

An
Bord
Pleanála

Board Order ABP-313950-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kilkenny County Council

Planning Register Reference Number: DEC704

WHEREAS a question has arisen as to whether the use of a shed, containers, concrete loading area, and access laneway to facilitate potato storage and distribution at lands at Derrylackey, Mullinavat, County Kilkenny is or is not development or is or is not exempted development,

AND WHEREAS Kilkenny County Council referred the matter for review to An Bord Pleanála on the 24th day of June, 2022,

AND WHEREAS An Bord Pleanála has amended the question to read as follows:

Whether a shed, containers, concrete loading and other hardstanding areas and access laneway to facilitate potato storage and distribution at lands at Derrylackey, Mullinavat, County Kilkenny 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) and 3(1) of the Planning and Development Act 2000, as amended,
- (b) Article 6(1) and Parts 1 and 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (c) An Bord Pleanála case reference numbers RL3016, RL2806 and 242248,
- (d) the documentation on file, and
- (e) the report and recommendation of the Inspector,

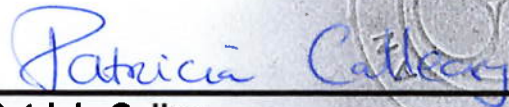
AND WHEREAS An Bord Pleanála has concluded that:

- (a) the use (activity) on site, involving the storage of potatoes, and including washing/grading/packing, as the case may be, and subsequent distribution of same falls within the definition of agriculture under Section 2(1) of the Planning and Development Act 2000, as amended. As such, no change of use or material change of use has occurred. The use, or activity, as described, therefore, does not constitute development,
- (b) the shed constitutes development. It does not fall within the scope of Class 9, Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended, as the floor area of the shed exceeds the maximum threshold of 300 square metres under that class. The shed, therefore, does not constitute exempted development,

- (c) the containers/portacabins constitute development. Also used mostly for storage, they add further to the Class 9 floor area and, therefore, do not constitute exempted development,
- (d) the concrete loading and other hardstanding areas constitute development. They do not fall within the scope of Class 8, Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended, as their combined areas exceed the maximum threshold of 200 square metres under that class. They, therefore, do not constitute exempted development, and
- (e) the access laneway constitutes development. It does not fall within the scope of Class 13, Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, as the width of the laneway exceeds the maximum threshold of 3.0 metres under that class. The laneway, therefore, does not constitute exempted development,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(4) of the Planning and Development Act 2000, as amended, hereby decides that:

- (a) the use for potato storage and distribution is not development,
- (b) the shed is development and is not exempted development,
- (c) the containers/portacabins are development and are not exempted development,
- (d) the concrete loading and other hardstanding areas are development and are not exempted development, and
- (e) the access laneway is development and is not exempted development.



Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 9th day of September 2024.