

An  
Bord  
Pleanála

Board Order  
ABP-320262-24

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: DEC 808**

**WHEREAS** a question has arisen as to whether the construction of wastewater/sewage tanks within the grounds of the equestrian shed (noting these are complete) at Wallslough Equestrian Facility, Wallslough Village, Wallslough, County Kilkenny is or is not development or is or is not exempted development:

**AND WHEREAS** Aidan Kelly of The Craft House, Wallslough, County Kilkenny requested a declaration on the said question from Kilkenny County Council and the said Council issued a declaration on the 24<sup>th</sup> day of June, 2024 stating that the said matter was development and was exempted development:

**AND WHEREAS** Aidan Kelly of The Craft House, Wallslough, County Kilkenny referred the declaration for review to An Bord Pleanála on the 22<sup>nd</sup> day of July, 2024:


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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Section 181(1)(a) of the Planning and Development Act, 2000, as amended,
- (e) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (f) S.I. 306/2022 European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022, and
- (g) the planning history of the site,

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

- (a) the construction of wastewater/sewage tanks, within the grounds of the temporary accommodation for displaced persons as assessed in Section 5 referral, An Bord Pleanála reference ABP-319805-24, constitutes development as defined under Section 3(1)(a) of the Planning and Development Act 2000, as amended, and
- (b) the construction of wastewater/sewage tanks, within the grounds of the temporary accommodation for displaced persons as assessed in Section 5 referral, An Bord Pleanála reference ABP-319805-24, is exempted development as it is ancillary to the overall provision of temporary accommodation for displaced persons and as such comes within the scope of S.I. 306/2022 European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022, for the duration of the relevant period:

**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 construction of wastewater/sewage tanks, within the grounds of the temporary accommodation for displaced persons as assessed in Section 5 referral, An Bord Pleanála reference ABP-319805-24 at Wallslough Equestrian Facility, Wallslough Village, Wallslough, County Kilkenny is development and is exempted development.



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**Stephen Bohan**

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

Dated this *21<sup>st</sup>* day of *January* 2025.

