



An
Bord
Pleanála

Board Direction
ABP-302878-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/03/2019.

The Board decided, as set out in the following Order, that the works carried out to change the level of land by the excavation and deposition of soil from another part of the landholding is development and is not exempted development at Drumquill, Castleblaney, Co. Monaghan.

Board Order as follows:-

WHEREAS a question has arisen as to whether works carried out at Drumquill, Castleblaney, County Monaghan to change the level of land by the excavation and deposition of soil from another part of the landholding is or is not development or is or is not exempted development.

AND WHEREAS Martin Molloy requested a declaration on this question from Monaghan County Council, and the Council did not issue a declaration within four weeks of the request.

AND WHEREAS Martin Molloy referred this declaration for review to An Bord Pleanála, on the 30th day of October 2018.

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) Articles 6(1) and 9(1) of the Planning and Development Regulations 2001, as amended,
- (c) Article 8C of the Planning and Development Regulations 2001, as amended,
- (d) The planning history of the site, and
- (e) The submissions on the file and the report of the Inspector.

WHEREAS An Bord Pleanála has concluded that:

- (a) the works carried out to change the level of land by the excavation and deposition of soil from another part of the landholding is development, as defined under section 2(1) and section 3(1) of the Planning and Development Act 2000, as amended;
- (b) the development that has taken place does not come within the scope of Article 8C (land reclamation) of the Planning and Development Regulations 2001, as amended, and is therefore not exempted development;
- (c) the development that has taken place is intrinsically linked to existing developments on the landholding that do not have the benefit of planning permission and the works come within the scope of Article 9(1)(a)(viii) of the Planning and Development Regulations 2001, as amended, and are therefore not exempted development;

(d) the development that has taken place does not come within the scope of any class of development listed in Part 1 or Part 3 of Schedule 2 to the Planning and Development Regulations 2001, as amended;

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(b) of the 2000 Act, hereby decides the works carried out to change the level of land by the excavation and deposition of soil from another part of the landholding at Drumquill, Castleblaney, County Monaghan is development and is not exempted development.

Board Member:

Date: 05/03/2019

Dave Walsh