated requests and being provided with the drawings enclosed with my letter of 4th December 2020 [copy emails and closed], DLRCC's Infrastructure and Climate Change Department has refused to provide this information. Accordingly, I submit to you that the appropriate course of action for DLRCC's Planning Department is now to either:

Dún Laoghaire-Rathdown County Council

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- a) Declare that the development in respect of which I have submitted this request is not exempted development; or,
- b) Request that DLRCC Infrastructure and Climate Change Department provide the necessary information, as provided for by Section 5(2)(c) of the Planning Acts.'

Despite the attempts noted as outlined in the foregoing, the Applicant has been unable to provide this information. It is now clarified in the response that the scenario put forward by the Applicant (i.e. question) is based on the Local Authority undertaking the proposed works. It is stated earlier in this report that should works be undertaken by the Local Authority at this location, the works may be deemed to be exempted development should they fall within the scope of Article 80 (1) (k) of the Planning and Development Regulations 2001, as amended, i.e. the cost of the works do not exceed €126,000. However, upon further consideration, it is acknowledged that the description of the works as potentially being 'exempted development' is incorrect and should in fact be described as being exempt from the Part VIII planning process. Section 5 of the Planning and Development Act, 2000 (as amended), notes that:

'If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.'

However, it is noted that the provisions under Section 5 of the Planning and Development Act, 2000 (as amended), do not apply to specified development by, on behalf of, or in partnership with Local Authorities, as prescribed in Part VIII of the Planning and Development Regulations 2001 (as amended). In this regard, a decision cannot be issued on the question that has been clarified by the Applicant in their recent response.

RECOMMENDATION

It is recommended that Dún Laoghaire-Rathdown County Council advise the Applicant as follows:

The Applicant in their recent response has clarified that the proposed works are to be undertaken by the Local Authority. Upon further consideration, it is noted that the provisions under Section 5 of the Planning and Development Act, 2000 (as amended), do not apply to specified development by, on behalf of, or in

Dún Laoghaire-Rathdown County Council

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partnership with Local Authorities, as prescribed in Part 8 of the Planning and Development Regulations 2001 (as amended). In this regard, a decision cannot be issued on this Section 5 request.

Enda Duignan
Executive Planner
2nd March 2021


Administrative Officer

ENDA DUIGNAN FP SWD.
Executive Planner

ORDER

The issuing of a Declaration pursuant to Section 5 of the Planning & Development Act 2000, (as amended) to Ruadhán Kenny 16, Belmont Lawn, Stillorgan Road Co Dublin, A94FW53, that

The Applicant in their recent response has clarified that the proposed works are to be undertaken by the Local Authority. Upon further consideration, it is noted that the provisions under Section 5 of the Planning and Development Act, 2000 (as amended), do not apply to specified development by, on behalf of, or in partnership with Local Authorities, as prescribed in Part 8 of the Planning and Development Regulations 2001 (as amended). In this regard, a decision cannot be issued on this Section 5 request.

Signed: 
Approved Officer

Dated: 9/3/21

Thereunto empowered by order of Príomhfeidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 2013, dated 8/4/19, delegating to me all her powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.

Planning Department
Section 5
Dún Laoghaire Rathdown County Council
County Hall
Marine Road
Dún Laoghaire
A96 K6C9
By Registered Post
By Email section5@dlrcoco.ie

Date: 30 October 2020

Active School Travel | Request for declaration on the question as to whether the work necessary to implement the Active School Travel programme is or is not exempted development

Dear Sirs

Pursuant to section 5 of the Planning and Development Act 2000 (as amended) (the "Planning Acts"), I request that Dún Laoghaire Rathdown County Council ("DLRCC") issue a declaration on the question as to whether certain of the work necessary to implement the Active School Travel programme is or is not exempted development.

The work in respect of which this declaration is requested is:

- (1) The making of "a small opening in the wall between Belmont Lawn and Ardagh Crescent"; and
- (2) The construction of "a short section of pathway across the lawn to link to the existing pathways across Belmont Lawn",

as described in the updated FAQ document issued by DLRCC on 15 October 2020 and referenced on page 3 of the "Mountain to Metals Route Detailed Map" (copy enclosed) available at <https://dlrcoco.citizenspace.com/infrastructure-climate-change/dlr-safe-walking-cycling-routes-consultation/>.

Please note that whilst I have attempted to provide comprehensive details on the enclosed application form in respect of sections "4. Site Details" and "6. List of plans, drawings, etc. submitted with this application", I am limited to providing the information made available by DLRCC in respect of the proposed work. Similarly, the site outline in red on the enclosed Location Map represents my

understanding of the location of the proposed work based on the information made available by DLRCC.

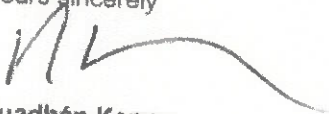
In considering the declaration to be issued in response to this request, DLRCC must take account of the fact that title to this site (and indeed, the entire green area and boundary walls of the Belmont estate) is held by Durkan Homes Limited (CRO number 902741).

I look forward to receipt of DLRCC's declaration on this question and the main reasons and considerations on which DLRCC's decision is based within four weeks of receipt of this request.

If DLRCC considers it necessary to request the submission of further information under section 5(2)(c), I request that DLRCC copy me on any such request, provide me with a copy of any further information submitted in response to any such request and an opportunity to comment on that submission before DLRCC makes its decision.

I await hearing from you.

Yours sincerely



Ruadhán Kenny

CC jhealy@dlrccco.ie

Enclosures

1. Completed Application Form for Section 5 Declaration
2. OSI Location Map (scale 1:1,000) with site clearly outlined in red X 3
3. DLRCC updated FAQ document dated 15 October 2020
4. Page 3 of the "Mountain to Metals Route Detailed Map"
5. Postal order in the respect of fee of €80.00

**Dún Laoghaire-Rathdown County Council
APPLICATION FOR SECTION 5
Planning and Development Act 2000, (as amended)**

The purpose of a Section 5 of the Planning and Development Act 2000, (as amended), is to establish if a particular development is or is not an exempted development within the meaning of the Act.
If detailed information / drawings are not provided, we may not be in a position to make a decision.

NOTES:

- (a) Application **must** be accompanied by fee of €80.00
- (b) Application **must** be accompanied by 3 Copies of:
 - (1) site location map with site clearly outlined in red,
 - (2) site layout plan including **all** existing structures on site (this is required as conditions and limitations of exempted development include location of development and distances from site boundaries),
 - (3) scale floor plans and elevations (this is required as conditions and limitations of exempted development include height of structure and distances of windows from boundaries).
 - (4) Any other additional information so as to inform the decision.

**Forward your application to: Dún Laoghaire-Rathdown County Council,
Planning and Organisational Innovation, Registry and Decisions Section,
Marine Road, Dún Laoghaire, County Dublin.
Telephone: 01-2047240**

1. Applicant Details:

[Handwritten signature and scribbles on a yellow sticky note]

W53

2. Agent Details:

NAME OF AGENT: _____

AGENT'S ADDRESS: N/A

TELEPHONE NO. Day: _____ Mobile: _____

3. Correspondence Details:

ADDRESS FOR CORRESPONDENCE (if different from above)

N/A

4. Site Details:

LOCATION OF SUBJECT SITE:

- (1) BOUNDARY WALL BETWEEN BELMONT / ARDAGH ESTATES
- (2) GREEN SPACE IN BELMONT ESTATE

- | | | | |
|---------------------------------------------------|-------|-------|-------------------------------|
| (a) area of site: | _____ | sq.m. | } UNKNOWN
SEE COVER LETTER |
| (b) floor area of existing extension(s) (if any): | _____ | sq.m. | |
| (c) floor area of proposed development: | _____ | sq.m. | |
| (d) area of rear garden remaining: | _____ | sq.m. | |

Please state applicant's interest in this site: USER OF GREEN SPACE

If applicant is not the owner of site, please provide name & address of owner: _____

DURKAN HOMES LIMITED (CRO NO. 902741)
DURKAN HOUSE; SANDFORDS ROAD; RANELAGH; D.6

Is the above site located within the curtilage of a Protected Structure or within a Candidate Architectural Conservation Area or Architectural Conservation Area?

