

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 0013/23

WHEREAS a question has arisen as to whether the provision of temporary steel containers within the applicant's lands at number 145c Slaney Close for the period of a permitted development under planning authority reference number 3199/20 at 145C Slaney Road, Dublin Industrial Estate, Dublin is or is not development or is or is not exempted development:

AND WHEREAS BA Steel Fabrication care of Virtus of 5th Floor, The Glass House, 11 Coke Lane, Smithfield, Dublin requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 14th day of February, 2023, stating that the matter was development and was not exempted development:

AND WHEREAS BA Steel Fabrication referred this declaration for review to An Bord Pleanála on the 1st day of March, 2023:

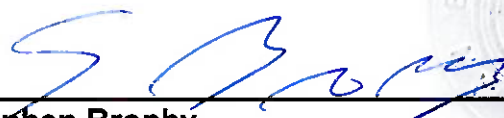
AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,
- (c) Section 3(2) of the Planning and Development Act, 2000, as amended,
- (d) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (e) Article 6(2) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (f) Class 16 and Class 17 of Schedule 1, Part 1 of the Planning and Development Regulations, 2001, as amended,
- (g) the planning history of the site, and in particular planning authority reference number 3199/20 condition numbers 1 and 8,
- (h) the pattern of development and the character of the site's setting as part of Dublin Industrial Estate,
- (i) the nature, scale, and use of the containers at this site, and
- (j) the report of the Inspector:

AND WHEREAS the planning authority has concluded that the works are not part of permission register reference 3199/20 and should be considered to contravene condition number 1 of that permission, unless they can be shown to be exempted under Class 16 development. Due to the use of the containers as commercial premises rather than construction site offices or similar, they cannot be considered exempted under Class 16 development and therefore furthermore contravene condition number 1 of the existing permission:

AND WHEREAS An Bord Pleanála has concluded the provision of temporary steel containers within the applicant's lands at number 145c Slaney Close for the period of a permitted development planning authority reference number 3199/20 is development and is not exempted development:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5(3) of the 2000 Act, hereby decides that the provision of temporary steel containers within the applicant's lands at number 145c Slaney Close for the period of a permitted development planning authority reference number 3199/20 at 145C, Slaney Close, Dublin Industrial Estate, Dublin is development and is not exempted development.



Stephen Brophy
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 8th day of April 2024.