

An
Coimisiún
Pleanála

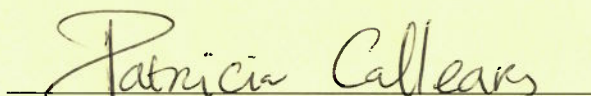
Direction
CD-022499-26
ACP-324231-26

The submissions on this file were considered at a meeting held on 28/09/2026.

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

Planning

Commissioner:


Patricia Calleary

Date: 28/09/2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the previous declaration (L.A. Ref. D5/2025/35) by the PA, which declared that the replacing of an existing concrete slurry tank structure with a new concrete slurry tank structure, like for like in dimensions, is development and is not exempted development, and following review of this previous case by the inspector and by the Commission, the Commission concluded that the facts presented in this current referral are not materially different to that presented to the planning authority in reference D5/2025/35. Having regard to the Naraconon Trust v An Bord Pleanála judgement, the Commission decided that the question referred to it should not be considered further as to do so would re-determine a question without any material change to the facts that are relevant to the same question previously determined by

the planning authority (that wasn't referred to the Commission), and accordingly the Commission decided to dismiss the current referral case under section 138(1)(b)(i) of the Planning and Development Act, 2000, as amended.