Yes / No

If yes, has a Declaration under Section 57 of the Planning and Development Act 2000, (as amended) been requested or issued for the property by the Planning Authority?

Yes / No

5. **Details of works (where applicable) or proposed development.**
(Note: Only works listed and described under this Section will be assessed under this Section 5 application. Use additional sheets if required.)

SEE PAGE 6 OF ENCLOSED FAQ

DOCUMENT DATED 15-10-20

- "WHAT ARE YOU PROPOSING AT
BELMONT LAWN/ARDBAGH CRESCENT?"

6. **List of plans, drawings, etc. submitted with this application.**

SEE (1) [HTTPS://DLR COO.CITIZENSPACE.COM/
INFRASTRUCTURE-CLIMATE-CHANGE/DLR-
SAFE-WALKING-CYCLING-ROUTES-
CONSULTATION](https://dlrcoo.citizenspace.com/infrastructure-climate-change/dlr-safe-walking-cycling-routes-consultation)

(2) "MOUNTAINS TO METALS ROUTE DETAILED MAP"
↳ PAGE 3 ENCLOSED.

7. **Are you aware of any enforcement proceedings connected to this site? If so please supply details:**

NO

8. **Were there previous planning application/s on this site?**
If so please supply details:

NOT TO MY KNOWLEDGE

Signed:



Date:

30/10/20

OSi PLACE Map

CENTRE

COORDINATES:
ITM 720888,727249

PUBLISHED: 29/10/2020

ORDER NO.: 50152027_1

MAP SERIES: 1:1,000
3393-12
3393-17

MAP SHEETS: 3393-12
3393-17

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LEGEND:

<http://www.osi.ie>
search 'Large Scale Legend'



CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
[http://www.osi.ie/search/Capture Resolution](http://www.osi.ie/search/Capture%20Resolution)

OUTPUT SCALE: 1:1,000

Dún Laoghaire-Rathdown County Council

Active School Travel

New Safe Walking and Cycling Routes

Frequently Asked Questions (FAQs)

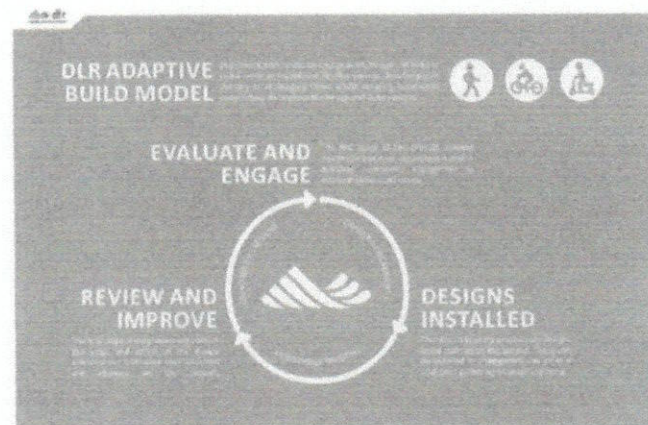
GENERAL QUESTIONS

How can I find out more detail about the Active School Travel Routes?

Please refer to the Information and Engagement booklet available on our website (https://www.dlrcoco.ie/sites/default/files/atoms/files/07_09_2020_activeschooltravel_info_pamphlet.pdf) Detailed route drawings are available on our consultation page (<https://dlrcoco.citizenspace.com/infrastructure-climate-change/dlr-safe-walking-cycling-routes-consultation/>).

We hosted a webinar on the 13th of October to go through the information contained in these documents. To watch the recording of this webinar please follow the link on the Active School Travel Page (<https://www.dlrcoco.ie/en/environment/active-school-travel>).

Online meetings or site meetings (subject to Covid-19 restrictions) will be facilitated on request. Consultation is supported through the Citizens Space (<https://dlrcoco.citizenspace.com/infrastructure-climate-change/dlr-safe-walking-cycling-routes-consultation/>) and via traditional postal submissions.



How is DLRCC Engaging in consultation on the Active School Travel Routes?

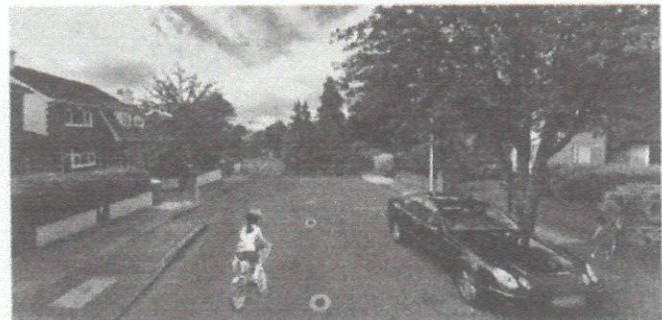
DLRCC has developed an adaptive design and delivery model to support the execution of the works. We are currently in Phase 1 of that model where we consult with

key stakeholders like DLR Councillors, the NTA (National Transport Agency) and the wider public to engage and understand how people feel about the proposals.

From 25th September to 23rd October 2020 DLRCC have published our proposals and information through paper and digital means to receive people's opinion. To date the Public Consultation has received almost 1,000 responses from a broad representation of society.

What are the proposed interventions along each of the Active School Travel routes?

In the majority of cases the Active School Travel routes seek to facilitate active mobility across the county through existing quiet streets and greenways, with interventions seeking to add new signage and wayfinding information to support users along the way. In the majority of locations, we are proposing paint markings in the three colours of the routes on the ground in the form of dots and arrows along with signs at key junctions. Where needed there will also be statutory cycling and walking signage.



Marking and signage will be supplemented by some more minor interventions like adjustments in kerbing and footway/cycleway alignments and significant interventions at specific locations like Lower Kilmacud Road or Dean's Grange Road. These are detailed on the detailed route maps which are available online. Our interventions will seek to connect existing off-road infrastructure together, to make generate safer connected route, while also limiting the impact to existing traffic corridors so far as reasonably practicable.

Please see page 15 of the Information and Engagement booklet for more details.

The table below summarises the key network utilisation and interventions.

ROUTE	SEA TO MOUNTAINS	PARK TO PARK	MOUNTAINS TO METALS
Overall Length	8.2kms	10.7kms	8.7kms
Proportion of route utilising a Quiet Street with wayfinding and signage	3.4kms	3.5kms	4.2kms
Proportion of route utilising an existing Cycleway with minor interventions	1.2kms	0.4kms	2.4kms
Proportion of route utilising an existing park path	0.2kms	5.5kms	0.7kms
Proportion of new infrastructure	0.8kms	0.8kms	1.4kms
Number of schools	25	25	40

*It is noted that some schools are accessible by more than one route, the total number of schools in close proximity to at least one route is approximately 65.

Why not new infrastructure instead of motorised traffic lanes?

The three proposed Active Mobility Routes utilise a combination of existing quiet streets, park paths, existing infrastructure and new infrastructure interventions. In the majority of cases infrastructure which can easily accommodate active mobility modes has been utilised. A number of key interventions have been proposed to enable the routes which, due to spatial constraints like housing, commercial properties etc, require the use of existing motorised road space.

To facilitate 25kms of new Active Mobility Routes the key intervention requiring removal of a length trafficked lane is at Dean's Grange road where 800m of northbound road width will be removed. It is worth noting that this section of the road has also been identified in the 2012 GDA Cycle Network Plan (Route 13c). Traffic interventions are also proposed at Avoca Avenue to restrict 'rat-running' and some interventions seek to formalise walking and cycling space. The interventions are illustrated in the shared detailed maps available.

Who can use these routes?

Everyone is invited to use these routes. By designing for children and their parents, who are generally more concerned about safety, we ensure that these routes are suitable for everyone, including children, the elderly and/or people with disabilities. The aim is to provide a coherent network of safe walking and cycling routes that is convenient and inviting for all, and gives people more options to move around independently.

