

An
Bord
Pleanála

**Board Direction
ABP-319805-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/11/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the construction of circa 40 no. self-contained units / apartments within the equestrian shed is or is not development or is or is not exempted development:

AND WHEREAS Mark Hennessey requested a declaration on this question from Kilkenny County Council and the Council issued a declaration on the 22nd day of April 2024 stating that the matter was development and was exempted development:

WHEREAS Mark Hennessey referred this declaration for review to An Bord Pleanála on the 20th day of May 2024:

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,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Section 181(1)(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) S.I. 306/2022 European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022,
- (g) the planning history of the site,


AND WHEREAS An Bord Pleanála has concluded that:

- (a) the construction of circa 40 no. self-contained units / apartments within the equestrian shed constitutes development as defined under Section 3(1)(a) of the Planning and Development Act 2000 (as amended).
- (b) The construction of circa 40 no. self-contained units/apartments within the equestrian shed is exempted development as it consists of the repurposing of existing buildings and facilities in order to provide temporary protection to displaced persons for the following classes of development; Reception and integrations facilities; Residential accommodation, including ancillary recreational and sporting facilities; Emergency management coordination facilities; Structures or facilities ancillary to development referred to above, including administration and storage facilities; and Infrastructure and other works ancillary to the above development. As such it comes within

the scope of S.I. 306/2022 European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022, for the duration of the relevant period.

THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (1) of the 2000 Act, hereby decides that the construction of circa 40no. self-contained units/apartments is development and is exempted development.

Board Member:


Stephen Bohan

Date: 11/11/2024