

An
Bord
Pleanála

Board Direction
ABP-312183-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/09/2023.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the use of a steel container as a temporary shelter, a drying room and a personal storage room for on-site staff, is or is not, development, and is or is not, exempted development:

AND WHEREAS John Keegan requested a declaration on this question from Kildare County Council and the Council issued a declaration on the 17th day of November, 2021 stating that:

(1) the erection of a steel container for use as an on-site welfare facility (temporary shelter, drying room and personal storage room) constitutes the carrying out of works which results in development as defined by Section 3 (1) of the Planning and Development Act, 2000 (as amended)

AND WHEREAS John Keegan referred this declaration for review to An Bord Pleanála on 13th day of December, 2021:

AND WHEREAS An Bord Pleanála, in considering the referral, had regard to –

- (a) Sections 2(1), 3(1), 4(1), 4(2)(ai), 4(4) of Part 1 and Section 177 (U)(9) of Part XAB of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and 9(1)(a)(i) and (viiB) of the Planning and Development Regulations, 2001, as amended,

(c) Class 16, 17 and 18 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and

(d) The documentation on file and the report of the Planning Inspector

AND WHEREAS An Bord Pleanála has concluded that –

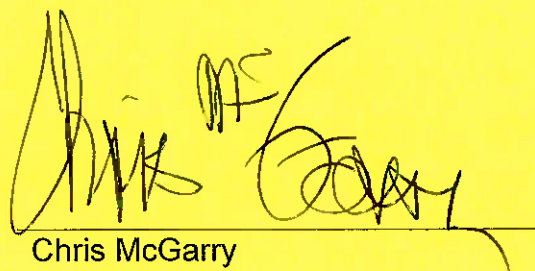
(a) the said steel container comes within the scope of Sections 2(1) and 3(1) of the Act, as amended, and consists of the carrying out of works and therefore constitutes development, and

(b) the said steel container does not come within the scope of Class 16, 17 or 18 of Part 1, Schedule 2, of the Planning and Development Regulations, 2001, as amended,

There are no other exemptions within legislation relevant to the development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5(3) of the 2000 Act, hereby decides that the use of a steel container as a temporary shelter, a drying room and a personal storage room for on-site staff, is development which is not exempted development.

Board Member:


Chris McGarry

Date: 19/09/2023