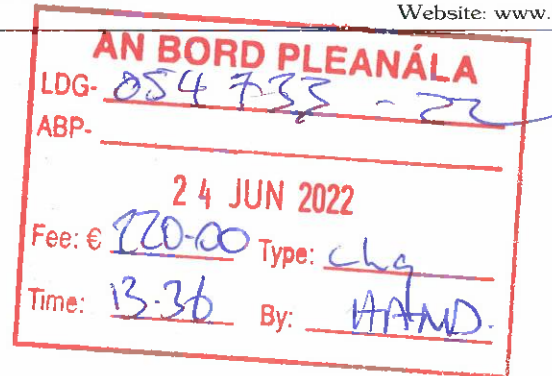


**DIRECTORS:** JOHN O'MALLEY BA BAI MRUP Dip.EIAMgt. Dip.Env.Eng. MIEI, MIPI, MRTPI  
RAYMOND O'MALLEY BA BAI MURP Dip.EIAMgt. MIEI  
**CONSULTANT:** KIARAN O'MALLEY BE CEng Dip.EIAMgt. FIEI AMIHT MICE, MRTPI MIPI

Tel: +353 1 2832077 / 2835156  
Fax: +353 1 2832092  
E-mail: info@kom.ie  
Website: www.kom.ie

24<sup>th</sup> June 2022

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1



**Reg. Ref.:** ED22/0008  
**Location:** Clonacoole, Naas Road, Clondalkin, Dublin 22  
**Question:** Is the commercial use as open storage of lands at Clonacoole, Naas Road, Clondalkin, Dublin 22 development, and if so, is it exempt development?  
**Decision Date:** 31<sup>st</sup> May 2022  
**Refer By:** 27<sup>th</sup> June 2022

## SECTION 5 REFERRAL

Dear Sir or Madam,

This is a section 5 referral by our client **John Hanlon, Sturdy Products, Blessington Industrial Estate, Blessington, Co. Wicklow** against the decision of South Dublin County Council in respect of the above section 5 declaration. Attached is a copy of the Council's decision (received by e-mail) and a cheque for € 220 in respect of the prescribed fee.

The point of dispute between the referrer and the planning authority is whether or not a material change of use would arise and thus whether or not the proposal is development. In the assessment section of the planning officer's report it is concluded that:

*"The commercial use of lands as open storage is considered a material change of use of the land. The proposal is therefore considered 'development'."*

That assessment and conclusion appears to ignore or set aside the pre-63 established storage use of the lands that were detailed in the declaration and supported with various letters, receipts and other documentation (see copy attached). As set out in the declaration, the following is a summary of some of the businesses that used the property:

- Hanlon Lime Quarries at "Druim Aoibhinn", Monastery Road, Clondalkin – our client confirms this was his grandfather's business from c. 1943 and it used the site for truck parking and storage
- Truck parking for various local businesses including:-
  - (i) Holman Engineering, Naas Road;

- (ii) Tom O Hanlon Ford Dealer Inchicore as overflow parking. He was also the main supplier of Ford cars for An Garda
- (iii) Contractors Plant Ltd., Naas Road, Clondalkin [our client informs us that this was a Tracey family business]
- Morlon Motors (in 1970s) – used for storage of cars, service cars and vans [see various receipts attached]
- Design Experts (in early 1980s) – this was an architectural service [see copy of business card attached confirming the site address]
- Farrell’s Mobile Homes (in mid 1980s) – used for storage of mobile homes including storage of third party owned mobile homes. [This company is now based at Rathcoole]
- Irish Towing Services (2000s – 2010’s) – various storage [see letter dated 20<sup>th</sup> August 2018 attached]
- Tank Engineering Ltd. (mid 1990s to date) – storage [see letter dated 15<sup>th</sup> August 2018 attached]
- Eurobins Ltd. t/a Red Cow 20’ Self Storage (2015 to date) – storage for companies and private individuals

There is no apparent consideration of that information by the Council, which is not even referenced in the assessment section of the planner’s report. Further, the Council does not identify what it considers to be the current authorised use of the lands from which a supposed material change of use would arise.

It is not clear why the Council did not consider the pre-63 use and the information within the declaration, which is repeated above demonstrating such use. Accordingly, the Board may choose to consider a slight re-wording of the question put to the planning authority with a clear reference to pre-63 suggested as follows:

*Is the **restoration to pre-63** commercial use as open storage of lands at Clonacoole, Naas Road, Clondalkin, Dublin 22 development, and if so, is it exempt development?*

Whichever version of the question that the Board elects to assess, our client’s position is the same i.e. the site enjoys pre-63 commercial use for open storage. On that basis, the (restoration of) commercial use as open storage of these lands is not development; neither a change of use nor material change of use would arise. The question is it or is it not exempt development therefore does arise. The Board is therefore requested to review this referral and confirm that the proposed does not constitute development.