Which age do you think that is appropriate for children to use these routes independently?

Parents and schools are best placed to decide and advise when children feel confident to walk and cycle independently. DLR has provided guidance for parents on active mobility, we also advocate for walking and cycling buses and support school active travel plans. You can find out more in the related documents on the active school travel page of our website (<https://www.dlrcoco.ie/en/environment/active-school-travel>). Age is generally not the best metric for determining independent cycling or walking competence rather each parent will have a better understanding of their child's skill or competence level.

Will cycle traffic be limited to just these routes?

No. People are free to use the entire cycling network, these routes complement the existing infrastructure and are aimed at connecting across the network. For example St. Brigid's NS does not sit directly adjacent to the Mountains to Metals route yet can be easily joined via Merville Road and Clonmore park which safe and quiet space.

Will cyclists and pedestrians be segregated on these routes?

On busy streets cycling and walking will be clearly segregated both from car traffic and each other. In quiet residential streets cyclists will continue to cycle in the lefthand lane on the street while following the wayfinding marking along the centre of the route. Pedestrians will use the pavement. In parks and car free spaces wayfinding markings will be provided cyclists and

pedestrians will use the same pathways as is standard on the Greenways across the county. The aim is create a joined up active mobility network that is safe and accessible to all. Through this there should be less need for cyclists to use pedestrian only spaces.

Will sections through the Parks be upgraded?

The proposed Active School Travel Mobility Routes utilise a number of existing park paths, as part of our adaptive design and delivery model; refer to FAQ 2 above, the routes will be monitored and evaluated to assess and evaluate their effectiveness. Where appropriate additional interventions can be made to support increasing demand for active mobility along the routes. The DLR Parks Department have been successful in securing funding from the NTA to upgrade a number of their parks. These upgrades compliment the proposed routes.

How will these routes impact people with disabilities?

The aim is to provide a coherent network of safe walking and cycling routes that is convenient and inviting for all. That includes people with disabilities. Along these routes more space is provided to vulnerable road users, pedestrians and cyclists are segregated as much as possible, new crossings are implemented and the speed of motor vehicles is reduced. Together this makes traveling along these routes on foot, with a rollator, a wheelchair or a mobility scooter safer than before and provides people with more freedom to move independently. Obstacles such as kissing gates will be removed or an alternative solution will be found to ensure convenient access. Providing good quality cycle paths means that people will not cycle on the footway ensuring these spaces are preserved other mobility modes.

For those that still need or wish to drive, destinations along these routes will still be accessible by car although travel times may be slightly longer due to some detours for motor vehicles. Dedicated car parking for people with disabilities will be maintained.

How will drivers know that they've entered a quiet street will there be interventions to slow them down?

These are primarily existing residential streets that ensure slow speeds for motor vehicles due to street width, no through traffic, and speed reducing measures, which allows safe conditions for walking and on-street cycling. In addition the wayfinding markers will help to remind people of the presence of the routes. In some cases additional measures are taken to reduce speeds, such as street narrowing at junctions.

Will there be impacts on Parking Spaces?

The majority of the proposals will not affect existing on street parking. On quiet residential streets, it is not proposed to remove formal existing parking, rather the proposals seek to normalise cycling mobility along these routes and encourage sharing of these spaces for all mobility modes.

On busy roads it is not proposed to remove on street parking except in the following three locations; Lower Kilmacud Road, Belmont Terrace and Silchester Road. Where formal infrastructure is proposed we will remove some informal parking to implement cycle infrastructure. Details can be found here: <https://dlrcoco.citizenspace.com/infrastructure-climate-change/dlr-safe-walking-cycling-routes-consultation/>.

What do you mean by pilot routes?

We are putting these routes in place with pop-up measures so that the community can use and experience the routes. In the majority of cases these include markings, bollards and hatching on the ground. The interventions are illustrated in the shared detailed maps available. These pilot routes will go through the 2-month testing phase (Phase 2) after which we will assess them based on how people have experienced the new routes (Phase 3). Then we will look to make changes where needed and implement the routes permanently with high quality finishes and placemaking measures.

How will you be monitoring impacts on traffic?

We are working with Ramboll, the sustainable society consultant, to look at both historic and current car traffic movements via GPS data. This data allows us to track changes to car traffic movement in real time as well as comparing to historic car movements. In addition, we will also count the people walking and cycling along the new routes at key points. We are engaging with the National Transport Authority (NTA) to monitor impacts on bus traffic.

What happens if part of your scheme causes issues with car traffic congestion?

Using GPS data, we can monitor average time taken for cars to travel through junctions as well as delays. If we are observing undue delays, we will be able to make alterations to minimise the impact as we have been doing on the coastal route, and other mobility intervention projects we've completed in the last number of months. In the first few weeks we would expect congestion while users adjust to the changes but after 2-3 weeks traffic patterns should become more established.

Will these proposals prevent emergency vehicle access?

Emergency vehicle access will be maintained across all of the routes. At places where we are proposing on street interventions these will be designed to allow emergency vehicle access.

Will these proposals be utilised in the autumn and winter months?

Experience from countries with an extensive walking and cycling network, like Denmark and the Netherlands, shows that walking and cycling to school or work is fairly consistent year round. Weather conditions in these places are similar to DLR, with cold weather and rain during the autumn and winter months. The key thing is that a safe and convenient network for walking and cycling should be in place. In Copenhagen for example over 70% of people keep cycling during the winter months. Our cycle counters also show that there is no large scale drop off of numbers in the winter.

QUESTIONS ABOUT THE SEA TO MOUNTAINS ROUTE

What is going to happen on George's Avenue in Blackrock?

A contraflow cycle lane is only proposed along George's Avenue between Frascati Road and Blackrock Village. More detail on this specific information can be found on the detailed maps:

What is going to happen on Avoca Avenue?

Avoca Avenue will connect Blackrock to the Mount Merrion Avenue-Stillorgan Road junction. To improve safety for walking and cycling at this location, the speed limit for motor vehicles will be reduced to 30km/h and there will be no through access on Avoca Avenue at Avoca Park for motor vehicles. The closure in the middle of the street is an effective way to eliminate through traffic whilst maintaining local access for motor vehicles. The lower traffic volumes create a safer environment for both users of the active school routes and for residents along the street. The closure would be in effect 24/7.

In the current situation Avoca Avenue is not a safe route for walking and on-street cycling due to the street width, the speed limit of 50 km/h and the street's attractiveness for through traffic between Mount Merrion Avenue and Frascati Road.



Will vehicle access to Blackrock be maintained?

These measures make walking or cycling to Blackrock village more convenient and we hope the majority of people will choose these modes whenever possible. Driving will still be possible as well for those need or

wish to. Local access for motor vehicles will be retained on each side of the street closure. From north of the street closure the route to/from Blackrock village are unchanged. From south of the street closure it would still be possible to get to Blackrock village by car via Mount Merrion Avenue.

Why are traffic calming measures not used instead of a street closure?

Traffic calming measures such as speed ramps would be an option but requires more physical interventions to be implemented at several points along the street compared to the suggested street closure. The placement of speed ramps would also have to be carefully considered so they do not cause issues for nearby residents (e.g. vibrations), especially if through traffic remains.

Why is the route not using Mount Merrion Avenue?

The nearest alternative route, Mount Merrion Avenue, is currently not suitable as a safe route because there is no continuous safe cycle infrastructure. Only a short section, between Stillorgan Road and The Elms, has protected cycle infrastructure, but only one-way and on one side of the street.

How will you ensure safety at the junctions with Grove Avenue and Woodlands Park?

Both junctions will be narrowed to ensure lower speeds of motor vehicles and shorter crossing distances.

QUESTIONS ABOUT THE PARK TO PARK ROUTE

How will the Park to Park route link to the Coast?

