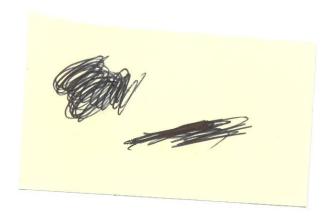
The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902
By Registered Post



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

S Bernon Lawr Striorgan Rusd County Dublin A94 FW53

Tel

353 87 633 6544 ruadhankenny@live.in The Secretary An Bord Pleansia 54 Mariborough Street Dublin 1 D01 V902 Ev Secretared Post

Un March 2021

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

#### Dear Serretricul

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

enclose the 'pilowing

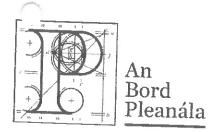
- Completed application form
- 2 Postal Order in the sum of £220
- Original request for declaration dated 30 Detabet 2020
- DURCC acknowledgement of receipt dated 6 November 2020
- DLRCC first request for information dated 24 November 2020.
- Response to DLRCC first request for intermation dated 4 December 20.
  - nzigna second rednest for titoring none teamer outgass of stiff.
- 8 Response to BLRCC second request for information dated 6 February 2026
  - 9 DEFEC notification of refusal to make decision dated 3 March 2021

await hearing from you.

Yours singerely

Ruadhán Konn

AN BORD PLEANÁLA
LDG.
ABP.
ABP.
2 2 MAR 2021
Pee. € Type:



# **Planning Appeal Form**

## Your details

| (a) Name    | Ruadhán Kenny |
|-------------|---------------|
| (b) Address |               |
|             |               |

# Agent's details

| gent's details (if a  |                       |  |
|---|-----------------------|--|
| 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                   |  |
| ł   | ire not using an agei |  |



# Planning Appeal Form

### Your details

## Agent's details

| (b) | Agent's address | N/A |  |  |
|-----|-----------------|-----|--|--|
|     |                 |     |  |  |
|     |                 |     |  |  |

b) Adeni's aldress IV A

Planning Appeal Form Carl 2019

# Postal address for letters

| agent. For this appeal, who only.)           | shoul    | ormation and items to you <b>or</b> to your d we write to? (Please tick ✓ one box |
|--|----------|---|
| You (the appellant) at the address in Part 1 | <b>V</b> | 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.

# Ostal address for letters

| <ol> <li>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 4 one box only.)</li> </ol> |  |
|--|--|
|  |  |
| ails about the proposed development  |  |
|  |  |
|  |  |
|  |  |
|  |  |

Naming Appeal Form

## Appeal details

 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.

# Appeal details

i. 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.

DI RCC 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.

There is no reference in section 5 of the Pianning and Development Actions 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 its, critial regress to DLRCO) is or is not even produced development and, if it is determined that the princeed 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.

# Supporting material

- If you wish you can include supporting materials with your appeal Supporting materials include:
  - artusapotoria ...
    - analq \*
    - e Staveye
    - e dravings
  - digital videos or DVDs;
    - e technical guidante o
  - other supporting materials

# Acknowledgement from planning authority (third party appeals)

7. if you ere making a thro party appeal, you must include the schooling government that the planning authority gave to you to echlism you made a submission to it.

### Fee

You can find out the correct fee to include in our Fees and Charges Gursh, on our website.

# Oral hearing request

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

1

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



# Oral hearing request

 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 on 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

VALA has awarded this document its Plain English Mark



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 Cresent' 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 Pleanala, 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





No. REF 28 21

# 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

08-Dec-2020

Registration Date:

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 Cresent' 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 Cresent"; and,

 The construction of "a short section of pathway across the lawn to link to the existing pathways across Belmont lawn". 12 4 J. J. an

# Bún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

# PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Reference No:

Pellosza

:tnsollqqA

Prostán kerny ié, achent jame Stillurger je ag

The same

Read on Kenny to Belevant Laste, Stillengan Page

A, ent:

P. M. San Lun

Location: Soundary Wall Settinger, Bulleting term of the Armight Segment Carlotte College Coll

Agent:

Huadhan Kensy in Bernout Law , Subarjan S, and Co Durin

Description of Works: (1) The master of a smar opening in the wan between the month and Ardagh Creschillage.

### 1110059

VENLUE BUT

# PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED SECTION 5

#### Rof 105/20

#### Matter for Determination.

Des badden pursucht is Section is of the Farming & Doming on Act, 1950 as anner lest, in respect of:

- The making of 'a small upening in the wall brainer 'ar on calling and a grid Clesent paint.
- The construction of a short section of observay with a season to the to the existing cathive a across belimped to a of.

No. REF 28/21

# Dún Laoghaire-Rathdown County Council

#### LOCAL GOVERNMENT ACTS 1925 - 2014

### 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

# Dun Langhaire-Rathdown County Council

### LOCAL COVERNMENT ACTS 1925 - 2014

## RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

the sopport site rubter to an out spaces the or the domant lawn esidential estate and the boundary wall between the most lawn and orders Descent Alamona on Propins

#### Site / Prenises:

As noted in the foregoing, the settle to an end of the control of the settle se

#### ZONTRE

In the 2016 20 C Dual Lacebase Puthdoor Trunt, Development Plan the lenn are going for more than the lenn are going for more a start of objective, no process one and the dates of the same well and the same of t

#### DI BERNYAN HEET TOV

give the enditative of premising to valuate defects. I'd

#### ENFORCEMENT HISTORY

Na cuben information region

### PREVIOUS DECLARATIONS UNDER SECTION S

No recent of the second one unit of the Section 1

#### PROPOSED DEVELOPMENT

The problem of the property consists of the following

- The making of a small opening "Lime and between the confidence and
- i ne rossykustični sti, a skrim selas di ci suji vrak urijas tou lown go kok ko steren i mi i dalivers e zaross Remain, musi

