

Aisling Reilly

Gary

From: Bord
Sent: Tuesday 20 June 2023 16:08
To: Appeals2
Subject: FW: Our Ref. FS5/014/23; Your Ref. ABP-317171-23
Attachments: FS5 014 23.pdf

From: Alison Rothwell <Alison.Rothwell@fingal.ie>
Sent: Tuesday, June 20, 2023 2:38 PM
To: Bord <bord@pleanala.ie>
Subject: Our Ref. FS5/014/23; Your Ref. ABP-317171-23

Dear Sir/Madam,

Please find attached response to correspondence received in respect of the above application.

Yours faithfully,

Alison Rothwell | Clerical Officer | Fingal County Council | Planning & Strategic Infrastructure Department |
County Hall | Main Street | Swords | Co. Dublin | K67 X8Y2
Telephone : 01 8708411
Email: alison.rothwell@fingal.ie

Comhairle Contae
Fhíng Gall
Fingal County
Council



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The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

Our Ref. FS5/014/23

Your Ref. ABP-317171-23

20th June, 2023

**Re: Whether the use of the land as a motor parts and sales area is or is not development or is or is not exempted development.
Boland's Motor Salvage, Nevinstown, Cloghran, Swords, Co. Dublin.**

Dear Sir/Madam,

I refer to your correspondence dated 24th May, 2023 regarding the above application.

The Planning Authority's comments are as follows:

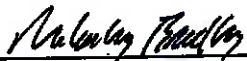
Having assessed and had regard to the appeal submission, the original application, Section 5(1) of the Planning and Development Act 2000 (as amended); and Article 9(1) (a) (iii) of the Planning and Development Regulations 2001 (as amended) it remains the opinion of the Planning Authority that the proposed development comprises development and is not exempted development.

The proposal constitutes works and is therefore development within the meaning of the Planning and Development Act, 2000, (as amended), and the proposal is development which is not exempted development as:

- In the absence of conclusive evidence to demonstrate that all land uses (i.e. car dismantling, part sales, motor sales and repairs and vehicle towaway) on site have been in existence prior to 1963 and in the absence of sufficient detail in relation to the intensification or otherwise of such uses over this period, the Planning Authority is unable to make a Declaration that these activities on site constitute exempted development by reason of the duration of time they have existed on site.
- The nature of the existing commercial operation adjacent to the R132 regional road would constitute a traffic hazard and does not accord with the restrictions/limitations on exempted development as set out under Article 9(1) (a)(iii) of the Planning and Development Regulations 2001 (as amended).

An Bord Pleanála is requested to uphold the decision of the Planning Authority.

Yours faithfully,



Malachy Bradley,
Senior Planner.

Date: 20/04/23

Comhairle Contae Fhine Gall

Fingal County Council

AN BORD PLEANÁLA

LDG- _____

ABP- _____

22 JUN 2023

Fee: € _____ Type: _____

Time: _____ By: *[Signature]*

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

**An Roinn um Pleanáil agus
Infrastructúr Straitéiseach**
Planning and Strategic
Infrastructure Department



Our Ref. FS5/014/23

Your Ref. ABP-317171-23

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Yours faithfully,

Malachy Bradley

**Malachy Bradley,
Senior Planner.**

Date: 20/04/23