From the Loughlinstown to Deansgrange greenway the route will use the existing paths in the green spaces alongside Shanganagh Road. At the roundabout with Killiney Hill Road the route will use the existing pedestrian crossings which will be upgraded to allow cycle and pedestrian crossing. From here the route will continue through the Bayview estate to the railway underpass onto the coastal pathways.

What is going to happen on Deansgrange Road?

The proposal is to prioritise walking and cycling by implementing a protected two-way cycle track on Deansgrange on the west side of the street (adjacent to the cemetery) between Brookville Park and Kill Lane. To provide the space needed for the protected two-way cycle track the proposal is to change Deansgrange to one way for cars whilst retaining on-street car parking. Buses 84 and 84a (BusConnects line 226) will be redirected to Abbey Road and use the existing bus stops.

Why are you not using Abbey Road?

The objectives of the scheme are to facilitate vulnerable users via safe walking and cycling routes. The existing infrastructure on Abbey Road and at the roundabout with Stradbroke Road does not support this objective. Rather Abbey Road requires a greater level of pedestrian and cyclist confidence and skill to navigate.

What will happen to northbound car traffic on Deansgrange Road?

Given the current recommendation regarding public transport, it is expected that more people will choose to use private transportation. If most people choose to make use of private cars, then this has the potential to create significant traffic congestion if no interventions are made. The proposed interventions on Deansgrange Road and throughout other parts of the county enable more people to use the most space efficient modes, namely walking and cycling, particularly those movements to and from school.

Where northbound movements cannot transfer to an active model, traffic through Deansgrange will be encouraged to use the N11 and Abbey road. Northbound motorised traffic will be monitored using live Traffic Management Software, along with a Traffic Management Plan utilising variable messaging signage to inform motorised vehicles at key decision points, which is being considered. Traffic moving southbound will continue to be facilitated.

Can I travel by bus on Deansgrange Road?

Buses 84 and 84a (BusConnects line 226) will be redirected to Abbey Road and use the existing bus stops.

How will you connect Deansgrange Road to Clonkeen Park?

The route will use the existing signal crossing at the junction with Kill Lane. Some space on the wide pavement will be reallocated to implement a two-way cycle track on the south side of Kill Lane. This will run to the start of the Loughlingstown to Deansgrange Greenway next to the Kill O'Grange Church.

QUESTIONS ABOUT THE MOUNTAINS TO METALS ROUTE

What are you proposing at Belmont Lawn/Ardagh Crescent?

We are proposing to make a small opening in the wall between Belmont Lawn and Ardagh Crescent. This would not be accessible to motor vehicles. To access this opening we are proposing a short section of pathway across the lawn to link to the existing pathways across Belmont Lawn.

Have you consulted with residents in Belmont Lawn and Ardagh Crescent about your proposals?

Yes further to the wider public consultation and engagement materials, we had a site meeting with residents in both areas to discuss the proposals and their queries.

Some specific queries have also been raised by local residents through formal letters and we are engaging with these directly, as a result they are not addressed here.

Why is the route not going through the Farmleigh Estate instead?

The Mountains to Metals route links Sandyford to Deansgrange. There are very few options to cross Stillorgan Road (N11) for cyclists and pedestrians.

We looked at different options for this route to balance directness with minimal interventions and in our view the link at Belmont Lawn and Ardagh Crescent allows us to link the quiet streets on either side of the N11 with the least amount of intervention.

On the suggested Sandyford to Deansgrange via Farmleigh route. A significant intervention would be required in front of St John of God Hospital to facilitate a two-way cycle track which would include major construction works.

What's happening at Belmont Terrace?

We are proposing a contraflow cycle lane to link Belmont Green to the signal crossing at Stillorgan Road (N11). Informal parking will be removed, parking spaces will be unaffected.

OTHER QUESTIONS

What is happening with School zones?

The Council has also launched its trial School Zone initiative, which forms part of larger Active School Travel initiative. The Council will be working with Carysfort NS, to implement measures to prevent obstruction of school entrances and footpaths by vehicles, making it safer for those who walk and cycle to school. This will also include temporary traffic calming measures in the vicinity of the school. In the longer term, the Council will work with the school, the wider community, the NTA and An Taisce, to put in place more sustainable measures such as additional pedestrian crossings, markings and more permanent traffic calming measures. This trial will inform appropriate approaches and measures that may be used elsewhere in the County in the future.

Can I suggest placemaking measures or utilisation of public space for businesses along the routes?

The council will be sharing a scheme to work with local communities to enhance streets and spaces, more information on this will be shared in the coming weeks.

There are schools that haven't been linked by these routes, can i make suggestions?

Local schools have been invited by the Council, through the Active School Travel initiative to identify local travel and transport issues, where the Council can provide assistance and support in overcoming. These issues and hazards include the need for cycle parking, deteriorated footpaths, traffic pinch points, pedestrian crossing etc. Schools should raise these issues by using the Council's 'Report It' tool, available on our website at: <https://www.dlrcoco.ie/en/report>. Submissions from schools should reference this Active School Travel initiative.

These three routes are a starting point for linking up the active mobility network in dlr, we aim to extend the network and connect more schools in the future.

Information on the Coastal Mobility Route?

It should be noted that the Coastal Mobility Route does not form part of this consultation, rather the focus of this engagement is the 3 new Active School Travel Mobility routes; The Sea to Mountains Route, The Park to Park Route and The Mountains to Metals Route. DLR will be holding a dedicated public consultation on the Coastal Mobility Route where users can express their views.

Although it is noted that the Coastal Mobility Route has recorded more than 20,000 per week in some areas. Users would all be passing through the route, not requiring car parking, and often seeking places to stop and avail of the local offering. In relation to the traffic impacts on the Coastal Route, on average journey time through junctions is less than 2 minutes and it is evident that increased cycling and pedestrian movements are reducing the potential for queuing at junctions.

**This update seeks to address the broad scope of questions asked during the public consultation event on the 13.10.2020. Please note that we received over 400 comments from over 130 contributors at the event.*

Planning Department
An Rannóg Pleanála
Decisions and Registry
Ciarán Carolan
Tel: 01 205 4863

Our Ref. Ref10520



Section 5 of the Planning & Development Act,

- (1) The making of "a short section of pathway in the wall between Belmont Lawn and Ardagh Crescent" and
- (2) The construction of "a short section of pathway across the lawn to link to the existing pathways across Belmont lawn".

Dear Sir / Madam,

I wish to acknowledge receipt of your submission requesting Declaration pursuant to Section 5 of the Planning and Development Acts 2000 (as amended), in respect of the above mentioned location.

Your submission was received in this office on 03-Nov-2020 and a decision will issue within 4 weeks from this date.

I acknowledge receipt of the amount of €80 euro, being the correct fee payable.

Please note that in accordance with Section 251 of the Planning and Development Act 2000 (as amended) 'where circulating any appropriate period or other time limit referred to in this Act or in any regulations made under this Act, the period between 24th December, and the 1st January, both days inclusive shall be disregarded.'

Yours Sincerely,

Ciarán Carolan

Ciarán Carolan
Asst. Staff Officer
Planning Dept.
Tel: 01-2054 863

Planning Department
An Rannóg Pleanála
Direct Tel: 01 205 4700



Application type: Decision Development & Exempted Development –
Section 5, Planning & Development Act, 2000 (as amended)

Registered Date: 03-Nov-2020

Decision Date: 24-Nov-2020

Location: Boundary Wall between Belmont Lawn and Ardagh Crescent, Blackrock, Co Dublin

Proposal: (1) The making of "a small opening in the wall between Belmont Lawn and Ardagh Crescent" and
(2) The construction of "a short section of pathway across the lawn to link to the existing pathways across Belmont lawn".

Declaration on Development & Exempted Development Section 5 (2)(b)

In pursuance of its functions under the Planning & Development Acts 2000 (as amended), Dún Laoghaire-Rathdown County Council has by Order No. Ref. REF118/20 dated 24-Nov-2020, decided to seek **further information** pursuant to Section 5 (2)(b) of the Planning & Development Act, 2000 (as amended).