#### V -112212 A

No. REF28/21

## 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

# Dun Laoghaire-Rathdown County Council

#### LOCAL GOVERNMENT ACTS 1925 - 2014

#### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

Tim first manni för dere did bodt is exterior des Sistematik och and an av und sigt kommissione desig opni eng

With regard to the produced of the earling Authority with the Segman 3 (1) of the Plant high end Clevelophism. And 2 Loud in our appared on the control of Sevelophism as follows:

A first Act daves the company of the process of the process of the parties of the

Primary Color (1 ) Period (2 ) And a Section (3 ) and a fine program of the progr

"AN TELL OF OPERATORS OF THIS COURSE CONTROL CONTROL CONTROL OF A CONTROL OF THE CONTROL OF THE

daving read of the above of in considered and the proposal manager of proposal proposal proposal provision of the paper of the construction of a short section of proving substitution of a short section of proving substitution of a short section of proving substitution of a short section of all of the existing substitutions across Settlem laws of the constitute more and its development.

Exempled Development of not Exempted Development

The second matter to determine a visither one comission outsigned exempted level operation of the second control of the second of the second of the application form that they are not the comment of the control of the exemption of the angle of the second of the second

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

No. REF 28/21

# Dún Laoghaire-Rathdown County Council

### **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

- 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
  - 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,
  - 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

No. REF 28/21

# ப்n Laoghaire-Rathdown County Council

#### **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  $\in$ 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

# Dún Laoghaire-Rathdown County Council

### **LOCAL GOVERNMENT ACTS 1925 - 2014**

## RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

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

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

# Quin Laughaire-Ramdown County Council

# Dún Laoghaire-Rathdown County Council

#### **LOCAL GOVERNMENT ACTS 1925 - 2014**

## RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

 Declare that the development in respect of which I have submitted this request is not exempted development; or,

 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

# Dun Laughaire-Rathdown County Council

### LOCAL GOVERNMENT ACTS 1925 - 2014

## RECORD OF EXECUTIVE BUSINESS CHIEF EXICUTIVE'S ORDERS

i) Delive that the development in respect of white I mive subtribute it is a second of coverage and an armony of development; an armony of development; and armony of the development of the coverage of the development.

a) Reduct that DURCC infrastructure and Curr to the Department of the Control of

Sign has a strenger hold as commend in the has a serious line Applicant has been considered to provide this information. It is now clarified to the response time to seem the property of the house and the considered part of the considered providered works. It is substituted that the transfer considered providered part of the property of the works of the property of the plansing and the property of the stage of the plansing and the property of the plansing of the property of the plansing of the plansi

If any unition insering to what in any particular case, the single help ment or is at is consentration development or is at is consentration development or is any present and the consentration of the present of the presences feel requests in white particular the collection of the present of authority a declaration of that questic is and that particular shall provide to the pranticipal authority any information received to enable the contents to make

Proviever it is noted that the provisions under Sello 5. The Planning and Diskelopment Act, 2000 (as somended), so not apply so at action development by an behalf of, so in partnership with boas Authorities are prescribed to Parting and Development Regulations 2001, is aminded). In this research are sent carried be sould not the question has the paet clarited by the Applicant of their recent response.

#### RECOMMENDATION

The second menders of the captainer Asthology (Captain Educe Committee Commi

Titt / aplicami in the riscent response has clarific match a proposed works and twi bolis redaken by the local Allthody, book filter of this detailon, it is acted that to a provisions under Section 3 of the Planning and September Act, 2000 (as amonaeth, do not apply to specified arwell, montor to both.) If, or in

No. REF28/21

# Dún Laoghaire-Rathdown County Council

#### **LOCAL GOVERNMENT ACTS 1925 - 2014**

#### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

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 PO SHO. 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: 9/8/8/

# Dun Esoghaire-Rathdown County Council

#### LOCAL GOVERNMENT ACTS 1925 - 2014

#### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

calcher in a militarial A committee, so a escribe? A firm in a more described and be some and be some in a firm and be some in a firm and in a firm and in this section. The second is secured to request.

Enda Duignan Executive Planner 2nd March 2021

10 1

E. 24 Date Manler

#### and an

The Section Declaration pursuant to section of mind but only & Development Act 2003 (as smender) to Fundador for my tal Report of Stillogan Coad Countries & WFWS talast

The Applicant in their retent inspunde and Canhad this to compared works are to be undertaken by the Local Authority. Over flatcomment interceon, the potential that me provisions or under selection to the Platchinu and the Local and a return to spenified development by, or behalf if you have under the unit to call Authorities as one other means to make the Platchinus and Caracomment Regulations about this arrested on this region. Latter

Sanp &

Approved Officer

Cated: \_\_\_\_\_

aligned and great great great representation of the control of the

Planning Department
Section 5
Dún Laoghaire Rathdown County Council
County Hall
Marine Road
Dún Laoghaire
A96 K6C9
By Registered Post
By Email section 5@dircoco 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 <a href="https://dlrcoco.citizenspace.com/infrastructure-climate-change/dir-safe-walking-cycling-routes-consultation/">https://dlrcoco.citizenspace.com/infrastructure-climate-change/dir-safe-walking-cycling-routes-consultation/</a>.

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

eger.

ny, de novê di n de la contre nace, stran SÖVY Film

BART TO TREET OF THE STATE OF T

near-1160 amin's truit or wearing the

Paris pare of Knot De dealesses Discus

By Togistored Pils

95 - 4 F - 36 - 48

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

0.00

palennast en determine d'indicat é e du el parcente parcent de modernast est de A o des ministrations d'entre DUALLE d'include de la particular en de la communité des la communité de la communité de la communité des la communité de la communité de la communité des la communité des la communité des la communité des la communité de la communité des la communité des la communité de la communité de la communité des la communité de la communité de la communité de la communité de la communité des la communité de la communité de la communité de la communité de la communité des la communité des la communité des la communité de la communité des la communité des la communité des la communité des la communité de la communité des la communité de la communité des la communité de la communité des la communité de

and the party of the second se

yte topper the period of the control of the property of the group feature follows.

