



An
Bord
Pleanála

Board Order 06D.RL.3615

Planning and Development Acts 2000 to 2017

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: 7317

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 Nutgrove Shopping Centre, Nutgrove Avenue, Rathfarnham, 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 20th day of July, 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 14th day of August, 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 or not the placement of the Parcel Motel Facility for a deposit/temporary storage unit operated by Nightline Logistics Group on lands adjacent to Nutgrove Shopping Centre, Nutgrove Avenue, Rathfarnham, Dublin 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), 3(1), 4(1)(h), and 254(1) and (2) of the Planning and Development Act, 2000 to 2017,
- (b) Articles 5(1), 6(1), 9(1), 10 and 201 of the Planning and Development Regulations, 2001 to 2017, and
- (c) The submissions received by An Bord Pleanála and the report of its Inspector:

AND WHEREAS An Bord Pleanála has concluded that –

- (a) The siting of the Parcel Motel Facility as a placement for deposit/temporary storage unit operated by Nightline Logistics Group on lands adjacent to Nutgrove Shopping Centre, Nutgrove Avenue, Rathfarnham, Dublin, entails “works” and so it constitutes development, under Section 3(1) of the Planning and Development Act, 2000 to 2017;

- (b) This development would not come within the scope of Section 4(1)(h) not being works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;
- (c) The development would not come within the scope of the exempted development provisions of Schedule 2 Part 1 Class 30(c) of the Planning and Development Regulations 2001 to 2017, as it has not been undertaken by An Post – The Post Office, and
- (d) There are no other exemptions by which the subject development would be exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides that the placement of the Parcel Motel Facility for a deposit/temporary storage unit operated by Nightline Logistics Group on lands adjacent to Nutgrove Shopping Centre, Nutgrove Avenue, Rathfarnham, Dublin is development and is not exempted development.

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

Dated this day of 2018