

An
Bord
Pleanála

Board Direction
BD-010926-22
ABP-312636-22

The submissions on this file were considered at a Board meeting held on 27/06/2022.

The Board decided to dismiss this appeal under section 138(1)(b)(i) of the Planning and Development Act, 2000, as amended, based on the following reasons and considerations.

Board Order as follows:

WHEREAS a question has arisen as to whether the works to reinstate the residential use of a derelict structure of which the residential use had been abandoned, at Drumquill, Castleblayney, Co. Monaghan is or is not development or is or is not exempted development:

AND WHEREAS Patrick Carragher, Drumquill, Castleblayney, Co. Monaghan requested a declaration on this question from Monaghan County Council:

AND WHEREAS the said Council did not issue a declaration on the matter and Patrick Carragher referred the question for decision to An Bord Pleanála on the 1st day of February 2022:

AND WHEREAS having regard to the nature of the referral, An Bord Pleanála, is satisfied that, in the particular circumstances, the referral should not be further considered by it:

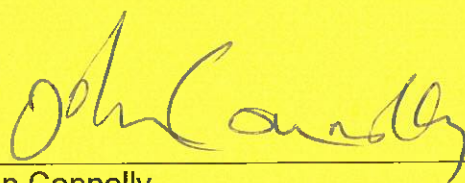
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 138(1)(b)(i) of the Planning and Development Act, 2000, hereby dismisses the said referral, based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to:

- (a) the separate determination by the planning authority on the 19th day of July 2010, under planning register reference 10/581, of the same or substantially the same question in respect of the same land, and
 - (b) the fact that the planning authority's determination had not been successfully challenged by way of section 50 of the Planning and Development Act 2000, as amended, and
 - (c) the fact that, a different determination had not been made on the same or substantially the same question in respect of the same land, on the basis that a change in planning facts or circumstances had occurred,
- it is considered that the subject referral amounts to an impermissible attack on the planning authority's section 5 declaration which, in substance, questions the validity of that declaration other than by way of section 50 of the Act, where such a challenge is prohibited by section 50(2) of the Act.

Board Member:


John Connolly

Date: 27/06/2022