23 I. V. CHRISTON OF PERSON WE AND ACTIONS AS A CONTROL OF THE PROPERTY OF THE STREET CORN.
Extract Profession Control of the Contr

the percentage time (1990), and the control of the

n madel per L'endona entre la Estra de la recentra en un parten proposado estra el Medito de Segui garan en 11 may seminadas. En esta sede la secreta de la la la calenta esta esta de Sel de la calenda de Segui de o madel centra de UCRIDA estra mentra como esta en esta en esta en esta esta en esta en esta de la calenda de understanding of the location of the proposed work based on the information made available by

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

### 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"

Postal order in the respect of fee of €80.00

A SHEET OF THE SHE



## **Dún Laoghaire-Rathdown 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:

Application must be accompanied by fee of C80.00 (a)

(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

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*



## Dán Laoghaire-Rathdown County Council APPLICATION FOR SECTION S Flanning and Development Act 2600. (as amended)

The process of a Security of the Parkous ground broken as the security of the control of the security of the control of the security of the se

ti chiadea ampropelli citavanos i a collici. Led i se securi de la passa te Pluse a ties a m

#### NOTES:

- (4) Auphorhou must be accumpanied by 'each'
- Application and be accompanied by 3 consecting
- be no south of the country of the party of the party to
- (2) sits layout plan including apricusting atmobates on site (this considerable of the complete of the complet
- conditions and invitations in this is required as conditions and limitations in equipped development include beignt of structure and or house, or vibrious from
- (3)Any other adminaral litothyster ar as to title in case orision

Forward your application to Dur Langhar exathdown County Council, Planning and Organisational Innovation, Reliefly and Decisions Section Planning and Decisions Section Remarks County Dublin.

\*\*January Dur Langhaira, County Dublin.\*\*

\*\*January Dur Langhaira, County Dublin.\*\*

电表记忆 化海索尔 人名日本地名 经公司 医生物 计记录 化电路 电电路电影 医克勒氏虫毒管 地名美国巴西斯特尔 电电路电路 東北

STELLCOURS ICON C C CONT AND WEST

Commence and drawlenger of the file

| 2. Agent Details:   |
|---|
| NAME OF AGENT:  |
| h) / A  |
| AGENT'S ADDRESS:  |
|   |
| TELEPHONE NO. Day: Mobile:  |
| 3. Correspondence betails:  |
| ADDRESS FOR CORRESPONDENCE (If different from above)  |
|   |
| -/N/A   |
| 4. Site Details:  |
|   |
| (1) BOUNDARY WALL BETWEEN BELMONT / ARDAGH  |
|   |
| (2) GREEN SPACE IN BELMONT ESTATE   |
|   |
| (a) area of site:   |
| (b) floor area of existing extension(s) (if any): sq.m. CW (WCC)  |
| (c) floor area of proposed development:   |
|   |
| SUIII. J  |
| 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 (CRONO. 902741)  |
| DURKAN HOUSE; SANDFORD 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?

all the state of the

Market Like

mayet \_\_\_\_\_ i = 1 to \_across 310

st day of the state of

PROCESS OF LEGIC PROCESS OF LIGHT STREET, DO NOT SHOW AND THE

NAM

1000

HORMON TWOMING WELLING TONCONS AND TONCONS AND TONCONS AND THE STATE OF THE STATE O

April 19

and the second of the second o

CONTRACTOR OF AN ALEMANDER

general community and the second of the seco

AST TOO I THE

WEEK OF (TEER STACK

To receive the same of the contract of the same of the

( 4 S.P. SADD) darrille howet Mayou!

en etaletus, par a la reministra de la companya de Conjunya de las companya de la comp

9 -

and the second of the second o

| <ol> <li>Details of works (where applicable) or proposed development.</li> <li>(Note: Only works listed and described under this Section will be assessed under this Section 5 application. Use additional sheets if required.)</li> </ol> |
|--|
| SEE BAGE 6 OF ENCLOSED FAQ   |
| DOCUMENT DATED 15-10-20  |
| - WHAT ARE YOU PROPOSING AT  |
| BELMONT LAWN/ARBAGH CRESCENT?"   |
|  |
|  |
|  |
| 6. List of plans, drawings, etc. submitted with this application.  |
| SEE (1) HTTPS://dDLRCOCO. CITIZENSPACE. COM/   |
| INFRASTRUCTURE -CLIMATE-CHANGE/DLIZ-   |
| SAFE-WALKING-CYCLING-ROUTES-   |
| CONSULTATION   |
| (2) "MOUNTAINS to METALS ROUTE DETAILED MAP" LA PAGE 3 ENCLOSED  |
| US PAGE 3 ENCLOSED   |
| 7. Are you aware of any enforcement proceedings connected to this  |
| site? If so please supply details:   |
| NU   |
|  |
|  |
|  |
| 8. Were there previous planning application /s on this site?   |
| 8. Were there previous planning application/s on this site?  If so please supply details:  |
| NOT TO MY KNOWLFDGF  |
|  |
|  |
|  |
| 1/1/   |
| Signed:  |

TA DATE FOR FREE TO A CORESCENT.

