



An
Bord
Pleanála

Board Order
06F.RL.3578

Planning and Development Acts 2000 to 2017

Planning Authority: Fingal County Council

Planning Register Reference Number: FS5/011/17

WHEREAS a question has arisen as to whether the amalgamation of two retail units (Units G45 and G46) within the internal layout of the Pavillions Shopping Centre, Swords, County Dublin is or is not development or is or is not exempted development:

AND WHEREAS IPUT PLC care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin requested a declaration on the said question from Fingal County Council and the said Council issued a declaration on the 3rd day of April, 2017 stating that the said matter was not exempted development:

AND WHEREAS the said IPUT PLC care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin referred the declaration for review to An Bord Pleanála on the 2nd day of May, 2017:

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

- (a) Sections 2(1), 3(1), 4(1)(h) and 4(4) of the Planning and Development Act, 2000, as amended,

- (b) Articles 5, 6(1), 9 and 10(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Parts 1 and 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site, and
- (e) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) Units G45 and G46 constitute separate planning units within the overall shopping centre, are functionally separated from each other by means of a wall and have separate primary retail frontages within the central mall area and separate secondary frontages and service doors to the Malahide Road,
- (b) the proposed alterations to amalgamate the two retail units comprises works and would, therefore, constitute development as defined under Section 3 of the Planning and Development Act, 2000, as amended, and
- (c) the carrying out of such works for the amalgamation of these permitted individual units would not come within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended, in that they would not involve works for the maintenance, improvement or other alteration of a structure, but rather of two individual permitted units:

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 said amalgamation of two retail units (Units G45 and G46) within the internal layout of the Pavillions Shopping Centre, Swords, County Dublin is development and is not exempted development.

