



An  
Bord  
Pleanála

**Board Direction**  
**BD-014886-23**  
**ABP-314387-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/12/2023.

The Board decided, as set out below:

**WHEREAS** a question has arisen as to whether the provision of on-site structures used as site offices and associated compound during the construction of the associated development permitted under ABP 305176-19, is or is not development or is or is not exempted development:

**AND WHEREAS** KW Investments ICAV care of John Spain Associates of 39 Fitzwilliam Place, Dublin requested a declaration on this question from Dún Laoghaire-Rathdown County Council and the Council issued a declaration on the 25<sup>th</sup> day of July 2022 stating that the matter was development and was not exempted development:

**AND WHEREAS** KW Investments ICAV referred this declaration for review to An Bord Pleanála on the 18<sup>th</sup> day of August 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)(a) of the Planning and Development Act, 2000, as amended,
- (d) Section 4(2)(a) of the Planning and Development Act, 2000, as amended,
- (e) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (f) Classes 16 and 17 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and,
- (g) the planning history of the site,

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) The placing on land of temporary structures for use as site offices and associated compound constitutes development, as it involves the carrying out of 'works' and is a material change in the use of the lands,
- (b) the lands which are in use as site offices and associated compound are located at Bauman's Yard, Old Dublin Road, does not constitute land adjoining which development is being, or is about to be carried out pursuant to a permission, as it is physically separated from that land by circa 180 metres,
- (c) accordingly, the temporary structures and associated compound does not come within the exempted development provisions of Class 16 or Class 17, Schedule 2, Part 1 of the Planning and Development Regulations 2001, (as amended), and
- (d) does not come within any of the other exempted development provisions of the Act or Regulations.

**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 placing on land of temporary structures for use as site offices and associated compound at

Bauman's Yard, Old Dublin Road, Stillorgan, County Dublin is development and is not exempted development.

Board Member: Patricia Calleary - Date: 18/12/2023  
Patricia Calleary