SEEF CHALLES / MITTER // MITTER STORE CONTINUE SERVICE SE

WITH IN Y

(2) MOUNTAIN ON METRIC COUDE CETAILED WAS

Are you as are of any enforcement; honder is connected as the site? If a site? If a connected as the site?

store there previous planning approach the clins site. It is please supply this is

SUCULF DICE

05 MV 25

3383-12 3383-17 ORDER NO.: 50152027\_1 of a road, track or footpath is not evidence of the existence The representation on this map http //www.osi.ie; search 'Large Scale Legend' or transmitted in any form never show legal property ITM 720888,727249 boundanes, nor do they Ordnance Survey maps be copied, reproduced the capyright owners. written permission of www.osl.ie/copyright show ownership of All rights reserved. CENTRE COORDINATES: physical features. of a right of way. MAP SERIES: PUBLISHED: 29/10/2020 LEGEND; copyright Dublin 8, 11,000 freiand. CAESCENT z < 1ARDAGH G P E E A BELMONY CAPTURE RESCLUTON.
The rape objects are only accurate to the reschelors of which they were captured.
Output acade is not undersive of data capture scale.
Putther sitter readon is available at the http://www.natco.is.available.av. h b i a k Baile Átha 19 E.Z Dublin Cliath -9 0 OUTPUT SCALE: 1:1,000 NM by INOW 138 Monkstown Baile na Manach OSi PLACE Map Theltas 14 8 Feet 900 R 8 8 9 õ ---Line 8 Car Park 727163

Ordnance National Mapping Agency

COMPILED AND PUBLISHED BY: Ordnance Survey Ireland, Phoenta Park,

Unauthorised reproduction infringes Ordhance Survey Ireland and Government of Ireland

or by any means without the pnor No part of this publication may

C Suirbhéireacht Ordanáis Éireann. C Ordnance Survey Ireland, 2020



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 (<a href="https://www.dlrcoco.ie/sites/default/files/atoms/files/07.09.2020">https://www.dlrcoco.ie/sites/default/files/atoms/files/07.09.2020</a> activeschooltravel info pamphlet.pdf) Detailed route drawings are available on our consultation page (<a href="https://dlrcoco.citizenspace.com/infrastructure-climate-change/dlr-safe-walking-cycling-routes-consultation/">https://dlrcoco.citizenspace.com/infrastructure-climate-change/dlr-safe-walking-cycling-routes-consultation/</a>).

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.dircoco.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 (<a href="https://dircoco.citizenspace.com/infrastructure-climate-change/dir-safe-walking-cycling-routes-consultation/">https://dircoco.citizenspace.com/infrastructure-climate-change/dir-safe-walking-cycling-routes-consultation/</a>) 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 offroad infrastructure together, to make generate safer connected route, while also limiting the impact to existing traffic corridors so far as reasonably practicable.

and a management of the standard of the standa

And the second of the second o



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

The table below summaries the key network utilisation and interventions.

| ROUTE   | SEA TO<br>MOUNTAINS | PARK TO<br>PARK | MOUNTAINS TO<br>METALS |
|---|---------------------|-----------------|------------------------|
|   |                     |                 |                        |
| Proportion of route<br>utilising a Quest Street with<br>way inding and a group      | Z Hkren             |                 |                        |
| Proportion of route<br>utening an existing<br>Cyclerray with minor<br>interventions | 126                 |                 |                        |
| Proportion of route<br>utilising on exacting park<br>path                           | 0 Stens             |                 |                        |
| Proportion of new<br>intrastructura<br>Number of Echacia                            | 0.0 mi              |                 |                        |

<sup>\*</sup>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 (<a href="https://www.dircoco.ie/en/environment/active-school-travel">https://www.dircoco.ie/en/environment/active-school-travel</a>). Age is generally not the best metric for determining independant 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 by 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

the state of the second second



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 reduces 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: <a href="https://dircoco.citizenspace.com/infrastructure-climate-change/dir-safe-walking-cycling-routes-consultation/">https://dircoco.citizenspace.com/infrastructure-climate-change/dir-safe-walking-cycling-routes-consultation/</a>.

#### 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 continues 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.

#### **OUESTIONS 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 Stradbrook 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 form 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.

Agency and the property of the

## to the hearth page, or volume, measured in page instrument with the state of the st

A bonce of created and a sign of the control of the

## now with our ensurer offers at they alway as with an one.

The second secon

What is a national property of Demand angle Road?

It is not to a sign of the property of the first income and the control of the property of the first income and the control of the property of the property

#### White agree I wind how add?

And access ones and the access of the control of th

#### What will map on 10 m. Historial 1011 affilt mi Frank ang Pagan

profiler to the most of the most of the second with the second of the se



#### 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 Beimont 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 Talsce, 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.

The Company of Markett Comment

Salar sagarana y tanàn taona mbana dia da



# 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: <a href="https://www.dlrcoco.ie/en/report">https://www.dlrcoco.ie/en/report</a>. 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.

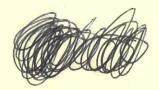




Combairle Contae Dhùn Laoghaire-Ràth an Dùin, Halla an Chomae, Dùn Laoghaire. Co. Àtha Cliath, Éire - Ag6 K6C9 Dùn Laoghaire-Rathdown County Council, County Hall, Dùn Laoghaire. Co. Dùblin, Ireland - Ag6 K6C9 T. 01 205 4700 - Fi 01 280 6969 - www.dircoco.le

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

Our Ref. Ref10520



#### on 5 of the Planning & Development Act,

(1) The making of "a me the wall between Belmont Lawn and Ardagh Cresent" 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 24<sup>th</sup> December, and the 1<sup>st</sup> January, both days inclusive shall be disregarded.'