In addition to the above, it is considered necessary to clarify the following matters that were also raised in the planning officer’s report:

- (i) The question before the Council and now before the Board is on the basis that the storage containers are not on the site. There seemed to be some misunderstanding about this matter in the Council’s report.
- (ii) The adjoining dwelling is within the ownership of the referrer but that land is not relevant to the section 5 question.
- (iii) The issue of potential traffic hazard (Article 9(1)(iii) of the Regs) does not arise because the referrer is not reliant on an exempt development provision. Further, the fact that the Council designed and built the entrance/exit to this yard appears to have been completely ignored by the Council.

Please acknowledge receipt of this referral and direct all future correspondence in this matter to our office.

Regards,



Raymond O'Malley

Kieran O'Malley & Co. Ltd.

ROM: rom

- Enclosures
1. A copy of Local Authority decision
  2. A cheque for € 220 payable to An Bord Pleanála
  3. A copy of:
    - Morlon Motors receipts
    - Design Experts business card
    - Irish Towing Services letter dated 20th August 2018
    - Tank Engineering Ltd. letter dated 15th August 2018

An Rannóg Talamhúsáide, Pleanála agus Iompair  
Land Use, Planning & Transportation Department  
Telephone: 01 4149000 Fax: 01 4149104 Email: [planning.dept@sdublincoco.ie](mailto:planning.dept@sdublincoco.ie)

Kieran O'Malley & Co. Ltd  
St. Heliers  
Saint Heliers Copse  
Stillorgan Park  
Blackrock  
Co. Dublin

01-Jun-2022

Our Ref: ED22/0008  
Re: Clonacoole, Naas Road, Clondalkin, Dublin 22  
Proposal: Is the commercial use as open storage of lands at Clonacoole,  
Naas Road, Clondalkin, D22 development, & if so, is it exempt  
development

Dear Sir/ Madam,

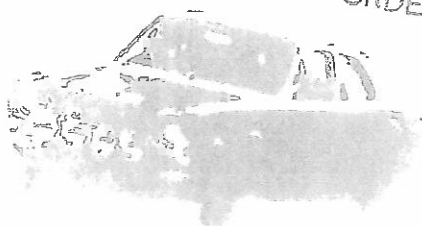
I wish to inform you that the proposed development as outlined at the above location is, by Chief Executive's Order PR/0657 dated 31-May-2022, DECLARED NOT EXEMPT under the Planning and Development Regulations, 2001 (as amended) and therefore DOES require planning permission.

A copy of the planner's report is enclosed for your information.

Yours faithfully,

M Furney  
*for Senior Planner*





ORDER FORM  
**MORLON MOTORS**  
 NAAS ROAD  
 CLONDALKIN  
 CO DUBLIN

PHONE 593196. 50337

Arne Fannell  
 Clondalkin. 10/5/26

Order No

qty	part no	description	unit.	192	
				£	P
		Hill Man Insp			
		Set Timing Shim		12-00	
		Do Head gasket		40-00	
		All Parts		24-00	
		Oil.		76-00	

per

BSA/BSJ

MORLON Motors <sup>27</sup> 131000 45.  
 fiat 124 S.  
 Reg.

Air filter	£3.10
Oil filter	3.20
Oil	2.96
Points	1.80
Track rod end.	3.50
Brake fluid	.70
Bulbs.	84
	<u>15.90</u>
Labour.	16.00
U.A.T 6.75	31.90
	<u>2.16</u>
	34.06

Total	£ 34.06
Heater pipe nuts & bolts	3.00
	<u>37.06</u>

Total £ 34.00



MORLON MOTORS .

Naas Road,  
Clondalkin,  
Co. Dublin.

Phone : 593196 or 503373.

