

An
Bord
Pleanála

Board Direction
BD-014679-23
ABP-312682-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/11/2023.

WHEREAS a question has arisen as to whether the use of sea shipping containers (for maintenance, repair and renewal works to lodges at Johnstown House Estate) is or is not development or is or is not exempted development:

AND WHEREAS Lefgem Limited requested a declaration on this question from Meath County Council and the said Council issued a declaration on the 13th day of January, 2022, stating that the matter was development and was not exempted development:

AND WHEREAS Lefgem Limited referred this declaration for review to An Bord Pleanála on the 9th day of February, 2022:

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

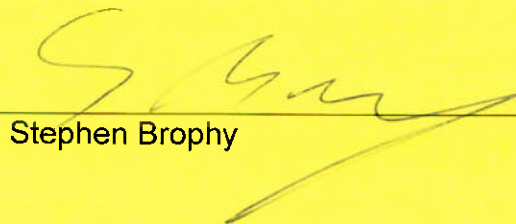
- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended.
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,

- (d) Section 57(1) of the Planning and Development Act, 2000, as amended.
- (e) Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (f) Class 16 Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (g) the planning history of the site,
- (h) the pattern of development and character of Johnstown House, a Protected Structure, in a parkland setting,
- (i) the report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that the location of sea shipping containers (for maintenance, repair and renewal works to lodges at Johnstown House Estate) constitutes 'works' on the basis that acts or operations on land were required to install these containers is 'development'. Furthermore the Board was not satisfied on the basis of the evidence on file that the containers were positioned or provided on site in a manner that could be described as easily and/or readily accessible for the carrying out of interior works to the referrers 32 lodges, nor that the containers are necessary or in active use for such purposes, and therefore the Board considered that the development in question is 'not exempted development'.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the location of sea shipping containers on the site of Johnstown House Estate is **development and is not exempted development**

Board Member:


Stephen Brophy

Date: 24/11/2023