Yours Sincerely,

Ciarán Carolan

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





Princips Copartment
as hardly Plantle
Item of a Reporter
Clark Carolan

Our Ref 141.05.0

Land, Kenry 1c Selmont Law Sencogan Program of Aganw53 Aganw53

Re Declaration pursuant to rection 5 if the Plane high Sevel spinent Act, 2000-2005 in respect of:

AT The passing of Tramell has been able to the first and taken and the first and the second towns and the first and the second towns are second to the second towns and the second towns are second to the second towns and the second towns are second to the second towns and the second towns are second to the second towns are second to the second towns and the second towns are second to the second town are second town are second t

of Transpiring from the sent of a limit sent of a contract of the sent from the sent from the sent from the sent of the sent o

metak ( den al

i. Links is showledge to either than to the equeliting pedmation problem. The section of the temperature of the edge of the entire of the edge of t

Your submission was cheese in a cfb of the 2022 and coursen will issue that A cash of the ret

olds each of the proper amount, one California and other to take an ephotomorpal.

Place in the that in accordence was sectionally to the Place of the Development for 2400 (as amonitied where circulating my according to the first into the inthreshold to in the Action and service are made in the Action becomes converted to in the Action only services and the converted to the Action only and the Action of the Action on the Action on the Action of the Action of

and the second

Ciardir Carolin

care. Curola v Cet. Staff Cifficer earning Dept Of 2054 at J





**Planning Department** 

An Rannóg Pleanála Direct Tel: 01 205 4700



Appendent type:

Development & Exempted Development -

Section 5, Franning & Development Act, 2000 (as

amended)

Registered Date:

03-Nov-2020 24-Nov-2020

Decision Date: 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 Cresent" 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: <u>Ciarán Carolan</u> for Senior Executive Officer Planning Department



Planning Department

Rhaandin kenny 19, Beimert II. au a Stillongen Rood En Eulain 494FWS3

Reference Number 1012

problem in the problem in the common problem in the period of the problem in the period of the problem is a common period of the common period of the period

P ton

Registered Date: A Nov 2020.

Cedision Date: Progress 2014.

Cedision: Francisc State Colored Security Security Andard

mid Sid a mark relation

W. W. William, M. Stein, and J. Stein, Band Band, in additional function of the latest special for the control of the contr

#### Declaration on Development & Exen pled Development Section 5 (2)(5)

in pursuance of the tonchons endoned as the organic following Acts 2000 has an ended to built as the first first the ended to built as the first first

audion from an interest artif

The Applications of influence the relet of the existing vounders and percent at the existing vounders and percent at the Applicant of the advance of the existence of the existe

24/11/16

Signard - Ludestach von eusgebor - State - Cathadar - C



# 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 Cresent"

(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 Cresent"; 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'.

# Qual Langhaire-Rathdown County Council

## LOCAL COVERNMENT ACTS 20 - 2010

## ABCORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

hadego Trescent a countries to bottomed to be areas which areas which are detected by detected and detected and detected and are suggested and detected and area area. Ardeath one were countries and there appears to the following tenth between the tree appears to the following the tree appears to the following tenth to the following the area.

#### 2047465

In the 2015 - 202 Dun Lavaneir, with a few or three man flut, the tries and an extension of the control of the

#### YERD RESH GYER MAUS

No meant have a of planting augit search area

#### ENFORCES EST HISTORY

grafian and resolute and a second

## PARVIOLS DECLARATIONS UNDER JECTION 5

provide a superior state of the second

## SKONOSED DEVELOPMENT

## The proposed development consists of the following:

- District growing a second state and a fine administration and a second s
- and the electronic response to the state of the state of

#### ASSERSMEN

ी व ही तो सामान्य हैं। हैंसे हैंसे स्वाधिनी की निर्माणका है से प्रमुख्य किन्त्र के ले जानी है के जाता है ने व स्थापित के सेवर कर माना

The included the process of the first and set had been a few to be under the base of the original and analysis of the analysis of the set of th

and the slight identification of the real states of the representation of the real states and the real states and the states of the states of the states and the states of the states of

and principle out in (1), 5 no not avoca for a natholic or bugger days not when a participation to accompany of the principle of the second or sec

resident i in the entre de control de contro

# 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 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 AC STRUK 2014

## RECORD OF EXECUTIVE BUSINESS CHIEF THEOUTIVE'S DRDERS

nawed earth to the above it is because the proposal, namely the provider of an array of the provider of an array and the provider of an array of a short action of a chort act

Exempled Development or not Exemple Development

The Second Country to netermine to when it has a speed would make the exempted development of the control of the exempted development of the control of the speed of the control of the speed of the control of the cont

The making of a sitell opening of the wall incomen Salmont Lawn and Arduck Crescent

The above refusioned violes are citamismill for the Claus S of Part I of Friedliche 2 or the Part no and found of the Claus of Solid no and the Claus of the Clau

The contract of a second contract of the second sec

The curumbers and included the common virial Class dictings to the terminal of the Sydnicular Common and the Common statements and the Common statements are compared to the Common statements and the Common statements are compared to the Common statements and the Common statements are compared to the Common statements and the Common statements are common statements are common statements and the Common statements are common statements and the Common statements are common statements are common statements and the Common statements are common statements and the Common statements are common statements and the Common statements are common statements and common statements are common statements and common statements are common statements are common statements are common statements a

the displacement of the collection of the first term of the collection of the collec

The supplicant out of the order of the control of t

It noted that a third party you'd on, service as a service to serve sof the proposal of they have summer but each other to a control of the c

The construction of a short section of pathons  $z = -\infty$  to link to the existing pathways across Bolmos t lawn.

