



An
Bord
Pleanála

Board Direction
06D.RL3580

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/07/ 2018.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the use of the Parcel Motel Facility as a placement for deposit/temporary storage unit operated by Nightline Logistics Group constitutes development at lands adjacent to the Spar, 1&3 Rockville Road, Newtownpark Avenue, Blackrock, Co. Dublin:

AND WHEREAS Nightline Logistics Group care of Cunnane Stratton Reynolds Consultants of 3 Molesworth Place, Dublin 2, requested a declaration on this question from Dun Laoghaire Rathdown County Council and the Council issued a declaration on the 24th day of April 2017, stating that the matter was development and was not exempted development:

AND WHEREAS Nightline Logistics Group care of Cunnane Stratton Reynolds Consultants of 3 Molesworth Place, Dublin 2, referred this declaration for review to An Bord Pleanála on the 10th day of May 2017:

AND WHEREAS having regard to the nature of the question and the documentation submitted as part of the referral, the Board has decided to reformulate the question as follows:

“Whether the placement of a deposit/temporary storage unit for postal items at the Spar, 1&3 Rockville Road, Newtownpark Avenue, Blackrock, Co. Dublin is or is not exempted development”

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

- (a) Section 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 30 (c) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 as amended, and
- (d) the planning history of the site,
- (e) the pattern of development in the area.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the placement of a deposit/temporary storage unit for postal items constitutes ‘works’ as defined in section 2 of the Planning and Development Act, 2000 as amended, and, therefore constitutes development as defined in section 3(1) of the said Act, and
- (b) the placement of a deposit/temporary storage unit for postal items would not come within the scope of section 4(1)(h) of the Planning and Development Act 2000, as amended, not being works for the maintenance, improvement or other alteration of an existing structure, but for the erection of a new structure, and
- (c) the placement of the deposit/temporary storage unit for postal items has not been undertaken by An Post- The Post Office and therefore does not come within the scope of the exempted development provisions of Class 30(c) of Part 1 of Schedule 2 to the Planning and

Development Regulations 2001, as amended, and
(d) the development has restricted the use of a footpath at this location and endangers public safety by reason of traffic hazard. Therefore the restriction on exemption set out in article 9(1)(a)(iii) would apply in any event.

NOW THEREFORE An Bord 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 the placement of a deposit/temporary storage unit for postal items at the Spar, 1&3 Rockville Road, Newtownpark Avenue, Blackrock, Co. Dublin is development and is not exempted development.

Board Member

Date: 06/07/2018

John Connolly