



Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FS5/004/23

WHEREAS a question has arisen as to whether the works of partial repair, renewal, restructuring and replacement of the vandalised burnt-out timber dwelling known as "The Puffin" at North Beach, Rush, County Dublin is or is not development or is or is not exempted development:

AND WHEREAS Colin Brady of Kileen, Baskin Lane, Cloghran, County Dublin requested a declaration on this question from Fingal County Council and the Fingal County Council issued a declaration on the 24th day of February, 2023 stating that the matter was development and was not exempted development:

AND WHEREAS Colin Brady referred this declaration for review to An Bord Pleanála on the 20th day of March, 2023:

AND WHEREAS based on the evidence on file and by reference to Section 8.2.4 of the Inspector's report, the Board reformulated the question to be addressed as follows:

A question has arisen as to whether the demolition of a previously existing dwelling known as "The Puffin" and the construction of a new dwelling on the same footprint

at North Beach, Rush, County 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) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the appeal submissions, including photographs submitted by the referrer,
- (e) the planning history of the site, and
- (f) the reports of the planning authority and the Inspector.

AND WHEREAS An Bord Pleanála has concluded that the demolition of a previously existing dwelling known as "The Puffin" and the construction of a new dwelling on the same footprint do not fall within the range of works set out in Section 4(1)(h) of the Planning and Development Act, 2000, as amended.

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 demolition of a previously existing dwelling known as "The Puffin" and the construction of a new dwelling on the same footprint at North Beach, Rush, County is development and is not exempted development.




Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *16* day of *July* 2024