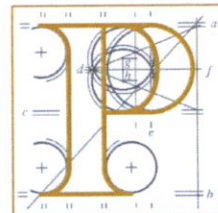


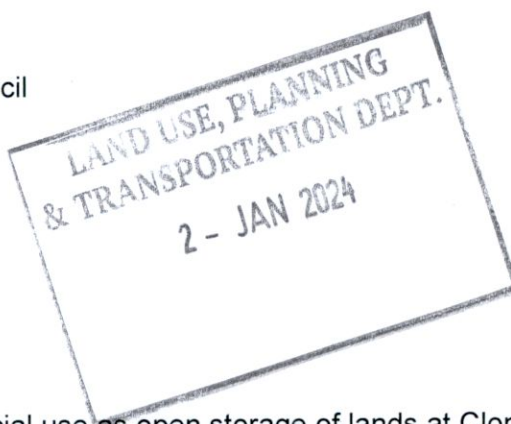
Our Case Number: ABP-313904-22

Planning Authority Reference Number: ED22/0008



An  
Bord  
Pleanála

South Dublin County Council  
Planning Department  
County Hall  
Tallaght  
Dublin 24



Date: 21 DEC 2023

**Re:** Whether the commercial use as open storage of lands at Clonacoole, Naas Road, Clondalkin, Dublin 22 is or is not development and is or is not exempted development.  
Clonacoole, Naas Road, Clondalkin, Dublin 22

Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned referral under the Planning and Development Acts 2000 to 2022. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website ([www.pleanala.ie](http://www.pleanala.ie)). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

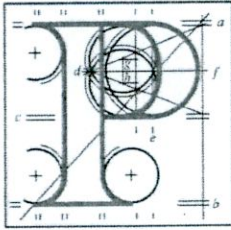
Yours faithfully,

Carmel Morgan  
Executive Officer

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
Ríomhphost	Email	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902





An  
Bord  
Pleanála

Board Order  
ABP-313904-22

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: ED22/0008**

**WHEREAS** a question has arisen as to whether the commercial use as open storage of lands at Clonacoole, Naas Road, Clondalkin, Dublin is or is not development or is or is not exempted development:

**AND WHEREAS** John Hanlon care of Kieran O'Malley and Company Limited Town Planning Consultants of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin requested a declaration on the said question from South Dublin Council and the said Council issued a declaration on the 1<sup>st</sup> day of June 2022, stating that the said matter was development and was not exempted development:

**AND WHEREAS** the said John Hanlon referred the declaration for review to An Bord Pleanála on the 24<sup>th</sup> day of June 2022:

**AND WHEREAS** An Bord Pleanála reformulated the question as follows –

“whether the restoration of land to a pre-1963 use for open storage for commercial use at Clonacoole, Naas Road, Clondalkin, 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) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the planning history of the site, and
- (f) the location of the site.

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

- (a) there is a lack of evidence supporting the historic use of the land as open storage prior to the 1<sup>st</sup> of October 1964 and that, should the pre-'63 use be accepted, that it has not been abandoned,
- (b) in the absence of this evidence, the Board cannot be satisfied that the use of the land for open storage is not bound by the provisions of the Planning and Development Act 2000, as amended,

- (c) the proposed use of the land as open storage for commercial reasons constitutes development under Section 3(1) and Section 3(2)(b)(iii) of the Planning and Development Act 2000, as amended, as it constitutes works and whereby the storage of vehicles and materials on land constitutes a material change of use,
- (d) the use of the land for open storage does not come within any class of exempted development which is set out in Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, and
- (e) does not come within any of the other exempted development provisions of the Act or Regulations:

**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 restoration of land to a pre-1963 use for open storage for commercial use at Clonacoole, Naas Road, Clondalkin, Dublin is development and is not exempted development.

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



Dated this 21<sup>st</sup> day of December 2023.