This information shall include:-

- The Applicant has not indicated the height of the existing boundary wall between Belmont Lawn and Ardagh Crescent. The Applicant is therefore requested to submit a scaled and dimensioned elevation of the existing wall which identifies the height of the wall above natural ground level.

Date: 24/11/2020

Signed: Ciarán Carolan
for Senior Executive Officer
Planning Department

No.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

PLANNING & DEVELOPMENT ACT 2000 (as amended) SECTION 5 (2)(b)

Our Reference: Ref10520

Applicant: Ruadhán Kenny 16, Belmont Lawn, Stillorgan Road
Co Dublin, A94FW53

Agent: Ruadhán Kenny 16, Belmont Lawn, Stillorgan Road
Co Dublin, A94FW53

Location: Boundary Wall between Belmont Lawn and Ardagh Crescent,
Blackrock, Co Dublin

Date Recd: 03-Nov-2020

Development: (1) The making of "a small opening in the wall
between Belmont Lawn and Ardagh Crescent"
and
(2) The construction of "a short section of pathway across the lawn to
link to the existing pathways across Belmont
lawn".

Report:
Enda Duignan

PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED SECTION 5

Ref: 105/20

Matter for Determination:

Declaration pursuant to Section 5 of the Planning & Development Act, 2000 (as amended), in respect of:

- The making of "a small opening in the wall between Belmont Lawn and Ardagh Crescent"; and,
- The construction of "a short section of pathway across the lawn to link to the existing pathways across Belmont lawn".

The subject site relates to an open spaces area within the Belmont Lawn residential estate and the boundary wall between Belmont Lawn and Ardagh Crescent, Blackrock, Co Dublin.

Site/Premises:

As noted in the foregoing, the site relates to an area of public open space within the Belmont Lawn residential estate. The site also extends to include the boundary wall between Belmont Lawn and Ardagh Crescent, Belmont Lawn and

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

Ardagh Crescent are both established residential areas which are characterised by detached and semi-detached dwellings of typically a single and double storey form. It is noted that both Belmont Lawn and Ardagh Crescent are cul-de-sacs and there appears to be no direct link between the two areas.

ZONING

In the 2016 - 2022 Dún Laoghaire-Rathdown County Development Plan, the lands are zoned, 'F', with a stated objective, 'To preserve and provide for open space with ancillary active recreational amenities'.

PLANNING HISTORY

No recent history of planning applications on site.

ENFORCEMENT HISTORY

No known enforcement history.

PREVIOUS DECLARATIONS UNDER SECTION 5

No record of previous declarations under Section 5.

PROPOSED DEVELOPMENT

The proposed development consists of the following:

- The making of "a small opening in the wall between Belmont Lawn and Ardagh Crescent"; and,
- The construction of "a short section of pathway across the lawn to link to the existing pathways across Belmont lawn".

ASSESSMENT

The first matter for determination is whether the proposal would or would not constitute development.

With regard to the proposal, the Planning Authority refers to Section 3 (1) of the Planning and Development Act, 2000 (as amended), which defines 'development' as follows:

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

With regard to Section 3 (1) above, Section 2 (1) of the Planning and Development Act, 2000 (as amended) is also relevant which defines 'works' as follows:

'Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure'.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

Having regard to the above, it is considered that the proposal, namely the provision of an opening in the wall between Belmont Lawn and Ardagh Crescent and the construction of a short section of pathway across the lawn to link to the existing pathways across Belmont lawn would constitute works and is development.

Exempted Development or not Exempted Development

The second matter to determine is whether the proposal would constitute exempted development or not. It is noted that the Applicant has indicated on the application form that they are not the owners of the lands in question. It is unclear from the submitted documentation whether the existing open space area is taken-in-charge by the Local Authority.

The making of a small opening in the wall between Belmont Lawn and Ardagh Crescent

The above referenced works are considered to fall under Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, which is detailed as follows:

'The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.'

The conditions and limitations included within Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, notes that:

'The height of any such structure shall not exceed 2 metres.'

The Applicant has not indicated the height of the existing boundary wall between Belmont Lawn and Ardagh Crescent. In this regard, further information is required to allow for a determination to be made. The Applicant shall be requested to submit a scaled and dimensioned elevation of the existing wall identifying the height of the wall above natural ground level.

It is noted that a third party would only be in a position to carry out the proposal if they have sufficient legal interest to carry out the proposed works.

The construction of a short section of pathway across the lawn to link to the existing pathways across Belmont lawn.

The Planning Authority are cognisant of Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, which is detailed as follows:

- a) *The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.*

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

- b) *Any works within the curtilage of a house for—*
- i. *the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,*
 - ii. *the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.*

However, it is noted that that these works relate solely to the curtilage of a house. The current proposal relates to the construction of a pathway across an existing communal open space area to link in with the existing footpath which runs through the area of open space. It is noted that there are no provisions within the Planning and Development Regulations 2001, as amended, to allow a private individual to carry out the proposed works without the benefit of planning permission. The proposed works, namely the construction of a short section of pathway across the lawn to link to the existing pathways across Belmont lawn are therefore not deemed to be exempted development.

It is noted that as part of the documentation submitted, the Applicant enclosed a Dun Laoghaire Rathdown County Council public consultation document titled 'Active School Travel, New Safe Walking and Cycling Routes, FAQs' (15/10/2020). A drawing titled 'Active School Travel, New Safe Walking and Cycling Routes, Mountains to Metals' is also enclosed which identifies a draft proposal to create an opening in the existing boundary wall separating Belmont Lawn and Ardagh Crescent and to provide a pedestrian pathway across the lawn to link to the existing pathways across Belmont lawn. If the works were to be undertaken by the Local Authority, the works may be deemed to be exempted development should they fall within the scope of Article 80 (1) (k) of the Planning and Development Regulations 2001, as amended, i.e. the cost of the works do not exceed €126,000. Article 80 (1) (k) of the Planning and Development Regulations 2001, as amended, is detailed as follows:

'any development other than those specified in paragraphs (a) to (j), the estimated cost of which exceeds €126,000, not being development consisting of the laying underground of sewers, mains, pipes or other apparatus.'

RECOMMENDATION

It is recommended that Further Information be requested to allow for a full assessment as follows:

Having regard to Section 5 (2) (b) of the Planning and Development Act 2000 (as amended) the applicant is requested to submit the following further information for the items listed below to enable the Planning Authority to make its decision on the matter:

No.

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

- The Applicant has not indicated the height of the existing boundary wall between Belmont Lawn and Ardagh Crescent. The Applicant is therefore requested to submit a scaled and dimensioned elevation of the existing wall which identifies the height of the wall above natural ground level.


Administrative Officer

Executive Planner

ORDER:

Additional information as set out in the foregoing report to be requested from Ruadhán Kenny 16, Belmont Lawn, Stillorgan Road Co Dublin, A94FW53, in respect of the Section 5 Declaration in relation to: (1) The making of "a small opening in the wall between Belmont Lawn and Ardagh Crescent" and (2) The construction of "a short section of pathway across the lawn to link to the existing pathways across Belmont lawn", in accordance with Section 5 (2)(b) of the Planning & Development Act, 2000 (as amended).

Signed:


Approved Officer

Dated: 24/11/2020

Thereunto empowered by order of *Trionhfhaidhmeannach*, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 2213, dated 8/4/19, delegating to me all her powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.