Matt Brown. Rathcoole

12-12-76

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£10  
per week

For 1976 £520

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— RONAN Morgan





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DATE E 5 75  
INVOICE No. 122114C 2

CUSTOMER No. 503376K

ORDER NO.	COLUMN CODE	ADVERTISING	DATE START	No. of inserts	PAPER CODE	CHARGE
6617	072	YAMAHA 593196	1 MAY	2	E.P	1.16
<p>Sales From Morton Motors</p>						

NET COST 1.16

VALUE ADDED TAX AT 6.6% ON 1.16

0.08

**PAPER CODE**

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V.A.T. ON ITEMS MARKED XX WAS SEPARATELY RECORDED ON PREVIOUS INVOICE AND OUTSTANDING CHARGES NOW SHOWN ARE TAX INCLUSIVE

TOTAL OUTSTANDING

1.16  
0.08  
1.24



**MORLON MOTORS.**

**Naas Road,  
Clondalkin,  
Co. Dublin.**

**Phone : 593196 or**

**503373**

Austin Mc Hale

		Safe Storage of			
		2 Rally cars			
		Anglia - 105E			
		Escort RDA			
		Ford Saab			
		4 1977			
		Aguard. f. 1000-0			
		John.			



# MORLON MOTORS.

Naas Road,  
Clondalkin,  
Co. Dublin.

Phone : 593196 or

503373

Joe McHale

M. J. McHale

Aug 76

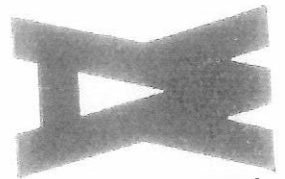
	Preparation			
	& Storage			
	of Rallycar			
	1600 Twin car			
	For Rally Season			
	1976			
	Agreed.	—	800.00	
	Weld Car Transporter:			
	John Hanlon			



for:

Large Construction Design,  
Dwelling House Plans,  
Extensions, Land Maps,  
and Artwork

Brendan J. Hanlon.



**DESIGN EXPERTS**

Clonacool  
Maas Road  
Clondalkin  
Co Dublin  
phone 593196

Dublin 14

Planning Permission  
is being sought for  
an extension to the  
Rear of 67 Maas Road  
Clondalkin - by Mr.  
W.T. Cooke

6 St Brigid's Cottages, Naas Road, Clonsilla, Dublin 22

## IRISH TOWING SERVICES

To whom it may concern

20-8-2018

Dear Sirs,

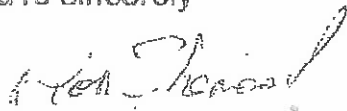
Please be advised that periodically over the past 10 years we have used the lands at the rear of Mrs Hanlon's Dwelling house on the Naas Road, (Clonsilla) for the purpose of storage.

We have stored; goods; vehicles and animals there from time to time. We have paid Mrs Hanlon (now deceased) a nominal rent.

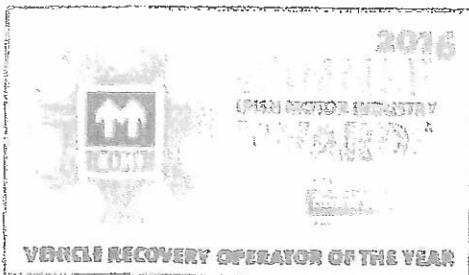
We continue now to store goods there through a Company; Red Cow 20' Self Storage, which I understand is operated by her son John Hanlon.

If there are further details required please revert

You're sincerely



Alan & Cora Sherwood



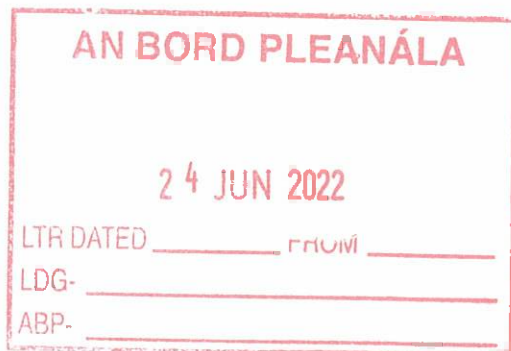


OUR REF:

DATE

15-August 2018

To, Eurobin Ltd  
Red Cow Self Storage  
Naas Road  
Clondalkin  
Co Dublin.



Dear Sir,

Further to our conversation this morning, in relation to the Storage facility which we use at Naas Road Clondalkin on the lands adjacent to the house "Clonacool" near Red Cow Roundabout, We are happy to confirm the following:-

Since the mid 1990's we have used this land and the temporary storage facilities on it, for the storage of Plant ; Equipment and Vehicles. We also used it for the temporary storage of Mobile Homes which were used for onsite accommodation for our workers on projects around the country.

We in the past have made payments to Mrs Hanlon for this facility.

We continue to use some storage containers on site since, Eurobin Ltd T/A Red Cow Storage improved facilities on site.

Should you require any further information or details please revert

Thank you

Eamon O Kane  
Project Manager

For and on behalf of Tank Engineering Ltd