

An
Bord
Pleanála

Board Order
ABP-313904-22

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: ED22/0008

WHEREAS a question has arisen as to whether the commercial use as open storage of lands at Clonacool, Naas Road, Clondalkin, Dublin is or is not development or is or is not exempted development:

AND WHEREAS John Hanlon care of Kieran O'Malley and Company Limited Town Planning Consultants of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin requested a declaration on the said question from South Dublin Council and the said Council issued a declaration on the 1st day of June 2022, stating that the said matter was development and was not exempted development:

AND WHEREAS the said John Hanlon referred the declaration for review to An Bord Pleanála on the 24th day of June 2022:

AND WHEREAS An Bord Pleanála reformulated the question as follows –

“whether the restoration of land to a pre-1963 use for open storage for commercial use at Clonacoole, Naas Road, Clondalkin, Dublin 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) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the planning history of the site, and
- (f) the location of the site.

AND WHEREAS An Bord Pleanála has concluded that:-

- (a) there is a lack of evidence supporting the historic use of the land as open storage prior to the 1st of October 1964 and that, should the pre-'63 use be accepted, that it has not been abandoned,
- (b) in the absence of this evidence, the Board cannot be satisfied that the use of the land for open storage is not bound by the provisions of the Planning and Development Act 2000, as amended,

- (c) the proposed use of the land as open storage for commercial reasons constitutes development under Section 3(1) and Section 3(2)(b)(iii) of the Planning and Development Act 2000, as amended, as it constitutes works and whereby the storage of vehicles and materials on land constitutes a material change of use,
- (d) the use of the land for open storage does not come within any class of exempted development which is set out in Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, and
- (e) does not come within any of the other exempted development provisions of the Act or Regulations:

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 restoration of land to a pre-1963 use for open storage for commercial use at Clonacoolle, Naas Road, Clondalkin, Dublin is development and is not exempted development.


Liam Bergin
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 21st day of December 2023.