

The Secretary,  
An Bord Pleanála,  
Marlborough Street,  
Dublin 1

**AN BORD PLEANÁLA**

LDG- \_\_\_\_\_  
ABP- \_\_\_\_\_

**10 JUL 2019**

Fee: € \_\_\_\_\_ Type: \_\_\_\_\_  
Time: \_\_\_\_\_ By: *leg*

Kevin Wall,  
C/O Swift Engineering,  
Rathgory,  
Dunleer,  
Co. Louth

9<sup>th</sup> July 2019

**Re: Whether the change of use from the manufacturing of kitchen units to manufacturing steel fabrication is or is not development or is or is not exempted development. (Ref: S5 2019/16)**

Dear Sir/Madam,

Following your letter dated 30<sup>th</sup> May 2019 in relation to the subject referral under the Planning and Development Acts 2000 to 2018, I wish to make the following comments of support.

The subject premises were subject to a successful application in early 2006 for a change of use of existing outbuildings from storage use to timber workshop and showroom, to include reclad of existing building with metal cladding, new septic tank, car parking and all associated works. This planning application was acted upon and a new business operated on the premises for a number of years but due to the downturn in the economy at the time it ceased operation. The building then lay unoccupied until Swift Engineering started their steel manufacturing business in 2013.

At this time it was deemed that the nature of work being carried out by Swift Engineering was that of which did not require planning permission as per Planning & Development Regulations 2001 - Schedule 2 Part 4 Classes of Use (in particular Class 4). Confirmation on this was sought from the local planning authority in 2017 (letter attached) and it was agreed by Louth County council planning section that the change of use from a timber workshop (planning ref No. 05/1008) to steel fabrication workshop would not constitute a material change of use.

A declaration under Section 5 of the planning and development Act 2000 (as amended) was applied for by Brady Hughes Consultant Engineers Ltd on behalf of Liam & Deirdre Ryan in April of this year and this resulted in Louth County Councils decision yet again to rule that it has been established that permission for a manufacturing/industrial use (steel fabrication) exists on site. Louth County Council go on to give their reasons for this conclusion (planners report enclosed), but in summary:

- The use is exempted development under the scope of the exempted development classes of use Part 4 of the Planning & Development Regulations 2001-2012 (as amended).
- Permission was granted on the subject site for a kitchen manufacturing workshop and showrooms (Ref No. 05.1008)
- Material change of use has not occurred.
- There has been no intensification of use from that previously permitted.

The submission from Brady Hughes Consulting Engineers refers to Condition No.1 of the planning application 05/1008 and the supposedly contravention of this condition under the new activity being carried out on site, different materials, different machinery, different products. It is of my opinion that the exempted use and class of uses outlined in the Planning & Development Regulations 2001 does not allow for this to be a valid argument or reason for unauthorised development. If this argument was put forward to all change of use exemptions then there would be no exemptions allowed under the Regulations. The submission also refers to there being no showroom as part of the new use. Again, I would argue that the omission of one part of the original permission and granted use does not constitute a reason for contravention. The omission of the showroom actually reduces the traffic movements to and from the subject site. There are a total of 6 employees who work in the workshop



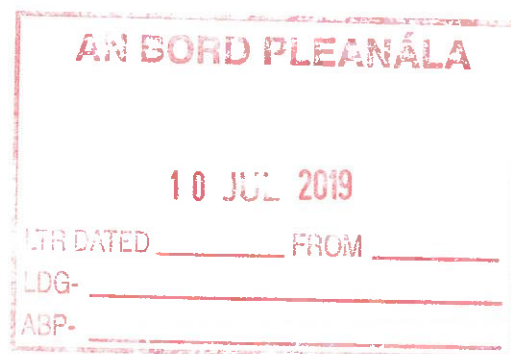
during the working hours of 8.00am – 6.00pm. In order for works to be carried out in the workshop Swift Engineering Ltd take delivery of the steel manufacturing materials on a weekly basis and this is carried out by an articulated lorry. Once the manufacturing is carried out the products (steel gates, steel frame structures etc..) then need to be removed from the workshop and delivered to site for erection. Some of the large items need to be taken away on a similar truck to which the delivery was carried out and this will be carried out once a week or sometimes once every 2 weeks, these delivery numbers change from week to week depending on the workload and materials on order but on average it would be 3 articulated lorry movements per week.

Brady Hughes Consulting Engineers has also included photos of a storage area outside of the premises (in an area previously granted as a car park under Ref No:05/1008). Please note that the site was subject to an unauthorised development case brought by Mr & Mrs Ryan who Brady Hughes Consulting Engineers are now acting for in this Section 5 Declaration. Retention for this storage area (as seen in the photos) was refused by Louth County Council under planning Ref No.18/711. The practice of using this area for an outdoor steel storage area then ceased operation and the area was returned to its original use as a car park, in accordance with planning Ref No.05/1008. Louth County Council was satisfied with this and in a letter dated 02/05/2017 they confirmed that the unauthorised case was closed (See letter attached).

I trust that An Bord Pleanála will agree with the decisions of Louth County Council on all of these matters raised in this referral on the section 5 declaration application.

Regards,

Kevin Wall  
Kevin Wall

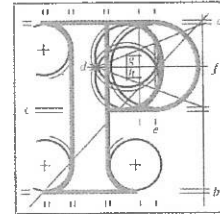




Our Ref: ABP-304548-19

PA Reg Ref: S5 2019/16

Your Ref: Swift Engineering Services and Sales Limited



An  
Bord  
Pleanála

Kevin Wall C/o Swift Engineering Services and Sales Limited  
Rathgory  
Dunleer  
Co. Louth  
A92 FK20

Date: 05 July 2019

Re:

Whether the change of use from the manufacturing of kitchen units to manufacturing steel fabrication is or is not development or is or is not exempted development.  
Rathgory, Dunleer, Co. Louth.

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above-mentioned referral.

The Board has examined the referral and is of opinion that certain information is necessary for the purpose of enabling it to determine it. In accordance with section 132 of the Planning and Development Act 2000 (as amended) as applied to referrals you are required to submit, on or before **22nd July, 2019** the following:

Your comments on the referral which issued to you previously on 30th May, 2019.

If the information required is not received before the end of the specified period, the Board will dismiss or otherwise determine the referral without further notice to you in accordance with section 133 of the 2000 Act as applied to referrals. Your submission should be received by the Board not later than 5.30 p.m. on the date specified above.

Please quote the above referral number in any further correspondence.

Yours faithfully,

Anna Howard  
Executive Officer  
Direct Line: 01-8737166

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