

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Waterford City and County

Planning Authority Reference Number: D5/201518

A Bord Pleanála Reference Number: 93.RL.3416

WHEREAS a question has arisen as to whether the temporary siting of a mobile advertising container at Lemybrien, County Waterford is or is not development or is or is not exempted development:

AND WHEREAS Patrick Behan care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare requested a declaration on the said question from Waterford City and County Council and the said Council issued a declaration on the 8th day of September, 2015 stating that the said matter is development and is not exempted development:

AND WHEREAS the said Patrick Behan referred the declaration for review to An Bord Pleanála on the 5th day of October, 2015:

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

- (a) sections 2(1), 3(1), 3(2) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(2) and Part 2, Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (c) An Bord Pleanála's determination in respect of a previous referral reference PL04.RL.3118, and
- (d) the report of the Planning Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the mobile container, the subject of the referral is an object used for the purposes of advertising,
- (b) the parking of the mobile container at this location for the purpose of advertising constitutes a material change of use of the land on which it is located, being the use of land for the exhibition of advertisements, pursuant to section 3(2)(a) of the Planning and Development Act, 2000, and is therefore “development” within the meaning of section 3 of the said Act,
- (c) the parking of the mobile sign does not come within the meaning of section 4 (1)(h) of the Planning and Development Act, 2000, not being “development consisting of the carrying out of works for the maintenance, improvement or other alteration of a structure”, and
- (d) the mobile sign does not come within the scope of any of the exemptions provided for in Part 2 of Schedule 2 to the Planning and Development Regulations 2001, as amended, or any other provisions of the legislation:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Act, hereby decides that the said temporary siting of a mobile advertising container at Lemybrien, County Waterford 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.

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

Dated this day of 2016.