



An
Bord
Pleanála

**Board Direction
RL18.RL3585**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19th February 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 breaking out and remaking of a concrete service yard in order to stabilise an existing subsiding concrete slab at Tesco, Monaghan Shopping Centre, Monaghan, Co. Monaghan is or is not development or is or is not exempted development.

AND WHEREAS Tesco Ireland Ltd. c/o GVA Planning, 2nd Floor Seagrave House, 19-20 Earlsfort Terrace, Dublin 2 requested a declaration on this question from Monaghan County Council, and the Council issued a declaration on the 26th day April 2017 stating that the matter is not exempted development.

AND WHEREAS Tesco Ireland Ltd. c/o GVA Planning, 2nd Floor Seagrave House, 19-20 Earlsfort Terrace, Dublin 2 referred this declaration for review to An Bord Pleanála, on the 22nd day of May 2017.

AND WHEREAS An Bord Pleanála, in considering this referral, had particular regard to:

- (a) Sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000 (as amended),
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended),
- (c) Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended),
- (d) The planning history of the site, and
- (e) The location of the development within an existing service yard.

AND WHEREAS An Bord Pleanála concluded that –

- (a) The works constitute development, being works which come within the scope of section 3(1) of the Planning and Development Act 2000 (as amended).
- (b) The works for the breaking out and remaking of a concrete service yard in order to stabilise an existing subsiding concrete slab (but, by a 2:1 majority, not the works comprising the construction of the proposed dog-leg ramp) come within the scope of section 4(1)(h) of the Planning and Development Act 2000 (as amended), being works to the exterior of the structure that do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides that the works for the breaking out and remaking of a concrete service yard in order to stabilise an existing subsiding concrete slab (but not the works for the construction of the proposed dog-leg ramp) are development and constitute exempted development, by virtue of the nature of works proposed, the location within an existing service yard and to the limited scale of the development. Therefore, it is considered that the breaking out and remaking of a concrete service yard in order to stabilise an existing subsided concrete slab is exempted development.

Board Member

Date: 19th February 2018

John Connolly