



An
Coimisiún
Pleanála

Commission Order
ABP-322099-25

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FS5/010/25

WHEREAS a question has arisen as to whether the existing prefabricated storage structure at Ace Express Freight, M1 Business Park, Courtlough, County Dublin is or is not development or is or is not exempted development,

AND WHEREAS Ascot Freight Limited requested a declaration on the said question from Fingal County Council and the Council issued a declaration on the 3rd day of March, 2025 stating that the matter is development and is not exempted development,

AND WHEREAS Ascot Freight Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare referred the declaration for review to An Coimisiún Pleanála on the 19th day of March, 2025,

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to:

- (a) Sections 2(1), 3(1) and 4(1)(a) of the Planning and Development Act 2000, as amended,
- (b) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (c) Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and
- (d) the planning history of the site,

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) the construction of the structure in question involves works and constitutes development, as defined,
- (b) the operations on site are not an industrial process undertaken by an industrial undertaker to which Class 21 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, applies,
- (c) notwithstanding the above, even if it could be determined that the operations on site fell within the scope of Class 21, the structure erected on site is in the manner of a building and would not fall within the scope of either plant or machinery, or a structure of the nature of plant or machinery, and

- (d) the exemption for industrial undertakers for the erection of structures of the nature of plant and machinery on land used for industrial purposes, does not provide for the construction of new buildings,

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by Section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the existing prefabricated storage structure at Ace Express Freight, M1 Business Park, Courtlough, County Dublin is development and is not exempted development.

Mary Gurrie

Mary Gurrie

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission



Dated this 21 day of July 2025.