



An
Bord
Pleanála

Board Direction
ABP-313970-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/11/2023.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the repair of machinery within an existing building at Omard, Kilnaleck, Co. Cavan is or is not development or is or is not exempted development.

AND WHEREAS Niall O'Reilly requested a declaration on this question from Cavan County Council and the Council referred the applicant to the Board for determination, on the 1st day of July, 2022

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Article 10(1) of the Planning and Development Regulations, 2001 – 2023, and
- (d) the planning history of the site.

AND WHEREAS An Bord Pleanála has concluded that the repair of machinery within an existing building at Omard, Kilnaleck, Co. Cavan comprises a material change of use of the structure, thus comprising development as defined under Section 3(1) of the Planning and Development Act, 2000 as amended, and does not consist of a change of use within a class of use specified in Part 4 of Schedule 2 of the Planning and Development Regulations 2001 – 2023.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (X) (x) of the 2000 Act, hereby decides that the repair of machinery within an existing building at Omard, Kilnaleck, Co. Cavan is development and is not exempted development.

Board Member:



Liam Bergin

Date: 06/11/2023