



An
Bord
Pleanála

**Board Direction
PL06D.RL3616**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 6th July 2018.

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

WHEREAS a question as originally stated has arisen as to whether or not the use of the Parcel Motel Facility as a placement for deposit/temporary storage unit operated by Nightline Logistics Group on lands adjacent to Tesco Ireland Limited, Ballybrack Shopping Centre, Churchview Road, Ballybrack, County Dublin is or is not development and is or is not exempted development.

AND WHEREAS Nightline Logistics Group care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin 2, requested a declaration on the said question from Dun Laoghaire-Rathdown County Council and the said Council issued a declaration on the 28th day of July 2017 stating that the said matter is development and is not exempted development.

AND WHEREAS Nightline Logistics Group care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin 2, referred this declaration for review to An Bord Pleanála on the 14th August 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:

WHEREAS a question has arisen as to whether or not the placement of the Parcel Motel Facility for a deposit/temporary storage unit operated by Nightline Logistics Group on lands adjacent to Tesco Ireland Limited, Ballybrack Shopping Centre, Churchview Road, Ballybrack, County Dublin, is or is not development and is or is not exempted development.

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

- (a) Sections 2(1), 3(1), 4(1)(h), and 254(1) & (2) of the Planning and Development Act, 2000 – 2017,
- (b) Articles 5(1), 6(1), 9(1), 10, and 201 of the Planning and Development Regulations, 2001 – 2017, and
- (c) The submissions received by the Board and the report of the inspector:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The siting of the Parcel Motel Facility as a placement for deposit/temporary storage unit operated by Nightline Logistics Group on lands adjacent to Tesco Ireland Limited, Ballybrack Shopping Centre, Churchview Road, Ballybrack, County Dublin, entailed “works” and so it constitutes development, under Section 3(1) of the Planning and Development Act, 2000 – 2017, and
- (b) This development would not come within the scope of Section 4(1)(h) not being works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

(c) The development would not come within the scope of the exempted development provisions of Schedule 2 Part 1 Class 30(c) of the Planning and Development Regulations 2001 - 2017, as it has not been undertaken by An Post – The Post Office;

(d) There are no other exemptions by which the subject development would be exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the placement of the Parcel Motel Facility for a deposit/temporary storage unit operated by Nightline Logistics Group on lands adjacent Tesco Ireland Limited, Ballybrack Shopping Centre, Churchview Road, Ballybrack, County Dublin is development and is not exempted development.

Board Member

Maria FitzGerald

Date:

6th July 2018