

An  
Bord  
Pleanála

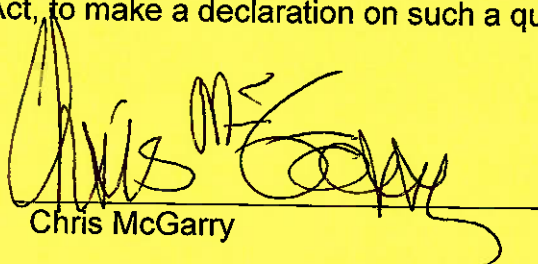
**Board Direction**  
**BD-013873-23**  
**ABP-317419-23**

The submissions on this file were considered at a Board meeting held on 25/09/2023.

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

The Board considered the nature of the referral, which requests a declaration under section 5(1) as to whether certain works '*as described in the planning application granted by An Bord Pleanála under reference GA0003 on February 2009 carried out any time from today's date (and/or contrary to the consent conditions)*' are or are not development, and are or are not exempted development. While noting that the works in question self-evidently constitute development, the Board determined, having regard to the totality of the documentation on file, that this referral on its facts clearly asks for a declaration predicated on whether these works are either permitted or not under a specified planning permission. This is not a question which falls within the scope of Section 5 of the Planning and Development Act 2000, as amended, and it is beyond the jurisdiction of the Board as provided to it under Section 5 of the Act, to make a declaration on such a question.

Board Member:

  
Chris McGarry

Date: 25/09/2023