



An  
Bord  
Pleanála

## Board Direction ABP-320262-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/01/2025.

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 wastewater/sewage tanks within the grounds of the equestrian shed (noting these are complete) is or is not development or is or is not exempted development:

**AND WHEREAS** Aidan Kelly requested a declaration on this question from Council and the Council issued a declaration on the 24<sup>th</sup> day of June 2024 stating that the matter was development and was exempted development:

**WHEREAS** Aidan Kelly referred this declaration for review to An Bord Pleanála on the 22<sup>nd</sup> day of July 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 wastewater/sewage tanks, within the grounds of the temporary accommodation for displaced persons as assessed in Section 5 referral, An Bord Pleanála reference 319805-24, constitutes development as defined under Section 3(1)(a) of the Planning and Development Act 2000 (as amended).
- (b) The construction of wastewater/sewage tanks, within the grounds of the temporary accommodation for displaced persons as assessed in Section 5 referral, An Bord Pleanála reference 319805-24, is exempted development as it is ancillary to the overall provision of temporary accommodation for displaced persons and as such 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) (a) of the 2000 Act, hereby decides that the construction of wastewater/sewage tanks, within the grounds of the temporary accommodation for displaced persons as assessed in Section 5 referral, An Bord Pleanála reference 319805-24, is development and is exempted development.

**Board Member:**

  
Stephen Bohan

**Date:** 10/01/2025