The Planting Authority die ongresont of Class in in Pain di ut Schodolfe 2 of that Planning and Pizuelopmont Regulations 2003 in continue offich in district as follows:

al The condition of any path and production and analysis of any part of a series of a series for the conditions

# 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 it decision on the matter:

# Dun Laggnaire-Rathdown County Council

#### LOCAL GOVERNMENT ANTS 1926 - 2011

#### RECORD OF EXECUTIVE BUSINESS ORIES EXECUTIVES ORDERS

how for in a continuous that they would relate at a continuous and a continuous a continuous and a continuous accurates a continuous and a continuous accurates accurates accurates a continuous accurates ac

The control of the state of the distribution of the control of the

I y deviator hant rether than three three meaning in assignating (a) he could never continue to the major continue to the major being character and the continue to the transfer major of the continue to the

#### RECOIDS ENDATION

The second of th

in a pay not to Section in the pay of the major of Section ment Act, 196 (as an animo the appropant is requested to the true edipath; a trace into juggless we see takes instead relow to transferry. Percenty a mount to trike a department of the matter

# 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 Cresent" 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 1, 2020

# Dún Laoghaire-Rathdown County Council

#### LOCAL GOVERNMENT AC IS 1925 - 2014

#### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

The Applicant has not indicased one height of the existing boundary wall between Delmont Lawn and Ardagh Crescent. The Applicant is therefore requested to submit a scales and atmensioned elevation of the existing wall which denotes the national arbund level.

Raymond who of

ranner selles Panner

#### SER

Not consider the managers of the foregroup of court to the equivated from Factorial Renay 16. Below to Lawn, Statongan Road Co Dillon. ARRY WEST in Tipect of the Section is Declaration to (1) The making of Sakred opening in the wall between Below Dawl, and Andago Cresult' and 1. The construction of "a short section of pothway across the lawn to link to the extend pathy ays across Below to Link', in accordance with Section 5 (2016) of the Same of a Development word 2 of Caston court.

Lauraik

Approved Officer

Dated 24 1- 12040

Teresons employees by once the combinations are a combine Comba Dr. Lik grown Rathuan Boyn. Or Jer - 1997 - St. Combine Combine Rather the Street of the New Lowers by norse of discussion relation to



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 section 5@direcco.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

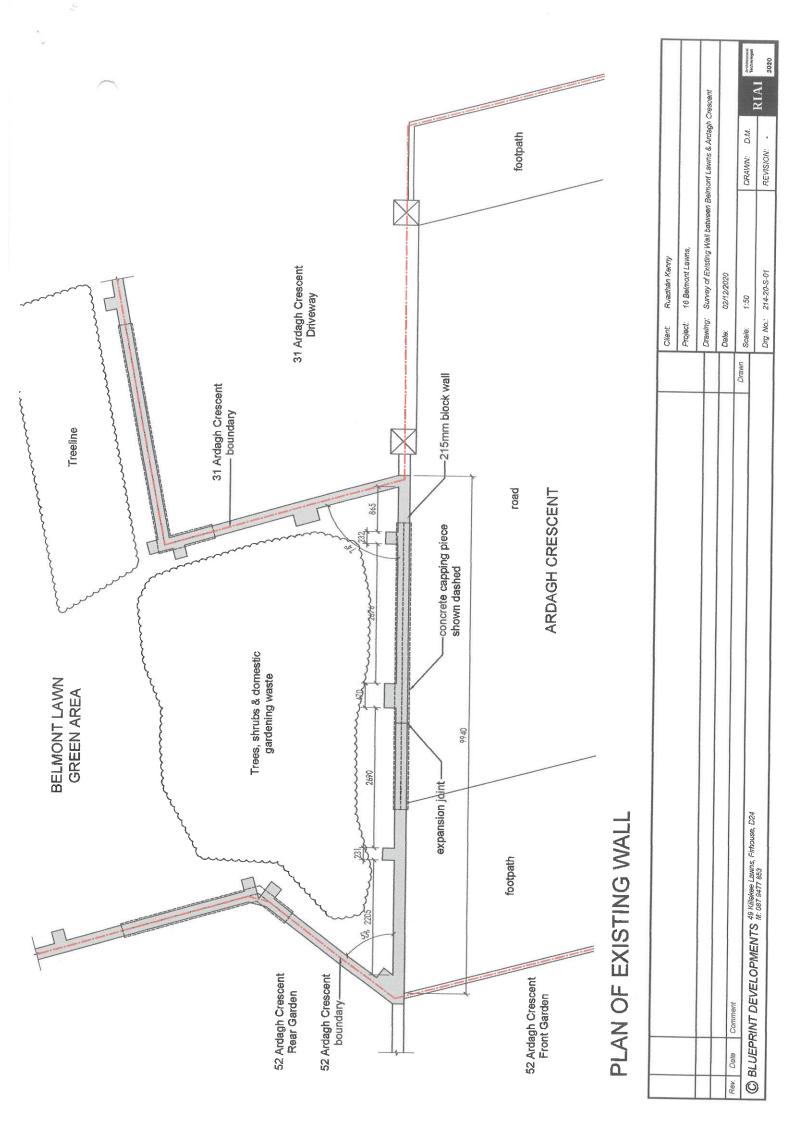
Note that the second se

Active School Trivel (Request for doctarition of the question as to whether its work necessary to implement the Active conduit havet programme is or is accompled to evaluation.

