



An  
Bord  
Pleanála

**Board Direction**  
**BD-005028-20**  
**ABP-305458-19**

The submissions on this file, and the report of the Inspector, were considered at a Board meeting held on 22<sup>nd</sup> January 2020.

The Board unanimously decided to dismiss this referral under section 138(1)(b)(i) of the Planning and Development Act, 2000, for the following reasons and considerations.

### **Reasons and Considerations**

It is considered that the three questions raised in this referral relate to the interpretation of conditions attaching to already permitted development, and in particular condition number 3 of planning permission register reference number F06A/1248 (An Bord Pleanála reference number PL06F.220670) and condition number 2 of planning permission register reference number F06A/1843 (An Bord Pleanála reference number PL06F.223469), and, as specifically noted by the Dublin Airport Authority which submitted the questions in the first instance to Fingal County Council, to confirming the geographic scope of these conditions. The interpretation of such conditions does not come within the scope of a referral under Section 5 (4) of the Planning and Development Act, 2000, which is restricted to considering whether a particular matter is or is not development or is or is not exempted development.

Accordingly, the Board considers that the referral should not be further considered by it, having regard to the nature of the referral.

In not accepting the recommendation of the Inspector to determine the first two questions raised in the referral, the Board was not satisfied that any of the questions came within the scope of Section 5 of the Act, for the reasons outlined above.

**Board Member**

Philip Jones  
Philip Jones

**Date:** 24<sup>th</sup> January 2020

Accordingly, the Board considers that the referral should not be further considered by it, having regard to the nature of the referral.

In not accepting the recommendation of the Inspector to determine the first two questions raised in the referral, the Board was not satisfied that any of the questions came within the scope of Section 5 of the Act, for the reasons outlined above.

**Board Member**

Philip Jones  
Philip Jones

**Date:** 24<sup>th</sup> January 2020