Mr Ciarán Carolan
Senior Executive Officer
Planning Department
Section 5
Dún Laoghaire Rathdown County Council
County Hall
Marine Road
Dún Laoghaire
A96 K6C9
By Post
By Email section5@dlrccoco.ie



Date: 4 December 2020

Active School Travel | Request for declaration on the question as to whether the work necessary to implement the Active School Travel programme is or is not exempted development

Dear Sir

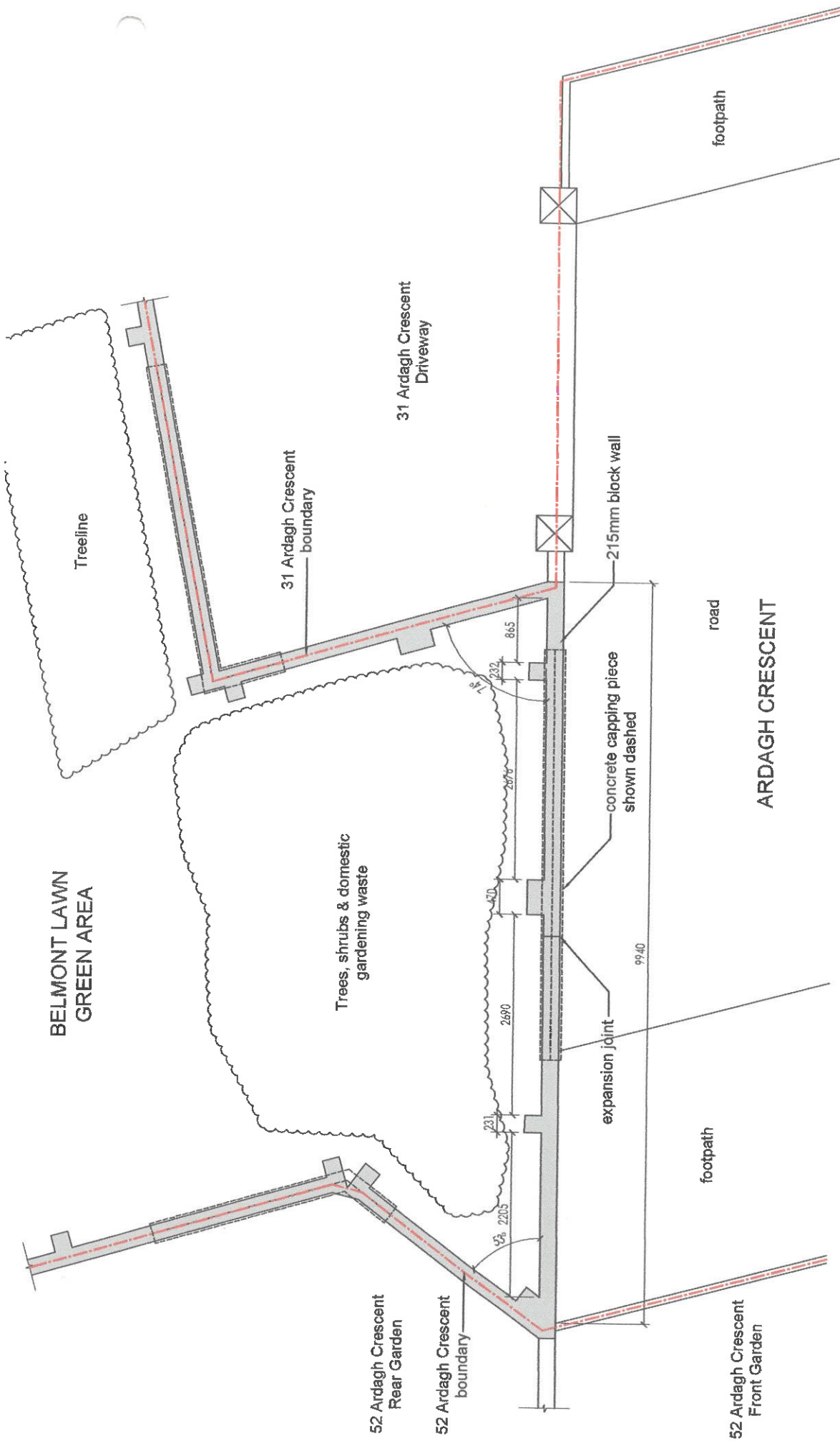
I refer to your letter of 24 November 2020 and enclose the requested scaled and dimensioned elevation of the existing wall which identifies the height of the wall above natural ground level.

I look forward to receipt of DLRCC's declaration on my question and the main reasons and considerations on which DLRCC's decision is based within the applicable time period.

Yours sincerely

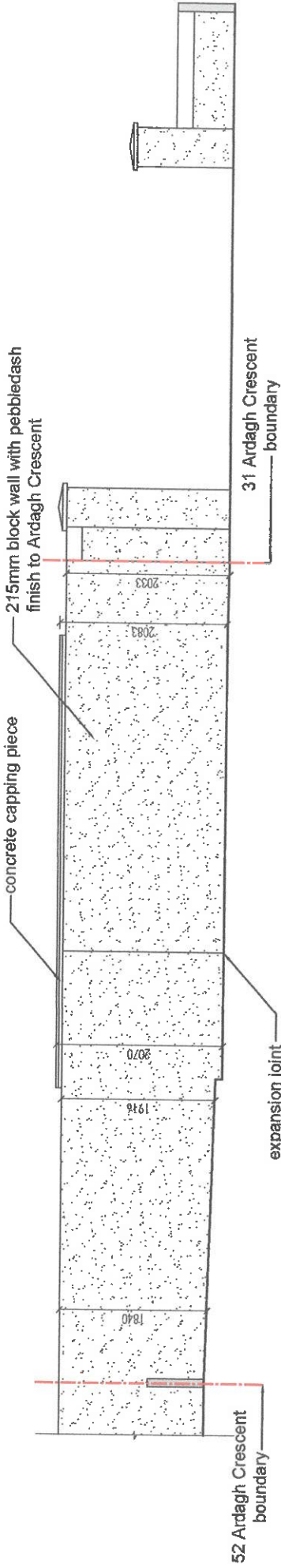


Ruadhán Kenny

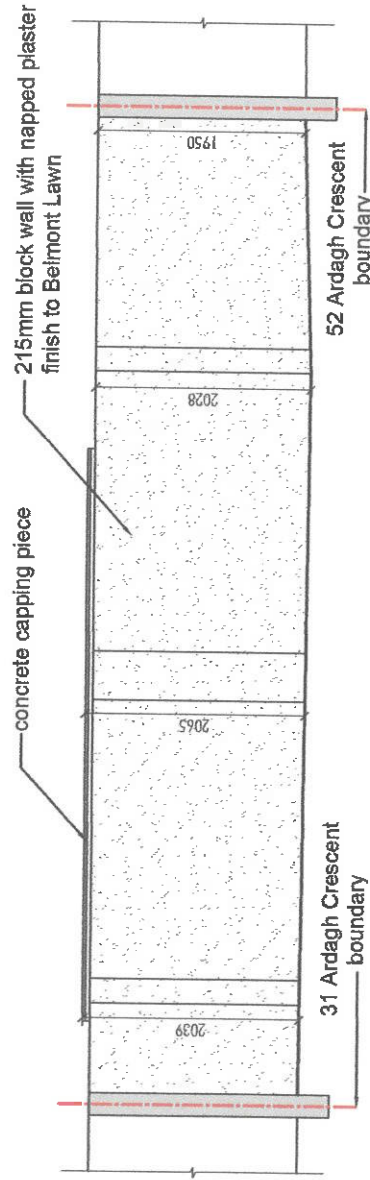


PLAN OF EXISTING WALL

Client:	Ruadhán Kerry	
Project:	18 Belmont Lawns	
Drawing:	Survey of Existing Wall between Belmont Lawns & Ardagh Crescent	
Date:	02/12/2020	
Scale:	1:50	
Dwg. No.:	214-20-S-01	
Drawn		
Rev.	Date	Comment
<p>© BLUEPRINT DEVELOPMENTS 48 Kilsakee Lawns, Fintona, D24 M: 087 9477 853</p>		
<p>Architectural Technologist</p>		<p>RIAI</p>
<p>2020</p>		<p>DRAWN: D.M. REVISION: -</p>