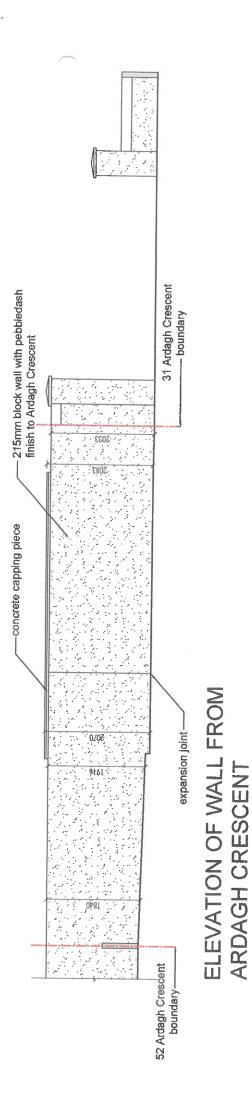
10 1 80

no proprior to the first to the contract of th

vanet and bus







# -215mm block wall with napped plaster finish to Belmont Lawn 0961 52 Ardagh Crescent boundary 2028 -concrete capping piece 5902 5036

# ELEVATION OF WALL FROM BELMONT LAWN GREEN AREA

|                       |                            | -   |                  |  |  |   |
|-----------------------|----------------------------|---|------------------|--|--|---|
|                       |                            |   |                  |  | Technologic  | 0000                                    |
|                       |                            | fagh Crescent   |                  | OCCUPATION OF THE PERSONS NAMED IN COLUMN TWO IS NOT THE PERSON OF THE P | -110   | KIAI                                    |
|                       |                            | Drawing: Elevation of Existing Wall between Belmont Lawns & Ardagh Crescent |                  |  | DRAWN: D.M.  | REVISION: -                             |
|                       |                            | etween Beimo  |                  | -  | 70   | RE                                      |
| why                   | awns,                      | Existing Wall b   |                  |  |  |   |
| Client: Ruadhán Kenny | Project: 16 Belmont Lawns, | Elevation of  | Date: 02/12/2020 |  | 1:50   | Drg. No.: 214-20-S-02                   |
| Client:               | Project:                   | Drawing:  | Date:            |  | Scale: 1:50  | Drg. No.:                               |
|                       |                            |   |                  | Drawn  |  |   |
|                       |                            |   |                  | Rev. Date Comment  | (A RI HEDDINT DEVEL ODMENTE 49 Kiliskee Lawns Firtuse, D24 | DECLI MINI DEVELOTIMENTO M.087 3477 863 |

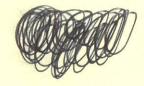
# BELMONT LAWN CREEN AREA





**Planning Department** 

An Rannóg Pleanála Direct Tel: 01 205 4700



rember: weite

Application Type: Declaration Development & Exempted Development -

Section 5, Planning & Development Act, 2000 (as

amended)

Registered Date: Decision Date: 08-Dec-2020 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 Cresent' 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:

14/12/20202

Signed: <u>Ciarán Carolan</u> for Senior Executive Officer Planning Department



Proming Department

Fi bing Felli. 18. Pelmont Lavin Stiftegan Rend Collaborn Apari, 53

Reference Numbers Periosco

Application Type: Declaration on Development and a research field electricate

Section 1. Place of New Law Law Company Co. (3)

habnama

Registered Date: 08-Der 2021

Decision Date 14 [leneral

Location Box lary W.

Proposal (1) the making of a small land of the land of the land of

had the one of the board with an area

i de l'obstitue céd el la stire l'action et altre en en en en en en en en difference de la compa Les la riguests en en esta Element de la la la

Declaration on Sevingment & Exempted Travelopment Section 5 (2)(b)

or process of a conditions under the State of Vice degreed Acts 2000 (as are see). The teather Matthews, your of a condition to the two the State of St

englandra under kommunika englandra engla

The Admirant was not and rated the little of the connection was subserved to the connection was also in an action of the connection was a constituted and the configuration of th

Section of the second

Sinced Since Copyright for Senior Expeditive Officer Procure December



No. REF 126/20

# 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, Beli

...., sullorgan 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 Cresent' 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 Cresent"; 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

No. REF 126/20

# Dún Laoghaire-Rathdown County Council

#### **LOCAL GOVERNMENT ACTS 1925 - 2014**

#### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

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

# O Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2011

#### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

furm. It is noted that both Bermont Lawn and Aidagh Crescout are consideracts and cheracts the property to be no direct first between the two areas.

#### ZONING

in the 2016 - 2022 Dun Leognamo Rethdominimonto vendopment Plan, the lands are toned, "Fourth a stated objective" To prestive and provide to open space with autillary active reterational order page.

#### PLANNING HISTORY

No recent instany of planning applications on alle

#### ENFORCEMENT HISTORY

wo know a enforcement history.

#### PREVIOUS DECLARATIONS UNDER SECTION S

No record a large lous certanations unider Sections si

#### PROPOSED DEVELOPMENT

he proceed development consists of the following

The making of a small opening in the wall detween fictment lawn and Anlagh Crescent", and,

The construction of "a short section of pathway across the awn to link to the course nathways across should law to

#### TMRM22 122 (

is test matte for determinetion is knother on a potal would or world his constitute constitute constitute.

With regard to the proposal, the Planning Authority refers to Section  $\lambda_{i}(1)$  of the Frenching and Development Act, 2000 his architect), which define a development is colours.

'In this Act, 'descionment' means, except where the control objervise siquires, the carry of out of any works on, in, over or under and or "he making of any material change in the use or any structures or other land.

With regard to Section 3 (1) above. Section 3 (1) of the Placeting and the Uppment Act. 2 01 (as amended) is a 12 interest which defines works' as

As at to operation of construction, and were demotived, extension, repair or renewal and in so show to a profession structure or consisted professed professed structure, includes a space or our ation involving the capitation or regional of plaste, paint, colleger, ties or other majoration in the surfaces of the interior of the colleger solutions.

"Take of regard to the above, it is runs deted that the imposal, namely the provider of an opening in the wall between Belmont Lawn, and Ardagh Crescous

No. REF 126/20

# Dún Laoghaire-Rathdown County Council

#### **LOCAL GOVERNMENT ACTS 1925 - 2014**

# 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-
  - 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

# Dún Laoghaire-Rathdown County Council

#### **LOCAL GOVERNMENT ACTS 1925 - 2014**

#### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

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  $\in$ 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  $8^{\text{th}}$  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

# O Dun Laoghaire-Rathdown County Council

#### LOCAL GOVERNMENT ACTS 1925 - 2014

#### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

the tide of the not cultding link of the house for purprises noted tall than the enjoyers in Afthe here is such.

dowester if the netted that these works related to the curtilage of a source. The current propose includes to the construction of a pathway across an existing countries of a space area to this could the custing footbath which rans that Johnson are not assen space, it is noted that there are no provisions which the claiming and bornshopment seguestions in a samended to allow a contract monocial to daily out the proposed works without the benefit of planning parms sion. The proposed works in their construction of a short section of pathway across the lawn to book of the evening pathways across Belmont lawn are characters not greened to be eveningled as velociment.

