

Comhairle Chontae Atha Cliath Theas

PR/1625/21

Record of Executive Business and Chief Executive's Order

Reg. Reference: ED21/0073 **Application Date:** 19-Nov-2021
Application Type: Declaration of Exemption **Registration Date:** 19-Nov-2021
Section 5

Correspondence Name and Address: MBG Distribution Ltd Lower Greenhills Road,
Walkinstown, Dublin 12
Proposed Development: Waste Facility permit required for premises
Location: Lower Greenhills Road, Walkinstown, Dublin 12
Applicant Name: MBG Distribution Ltd

(SW)

Site Description

The site is located within an industrial area.

Proposal

This is an application requesting a Section 5 Declaration on whether or not the following is development and if so, is it exempted development

- *Waste Facility permit required for premises*

The following has been submitted with this Section 5:

- Application form
- Site location map

Relevant Planning History

None.

Assessment

Consideration as to whether a development constitutes exempted development or not is governed by Sections 3, 4 and 5 of the Planning and Development Act 2000, as amended and Articles 5,6,7,8,9,10 and 11 of the Planning and Development Regulations 2001, as amended.

Is the proposal development?

Under the Planning and Development Act 2000 (as amended) Section 3(1) defines development and Section 3(2) sets out categories where the use of land shall be taken as having materially changed and would therefore, under the definition of development, constitute development. Therefore, development is defined as:

"Development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land

Comhairle Chontae Atha Cliath Theas

PR/1625/21

Record of Executive Business and Chief Executive's Order

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

The applicant has not provided any details regarding why the waste permit may be required. It has not been indicated whether any change of use or works would take place.

The applicant is therefore requested to set out:

- The current use on the site
- Details of why the proposal requires a waste permit:
 - o Details of proposed waste activities on the site (type, quantum, location)
 - o Details of whether materials would be stored or whether any other activities would take place at the site.
- Details of any works that would take place.

Is the proposal exempted development?

The development to which this Section 5 Declaration application relates comprises the following:

- *Waste Facility permit required for premises*

It is unclear whether the proposal is development at this stage.

Article 9 restrictions

Article 9 states the following:

Development to which article 6 relates shall not be exempted development for the purposes of the Act:

(a) if the carrying out of such development would--

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act

There is no planning history for the site. The application form states that the premises dates from 1963.

It is not apparent whether any other article 9 restrictions are relevant at this stage. It is noted that site is not within an environmentally sensitive area.

Conclusion

Having regard to the provisions of Section 4 of the Planning and Development Act 2000 (as amended), and Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended), it is considered that the following works:

- Waste Facility permit required for premises

Comhairle Chontae Atha Cliath Theas

PR/1625/21

Record of Executive Business and Chief Executive's Order

to be carried out at Lower Greenhills Road, Walkinstown, Dublin 12 as detailed in the documentation submitted,

(A) It is not clear whether it is development

and

(B) It is not clear whether it is exempt development.

Recommendation

I recommend that **Additional Information Requested** be requested from the applicant with regard to the following:

1. The applicant is advised that the submitted application does not state what the proposed Exempted Development is. The applicant has not provided any details regarding why the waste permit may be required. It has not been indicated whether any change of use or works would take place.

The applicant is therefore requested to set out:

- The current use on the site
- Details of why the proposal requires a waste permit:
 - Details of proposed waste activities on the site (type, quantum, location)
 - Details of whether materials would be stored or whether any other activities would take place at the site.
- Details of any works that would take place.

The above information is required to support the assessment of this application.

"Development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.



Tracy McGibbon
A/Senior Executive Planner

Comhairle Chontae Atha Cliath Theas

PR/1625/21

Record of Executive Business and Chief Executive's Order

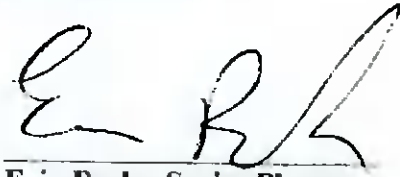
Reg. Reference: ED21/0073

Location: Lower Greenhills Road, Walkinstown, Dublin 12

ORDER: That **ADDITIONAL INFORMATION** be requested from the applicant as set out above and that notice thereof be served on the Agent/Applicant.

Date:

16/12/21



Eoin Burke, Senior Planner