ELEVATION OF WALL FROM ARDAGH CRESCENT

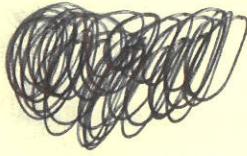


ELEVATION OF WALL FROM BELMONT LAWN GREEN AREA

Client:	Ruadhán Kenny	Client:	Ruadhán Kenny
Project:	16 Belmont Lawns	Project:	16 Belmont Lawns
Drawing:	Elevation of Existing Wall between Belmont Lawns & Ardagh Crescent	Drawing:	Elevation of Existing Wall between Belmont Lawns & Ardagh Crescent
Date:	02/12/2020	Date:	02/12/2020
Scale:	1:50	Scale:	1:50
Drawn:		Drawn:	
Rev.	Date	Comment	
© BLUEPRINT DEVELOPMENTS 49 Kilakee Lawns, Firhouse, D24 M: 087 3477 653			
DRAWN: D.M.		REVISION: -	
2020		RIAI	

Planning Department

An Rannóg Pleanáia
Direct Tel: 01 205 4700



Reference Number: REF126/20

Application Type: Declaration on Development & Exempted Development – Section 5, Planning & Development Act, 2000 (as amended)

Registered Date: 08-Dec-2020

Decision Date: 14-Dec-2020

Location: Boundary Wall between Belmont Lawn and Ardagh Crescent, Blackrock, Co Dublin

Proposal: (1) The making of 'a small opening in the wall between Belmont Lawn and Ardagh Crescent' and
(2) The construction of 'a short section of pathway across the lawn to link to the existing pathways across Belmont lawn'.

Declaration on Development & Exempted Development Section 5 (2)(b)

In pursuance of its functions under the Planning & Development Acts 2000 (as amended), Dún Laoghaire-Rathdown County Council has by Order No. Ref. REF126/20 dated 14-Dec-2020, decided to seek **clarification of further information** pursuant to Section 5 (2)(b) of the Planning & Development Act, 2000 (as amended).

This information shall include:-

1. The Applicant has not indicated where it is proposed to provide the pedestrian connection in the existing boundary wall. If the connection was to be located adjacent the public footpath on the southern side of Ardagh Crescent, the height of the wall at this location does not exceed 2m and the proposal may be deemed to be exempted development pursuant to Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended (in the event a private individual sought to carry out the proposed works). It is noted that the height of the wall exceeds 2m adjacent the public roadway on Ardagh Crescent. If a connection was proposed at this location, planning permission may be required in the event a private individual sought to carry out the proposed works. Given the variance in height along the length this wall, the Planning Authority are unable to make a determination on this matter without the location of this connection being provided. The Applicant is therefore requested to provide clarity on this matter to allow a determination to be made.

Date: 14/12/2020

Signed: Ciarán Carolan
for Senior Executive Officer
Planning Department

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

PLANNING & DEVELOPMENT ACT 2000 (as amended) SECTION 5 (2)(b)

Our Reference:

Ref10520

Applicant:



Agent:

Ruadhán Kenny 16, Belmont Lawn, Sunnorgan Road
Co Dublin, A94FW53

Location: Boundary Wall between Belmont Lawn and Ardagh Crescent,
Blackrock, Co Dublin

Date Recd: 08-Dec-2020

Development: (1) The making of 'a small opening in the wall between Belmont Lawn and Ardagh Crescent' and
(2) The construction of 'a short section of pathway across the lawn to link to the existing pathways across Belmont lawn'.

Report:

Enda Duignan

PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED SECTION 5

Ref: 105/20

Matter for Determination:

Declaration pursuant to Section 5 of the Planning & Development Act, 2000 (as amended), in respect of:

- The making of "a small opening in the wall between Belmont Lawn and Ardagh Crescent"; and,
- The construction of "a short section of pathway across the lawn to link to the existing pathways across Belmont lawn".

The subject site relates to an open spaces area within the Belmont Lawn residential estate and the boundary wall between Belmont Lawn and Ardagh Crescent, Blackrock, Co Dublin.

Site/Premises:

As noted in the foregoing, the site relates to an area of public open space within the Belmont Lawn residential estate. The site also extends to include the boundary wall between Belmont Lawn and Ardagh Crescent. Belmont Lawn and Ardagh Crescent are both established residential areas which are characterised by detached and semi-detached dwellings of typically a single and double storey

Dún Laoghaire-Rathdown County Council

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form. It is noted that both Belmont Lawn and Ardagh Crescent are cul-de-sacs and there appears to be no direct link between the two areas.

ZONING

In the 2016 - 2022 Dún Laoghaire-Rathdown County Development Plan, the lands are zoned, 'F', with a stated objective, 'To preserve and provide for open space with ancillary active recreational amenities'.

PLANNING HISTORY

No recent history of planning applications on site.

ENFORCEMENT HISTORY

No known enforcement history.

PREVIOUS DECLARATIONS UNDER SECTION 5

No record of previous declarations under Section 5.

PROPOSED DEVELOPMENT

The proposed development consists of the following:

- The making of "a small opening in the wall between Belmont Lawn and Ardagh Crescent"; and,
- The construction of "a short section of pathway across the lawn to link to the existing pathways across Belmont lawn".

ASSESSMENT

The first matter for determination is whether the proposal would or would not constitute development.

With regard to the proposal, the Planning Authority refers to Section 3 (1) of the Planning and Development Act, 2000 (as amended), which defines 'development' as follows:

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

With regard to Section 3 (1) above, Section 2 (1) of the Planning and Development Act, 2000 (as amended) is also relevant which defines 'works' as follows:

'Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure'.

Having regard to the above, it is considered that the proposal, namely the provision of an opening in the wall between Belmont Lawn and Ardagh Crescent

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RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

and the construction of a short section of pathway across the lawn to link to the existing pathways across Belmont lawn would constitute works and is development.

Exempted Development or not Exempted Development

The second matter to determine is whether the proposal would constitute exempted development or not. It is noted that the Applicant has indicated on the application form that they are not the owners of the lands in question. It is unclear from the submitted documentation whether the existing open space area is taken-in-charge by the Local Authority.

The making of a small opening in the wall between Belmont Lawn and Ardagh Crescent

The above referenced works are considered to fall under Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, which is detailed as follows:

'The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.'

The conditions and limitations included within Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, notes that:

'The height of any such structure shall not exceed 2 metres.'

The Applicant has not indicated the height of the existing boundary wall between Belmont Lawn and Ardagh Crescent. In this regard, further information is required to allow for a determination to be made. The Applicant shall be requested to submit a scaled and dimensioned elevation of the existing wall identifying the height of the wall above natural ground level.

It noted that a third party would only be in a position to carry out the proposal if they have sufficient legal interest to carry out the proposed works.

The construction of a short section of pathway across the lawn to link to the existing pathways across Belmont lawn.

The Planning Authority are cognisant of Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, which is detailed as follows:

- a) *The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.*
- b) *Any works within the curtilage of a house for—*
 - i. *the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,*
 - ii. *the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to*

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the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.

However, it is noted that that these works relate solely to the curtilage of a house. The current proposal relates to the construction of a pathway across an existing communal open space area to link in with the existing footpath which runs through the area of open space. It is noted that there are no provisions within the Planning and Development Regulations 2001, as amended, to allow a private individual to carry out the proposed works without the benefit of planning permission. The proposed works, namely the construction of a short section of pathway across the lawn to link to the existing pathways across Belmont lawn are therefore not deemed to be exempted development.

It is noted that as part of the documentation submitted, the Applicant enclosed a Dun Laoghaire Rathdown County Council public consultation document titled 'Active School Travel, New Safe Walking and Cycling Routes, FAQs' (15/10/2020'). A drawing titled 'Active School Travel, New Safe Walking and Cycling Routes, Mountains to Metals' is also enclosed which identifies a draft proposal to create an opening in the existing boundary wall separating Belmont Lawn and Ardagh Crescent and to provide a pedestrian pathway across the lawn to link to the existing pathways across Belmont lawn. If the works were to be undertaken by the Local Authority, the works may be deemed to be exempted development should they fall within the scope of Article 80 (1) (k) of the Planning and Development Regulations 2001, as amended, i.e. the cost of the works do not exceed €126,000. Article 80 (1) (k) of the Planning and Development Regulations 2001, as amended, is detailed as follows:

'any development other than those specified in paragraphs (a) to (j), the estimated cost of which exceeds €126,000, not being development consisting of the laying underground of sewers, mains, pipes or other apparatus.'

