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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FS5W/11/19**

**WHEREAS** a question has arisen as to whether the erection of a concrete block wall in the centre of the building to subdivide the building into two smaller units at 47 Coolmine Industrial Estate, Porter's Row, Clonsilla, Dublin is or is not development or is or is not exempted development:

**AND WHEREAS** Noel Hanlon of 18 Fairways Park, Bettystown, County Meath requested a declaration on this question from Fingal County Council and the Council issued a declaration following the making of its decision on the 26<sup>th</sup> day of September, 2019 stating that the matter is not exempted development:

**AND WHEREAS** Noel Hanlon referred the declaration for review to An Bord Pleanála on the 18<sup>th</sup> day of October, 2019:

**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, as amended,
- (c) section 4(1)(h) of the Planning and Development Act, 2000, as amended, and
- (d) the planning history of the site:

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

- (a) internal works comprising the erection of a concrete block wall in the centre of the building to subdivide the building into two smaller units would constitute works that are development, and
- (b) the works necessary to subdivide the units come within the scope of section 4(1)(h) of the Planning and Development Act, 2000, as amended, and are, therefore, exempted development:

**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 erection of a concrete block wall in the centre of the building to subdivide the building into two smaller units at 47 Coolmine Industrial Estate, Porter's Row, Clonsilla, Dublin is development and is exempted development.

### **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

**Dated this            day of            2020.**