It is noted that a part of the documentation submitted, the Applicant entioned a Landbaughau satisfication of Council public considering detections of Council Section 19 (15/10/2020). If drawels are set Safe Walking and Cycling Routes, Mountains to Metals' is also enclosed when identifies a distinguand Cycling Routes, Mountains to Metals' is also enclosed when identifies a distinguand proposal for dream of the cost of the cost of a dark was separating Relmontation for the cost of the cost of the law to make the law to the cost of proposal for the law to the cost of the works were on the undertaken by the Urcal Authority, the costs of which all the works were and development and they lab within the cost of which all (1) (k) of the Planning and Davelopment received (1) (k) of the Planning and Davelopment and Davelopment and Davelopment and Davelopment and Davelopment and Davelopment of the Mountain of the cost of the Planning and Davelopment and Davelopment and Davelopment and Davelopment of the cost of the Control of the Cost of the Planning and Davelopment and Davelopment and Davelopment and Davelopment and Davelopment and Davelopment of the cost of the cost of the Planning and Davelopment and Cost of the Cost

in a measure of the that this specified in regraphs to till the Bit ared us of the which exceeds \$125,700, not being development consisting of the layer indecember of six year indeed, and aller an area.

#### RECOMMENDATION

If is recommended that fullner information be requested to allow for a full assessment as follows:

The Appurary has not indicated the height of the existing boundary half between telephone Lowe and Ardeolf Crescent, the Applicant is therefore requested to submit a scaled and dimensioned elevation of the existing wall which identifies the height of the half above natural ground level

The Applicant responded to the request for further information on 8th December 1820.

As part of the response, the applicant has submitted a tistled and dimensioned elevation of the existing wall which now classify identifies the fraight of the wall above latural ground level. The wall has indirected an indirection between 1.84 in the 2.77 in above natural ground lavel. The Applicant has not indicated where it is proprised to provide the obtaining connection if the connection was to be followed adjacent the nublic account on the southern side of Arough Crescent the might of the wall at this

No. REF 126/20

# Dún Laoghaire-Rathdown County Council

**LOCAL GOVERNMENT ACTS 1925 - 2014** 

## RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

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.

Maron Grand

Administrative Officer

Executive Planner

No let a

# Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

Sociation does not exceed any and the proposal may be idemed to be exempted development pursuant to Class 0 of Eart 1 of Schea it. 3 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 leight of the wall exceeds 2m adjacent the public roadway of a formedum was proposed at this location, planning permission may be equired in the event operate individual sought to carry out the proposed works. Given the variance in height along the length this wait, the Planning Authority are unable to make a determination on this marter without the location of this connection being per ided of it is again of that if the works may be deemed to be used to be not a contract the factor of location, the works may be deemed to be exempted development and cavelo enter within the suspect of Article 80 (1), k) of the Planning and Development and Cavelo enter \$1.26,000. Article 80 (1), k) of the Planning and Development Reginations 200.

#### RECOMMENDATION

It is recommended that a Cladication of Promer Information is requested to allow for a first assessment as follows:

The Applicant has out ordicated where it is proposed to a outle the page-stran corner by a ting boundary wall if the cornection was to be routed acquired eath of the public fluctuate on the sor them ordered. Ardagh Crestant, the outling of the wall at this location does not exceed 2m and the proposal right by distance to be exempted development pursuant to the proposal right to a solutions 2001, an amended in the event in provate individual sought to serve atoms 2001, an amended in the probability of the wall exceeds 2m adjacent the public readway on Ardagh Crescent. If a exceeds 2m adjacent the public readway on Ardagh Crescent. If a connection was proposed at this location, planning permission may be required in the event a private individual rought to carry out the proposed works. Given the event a private individual rought to carry out the proposed for the variance in height atoms the length this wall, the Planning Aurnomy are unably to make a determination on rins matter without the leavested to provide clarity on this matter to allow a determination to be moved.

M Administrative Chares

Executive Planner

No. REF 126/20

# 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 Cresent' 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:

Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 223, dated 231, 113, delegating to me all her powers, functions and duties in relation to the County Council of Dún Laoghaire-Ráthdown in respect of this matter.

# Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

#### ad a creati

Northcatter of Further Information as so, out to the total regime mount to be a equation for equation in the form Subdiving the Heavy Sby Belmont Lower, she confident Road Co Dubling as 99 to Webl, or matheut of the Section is Duc arange of a count of the Construction of the section and section to pathway a count of the construction of a section of pathway a count of the technical section of pathway a count of the technical section of pathway a count of the technical section of the section of the

bank e

Carolina Jakana



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 section 5@dircoco.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:

- 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.

<sup>&</sup>lt;sup>1</sup> 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

Ruadhán Kenny

and the state of the second

the offer late.

American State



From:

Sent:

Saturca, uary 2021 00:22

To:

Burns Robert
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 F

TOS@DIRCOCO IF>

Sent: Wedne To: Ruadhar Cc: Geragh' Subject: R

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@dircoco.ie | Web: www.dircoco.ie



From: Ruadhan 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.

#### Scaril Byony mailsaus

#### 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 <Wali Survey-01 SURVEY PLAN.pdf>

:: Email Disclaimer Text ::