RECOMMENDATION

It is recommended that Further Information be requested to allow for a full assessment as follows:

- The Applicant has not indicated the height of the existing boundary wall between Belmont Lawn and Ardagh Crescent. The Applicant is therefore requested to submit a scaled and dimensioned elevation of the existing wall which identifies the height of the wall above natural ground level.

The Applicant responded to the request for further information on 8th December 2020.

As part of the response, the Applicant has submitted a scaled and dimensioned elevation of the existing wall which now clearly identifies the height of the wall above natural ground level. The wall, as indicated on the submitted elevations, has a height which ranges from between 1.84m to 2.083m above natural ground level. The Applicant has not indicated where it is proposed to provide the pedestrian connection. If the connection was to be located adjacent the public footpath on the southern side of Ardagh Crescent, the height of the wall at this

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location does not exceed 2m and the proposal may be deemed to be exempted development pursuant to Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, in the event a private individual sought to carry out the proposed works. It is noted that the height of the wall exceeds 2m adjacent the public roadway. If a connection was proposed at this location, planning permission may be required in the event a private individual sought to carry out the proposed works. Given the variance in height along the length this wall, the Planning Authority are unable to make a determination on this matter without the location of this connection being provided. It is again noted that if the works were to be undertaken by the Local Authority at this location, the works may be deemed to be exempted development should they fall within the scope of Article 80 (1) (k) of the Planning and Development Regulations 2001, as amended, i.e. the cost of the works do not exceed €126,000. Article 80 (1) (k) of the Planning and Development Regulations 2001, as amended.

RECOMMENDATION

It is recommended that a Clarification of Further Information be requested to allow for a full assessment as follows:

1. The Applicant has not indicated where it is proposed to provide the pedestrian connection in the existing boundary wall. If the connection was to be located adjacent the public footpath on the southern side of Ardagh Crescent, the height of the wall at this location does not exceed 2m and the proposal may be deemed to be exempted development pursuant to Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended (in the event a private individual sought to carry out the proposed works). It is noted that the height of the wall exceeds 2m adjacent the public roadway on Ardagh Crescent. If a connection was proposed at this location, planning permission may be required in the event a private individual sought to carry out the proposed works. Given the variance in height along the length this wall, the Planning Authority are unable to make a determination on this matter without the location of this connection being provided. The Applicant is therefore requested to provide clarity on this matter to allow a determination to be made.


Administrative Officer


Executive Planner

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

ORDER:

Clarification of Further Information as set out in the foregoing report to be requested from Ruadhán Kenny 16, Belmont Lawn, Stillorgan Road Co Dublin, A94FW53, in respect of the Section 5 Declaration in relation to: (1) The making of 'a small opening in the wall between Belmont Lawn and Ardagh Crescent' and (2) The construction of 'a short section of pathway across the lawn to link to the existing pathways across Belmont lawn', in accordance with Section 5 (2)(b) of the Planning & Development Act, 2000 (as amended).

Signed:

S McDermott
Approved Officer

Dated: 14/12/2020

Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 2243, dated 27/4/19, delegating to me all her powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.

Mr Ciarán Carolan
Senior Executive Officer
Planning Department
Section 5
Dún Laoghaire Rathdown County Council
County Hall
Marine Road
Dún Laoghaire
A96 K6C9
By Post
By Email section5@dlrcco.ie

Date: 6 February 2021

Active School Travel | Request for declaration on the question as to whether the work necessary to implement the Active School Travel programme is or is not exempted development

Dear Sir

I refer to your letter of 14 December 2020, which requested that I provide clarity on the matter of "where it is proposed to provide the pedestrian connection in the existing boundary wall".

As the programme in relation to which the development in respect of which the request for declaration is made is proposed to be carried out by DLRCC, I am not in a position to provide clarity on this matter. Despite repeated requests and being provided with the drawings enclosed with my letter of 4 December 2020 (copy emails enclosed), DLRCC's Infrastructure & Climate Change Department has refused to provide this information.

Accordingly, I submit to you that the appropriate course of action for DLRCC's Planning Department is now to either:

- (a) declare that the development in respect of which I have submitted this request is not exempted development, or
- (b) request that DLRCC's Infrastructure & Climate Change Department provide the necessary information, as provided for by section 5(2)(c) of the Planning Acts.

¹ Note that the description of the proposed developed used in the publicity material for the Active School Travel programme is as per my request of 30 October 2020, ie, the making of "a small opening in the wall between Belmont Lawn and Ardagh Crescent". Note that the purpose of this opening is not stated to be a pedestrian connection.


I request that you send all future correspondence related to this request to me by email only at ruadhankenny@live.ie.

I look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'R' followed by a long, sweeping horizontal line that tapers to the right.

Ruadhán Kenny


From:
Sent: Saturday, 23 January 2021 00:22
To: Burns Robert
Cc: Geraghty Conor
Subject: RE: Section 5 Application | Information required

Dear Sir

It is somewhat surprising that DLRCC is unable to answer this simple question. In the absence of a response by Wednesday 3 February, I will proceed as appropriate.

Ruadhán

From: Burns Robert <rurns@DLRCOCO.IE>
Sent: Wednesday, 24 February 2021 11:52
To: Ruadhán
Cc: Geraghty Conor
Subject: RE: Section 5 Application | Information required

Dear Mr Kenny

My apologies for the delay. We are considering your request and will revert shortly.

Regards

Robert Burns
Director of Service
Infrastructure and Climate Change Department

*Designated Public Official under Regulations and Lobbying Act, 2015.
Oifigeach Poiblí Sainithe faoin Acht um Brustocaireacht a Rialáil 2015*

Dún Laoghaire-Rathdown County Council | Marine Road | Dún Laoghaire | Co. Dublin
Extn. 4570 | Direct Dial Tel: 01 2054806 | Main Tel. 01 205 4700 | Email: rburns@dlrcoco.ie | Web:
www.dlrcoco.ie



From: Ruadhán Kenny <ruadhankenny@live.ie>
Sent: Friday 22 January 2021 17:38
To: Burns Robert <rburns@DLRCOCO.IE>; Geraghty Conor <cgeraghty@DLRCOCO.IE>
Subject: Re: Section 5 Application | Information required

Dear Sirs

I refer to my emails below. I would be obliged to receive your response.

Ruadhán

On 21 Jan 2021, at 19:13, Ruadhan Kenny <ruadhankenny@live.ie> wrote:

Dear Sirs

I refer to my email of 17 January. I would be obliged to receive your response.

Ruadhán

From: Ruadhan Kenny

Sent: Sunday 17 January 2021 09:44

To: Burns Robert <rburns@DLRCOCO.IE>; Geraghty Conor <cgeraghty@dlrcoco.ie>

Subject: Section 5 Application | Information required

Dear Sirs

As you should be aware from my submission to the Purported Process, a request for a declaration pursuant to section 5 of the Planning Acts has been made in respect of the works / development to construct the "proposed" Mountains to Metals route as currently designed (ie, as to whether (i) the making "of a small opening in the wall between Belmont Lawn and Ardagh Crescent"; and (ii) the construction of "a short section of pathway across the lawn [the green space in the Belmont estate] to link to existing pathways across Belmont Lawn" (although this request is not referenced in the Report published on 11 December 2020).

DLRCC's planning section has advised that it is not in a position to make this declaration without being provided with the location of the proposed "small opening in the wall between Belmont Lawn and Ardagh Crescent". Please identify this location on the attached survey.

Ruadhán

<Wall Survey-01 SURVEY PLAN.pdf>

:: [Email Disclaimer Text](#) ::
