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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Monaghan County Council**

**Planning Register Reference Number: EX19/22**

**WHEREAS** a question has arisen as to whether the installation of a box culvert/animal underpass for the purposes of moving animals and the installation of an animal effluent holding tank and all associated works at Beagh, Carrickmacross, County Monaghan is or is not development or is or is not exempted development:

**AND WHEREAS** Donal Gerard McDaid care of Ger Fahy Planning of “Annaghdown”, Pagestown, Kilcloon, County Meath requested a declaration on this question from Monaghan County Council and the Council issued a declaration on the 5<sup>th</sup> day of September, 2019 stating that the matter is development and is not exempted development:

**AND WHEREAS** Donal Gerard McDaid care of Ger Fahy Planning of Mulhussey, Maynooth, County Kildare referred the declaration for review to An Bord Pleanála on the 2<sup>nd</sup> day of October, 2019:

**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, as amended,
- (c) section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended, and Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (e) Class 41(c) of Part 1 and Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site and immediate environs,
- (g) the nature of land uses and the pattern of development in the area surrounding the site, including the topography and watercourses and,
- (h) the report of the planning Inspector:

**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) the installation of a box culvert/animal underpass for the movement of animals and the installation of an effluent tank together with their associated works constitutes works,
- (b) the works constitute development pursuant to section 3 of the Planning and Development Act, 2000, as amended,
- (c) the works constitute development to which the exempted development provisions of section 4(1) of the Planning and Development Act, 2000, as amended, do not apply,
- (d) the development does not come within the scope of Class 41(c) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (e) the development is not exempt by reference to Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, as the Conditions and Limitations set out in numbers 1, 2 and 3 of Column 2 are applicable in this instance,
- (f) the restriction on exemptions outlined in Article 9(1)(a)(v) is applicable in this instance, and
- (g) the works do not come within the scope of works for agriculture within the scope of Article 8B of the Planning and Development Regulations, 2001, as amended:

**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 installation of a box culvert/animal underpass for the purposes of moving animals and the installation of an animal effluent holding tank and associated works at Beagh, Carrickmacross, County Monaghan is development and is not exempted development.

### **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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**Chris McGarry**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**