

An
Bord
Pleanála

Board Order
ABP-309964-21

Planning and Development Acts 2000 to 2021

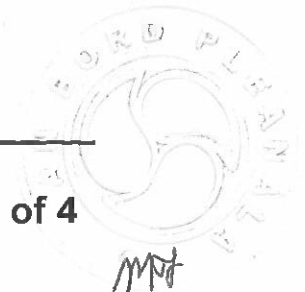
Planning Authority: Laois County Council

Planning Register Reference Number: 105

WHEREAS a question has arisen as to whether the use of an outdoor gantry loading crane at Booth Precast Limited, Ballymullen, Abbeyleix, County Laois is or is not development or is or is not exempted development:

AND WHEREAS Booth Precast Limited care of Damien Morrissey of AOCA Engineering Consultants Limited of Lismard House, Timahoe Road, Portlaoise, County Laois requested a declaration on this question from Laois County Council and the Council issued a declaration on the 22nd day of March, 2021 stating that the matter was development and was not exempted development:

AND WHEREAS Booth Precast Limited referred the declaration for review to An Bord Pleanála on the 16th day of April, 2021:



AND WHEREAS, in the interests of clarity, An Bord Pleanála reformulated the question as follows:

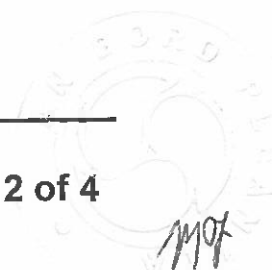
“Whether the erection of an outdoor gantry mounted crane, an addition to an existing gantry crane located within an existing shed, at Booth Precast Limited, Ballymullen, Abbeyleix, County Laois is or is not development or is or is not exempted development.”

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

- (a) Sections 2(1), 3(1), and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1), 9(1)(i), and 9(1)(viii) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 21 of Part 1 of Schedule 2 to those Regulations, and
- (d) the planning history of the site:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the referral relates to the erection of an outdoor gantry mounted crane which comprises works and therefore comes within the definition of development as set out at Section 3 of the Planning and Development Act, 2000 as amended,



- (b) the existing shed structure on site comprises a structure, as defined in that Act, and therefore comprises a structure for the purposes of Section 4(1)(h) of that Act,
- (c) the scale and location of the works undertaken are such that the addition of the gantry crane external to the permitted shed are considered to comprise works that comprise an addition to the existing structure rather than works for the maintenance, improvement or other alteration as specified in Section 4(1)(h) of that Act and are therefore such that the works do not come within the scope of Section 4(1)(h) of that Act,
- (d) the nature and location of the works the subject of the referral are such as to 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,
- (e) the referrer, who comes within the definition of 'industrial undertaker' set out in Article 5(1) of the Planning and Development Regulations, 2001, as amended, is undertaking an industrial activity and the form of gantry crane erected on the site is considered to come within the scope of Class 21(a)(iii) of Part 1 of the Second Schedule to those Regulations, comprising the addition of plant or machinery or structures of the nature of plant or machinery.
- (f) based on the information available, the Board is not satisfied that the shed structure, to which the external gantry crane the subject of this referral is added, has been constructed in accordance with the permission granted (An Bord Pleanála appeal reference number PL11.239206) and therefore the development, as constructed, does not meet the requirements of sub paragraphs (i) and (viii) of Article 9 of the Planning and Development Regulations, 2001, as amended, and

- (g) the works which are the subject of this referral are not considered such as to have any likely significant effects on any European sites in light of the conservation objectives of the relevant sites:

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 erection of an outdoor gantry mounted crane, an addition to an existing gantry crane located within an existing shed, at Booth Precast Limited, Ballymullen, Abbeyleix, County Laois is development and is not exempted development.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *24th* day of *Jan.* 2022.

