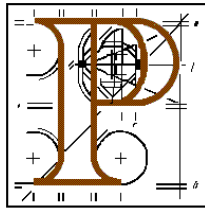


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Authority Reference Number: 0401/15

An Bord Pleanála Reference Number: 29S.RL.3455

WHEREAS a question has arisen as to whether the erection, annually from May to August (inclusive) only, of:

- (a) a structure providing 12 number nest boxes for swifts, and
- (b) sound speakers emitting swift bird call

on the rear elevation at 199A Strand Road, Sandymount, Dublin are or are not development or are or are not exempted development:

AND WHEREAS Ray McGovern care of Auveen Byrne and Associates of Lioscarran House, 32 Dale Road, Kilmacud, Stillorgan, County Dublin requested a declaration on the said question from Dublin City Council and the said Council issued a declaration on the 17th day of December, 2015 stating that the said matter is development and is not exempted development:

AND WHEREAS the said Ray McGovern referred the declaration for review to An Bord Pleanála on the 22nd day of January, 2016:

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

- (a) sections 2(1), 3(1), 4(1)(h) and 4(1)(j) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Classes 1, 3 and 4 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001,
- (d) the planning history of the site,
- (e) the location of the nest boxes to the rear of the property, and
- (f) the de-mountable and temporary nature and small scale of the structure:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the works constitute development, being works which come within the scope of section 3(1) of the Planning and Development Act, 2000,
- (b) the works do not come within the scope of section 4(1)(h) or 4(1)(j) of the Planning and Development Act, 2000,
- (c) the works do not come within the scope of the restrictions on exempted development set out in Article 9(1) of the Planning and Development Regulations, 2001, as amended, and
- (d) the works do not fall within the description of exempted development set out in Classes 1, 3 and 4 of Column 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001:

