

An  
Coimisiún  
Pleanála

**Direction**  
**ABP-322099-25**

The submissions on this file and the Inspector's report were considered at a meeting held on 15/07/2025.

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

**WHEREAS** a question has arisen as to whether the existing prefabricated storage structure at Ascot Express Freight, M1 Business Park, Courtlough, Co. Dublin is or is not development and is or is not exempted development;

**AND WHEREAS** Ascot Freight Limited requested a declaration on this question from Fingal County Council and the Council issued a declaration on the 3rd day of March, 2025 stating that the matter was development and was not exempted development;

**AND WHEREAS** Ascot Freight Limited referred this declaration for review to An Coimisiún Pleanála on the 19<sup>th</sup> day of March, 2025;

**AND WHEREAS** An Coimisiún Pleanála, in considering this referral, had regard particularly to:

- (a) Section 2(1), 3(1) and 4(1) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,

- (c) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site.

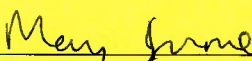
**AND WHEREAS** An Coimisiún Pleanála has concluded that:

- (a) The construction of the structure in question involves works and constitutes development, as defined,
- (b) The operations on site are not an industrial process undertaken by an industrial undertaker to which Class 21 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended applies,
- (c) Notwithstanding the above, even if it could be determined that the operations on site fell within the scope of Class 21, the structure erected on site is in the manner of a building and would not fall within the scope of either plant or machinery, or a structure of the nature of plant or machinery,
- (d) The exemption for industrial undertakers for the erection of structures of the nature of plant and machinery on land used for industrial purposes does not provide for the construction of new buildings.

**NOW THEREFORE** An Coimisiún Pleanála, in exercise of the powers conferred on it by Section 5(3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that that the existing prefabricated storage structure at Ascot Express Freight, M1 Business Park, Courtlough, Co. Dublin is development and is not exempted development.

**Planning**

**Commissioner:**

  
Mary Gurrie

**Date:** 17/07/2025