



An
Bord
Pleanála

Board Direction
RL18.RL3532

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14th March 2018.

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

Board Order as follows:

WHEREAS a question has arisen as to whether the installation of a septic tank and percolation area 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 receipt of the request:

AND WHEREAS Martin Molloy has requested, on the sixth day of January, 2017 a declaration from An Bord Pleanála on this question under Section 5 (3)(b) of the Planning and Development, 2000 as amended.

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) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the installation of a septic tank and percolation area on, in or under the land involves the carrying out of works, as defined under section 3(1) of the Planning and Development Act, 2000, and is, therefore, development;
- (b) the development that has taken place does not come within the scope of section 4(1) of the Planning and Development Act 2000, as amended;
- (c) the development that has taken place does not come within the scope of any class of development listed in Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended;
- (d) there is no evidence that the septic tank and percolation area have the benefit of a grant of planning permission or pre-date the commencement of the Local Government (Planning and Development) Act 1963.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(b) of the 2000 Act, hereby decides that the installation of a septic tank and percolation area is development and is not exempted development.

Board Member

Date: 15th March, 2018.

Terry O'Niadh