



An  
Bord  
Pleanála

**Board Order  
06D.RL.3581**

---

**Planning and Development Acts 2000 to 2017**

**Planning Authority: Dun Laoghaire-Rathdown County Council**

**Planning Register Reference Number: 28/17**

**WHEREAS** a question as originally stated has arisen as to whether or not the use of the Parcel Motel Facility as a placement for deposit/temporary storage unit operated by Nightline Logistics Group on lands adjacent to The Goat, Lower Kilmacud Road/Taney Road, Dublin, is or is not development or is or is not exempted development:

**AND WHEREAS** Nightline Logistics Group care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin requested a declaration on the said question from Dun Laoghaire-Rathdown County Council and the said Council issued a declaration on the 18<sup>th</sup> day of April, 2017 stating that the said matter is development and is not exempted development:

**AND WHEREAS** the said Nightline Logistics Group care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin referred this declaration for review to An Bord Pleanála on the 10<sup>th</sup> day of May, 2017:

**AND WHEREAS** Having regard to the nature of the question and the documentation submitted as part of the referral, the Board has decided to reformulate the question as follows:

**WHEREAS** a question has arisen as to whether the placement of a deposit/temporary storage unit for postal items at The Goat Public House, Lower Kilmacud Road and Taney Road, Dublin, is or is not exempted development.

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

- (a) Sections 2, 3, and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 30(c) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site, and
- (e) the pattern of development in the area:

**AND WHEREAS** An Bord Pleanála has concluded that –

- (a) the placement of a deposit/temporary storage unit for postal items constitutes ‘works’ as defined in Section 2 of the Planning and Development Act 2000, as amended and, therefore, constitutes development as defined in section 3(1) of the said Act,
- (b) the placement of a deposit/temporary storage unit for postal items would not come within the scope of section 4(1)(h) of the Planning and Development Act 2000, as amended, not being works for the maintenance, improvement or other alteration of an existing structure, but for the erection of a new structure, and
- (c) the placement of a deposit/temporary storage unit for postal items has not been undertaken by An Post - The Post Office and, therefore, does not come within the scope of the exempted development provisions of Class 30(c) of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, as amended, hereby decides that the placement of a deposit/temporary storage unit for postal items at The Goat Public House, Lower Kilmacud Road and Taney Road, Dublin, 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    2018**