

Planning and Development Acts 2000 to 2021

Planning Authority: Galway County Council

Planning Register Reference Number: ED21/65

WHEREAS a question has arisen as to whether the deposition of construction and demolition waste at Keeagh, Maigh Cuilinn, County Galway is or is not development or is or is not exempted development,

AND WHEREAS Abaigéal Smyth of 114 Wesbury, Stillorgan, County Dublin requested a declaration on the said question from Galway County Council and the said Council issued a declaration on the 16th day of August, 2021 stating that the said matter is development and is not exempted development,

AND WHEREAS the said Abaigéal Smyth referred the question for review to An Bord Pleanála on the 3rd day of September, 2021,

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) Sections 3(1) and 3(2)(b)(iii) of the Planning and Development Act 2000, as amended,

- (c) Section 4 of the Planning and Development Act 2000, as amended, and
- (d) Article 6 and Schedule 2 of the Planning and Development Regulations 2001, as amended,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) In accordance with Section 3(2)(b)(iii) of the Planning and Development Act 2000, as amended, where land becomes used for the deposit of mining or industrial waste, builders' waste, rubbish or debris, the use of the land shall be taken as having materially changed.
- (b) In accordance with Section (3)(1) of the Planning and Development Act 2000, as amended, development includes 'the making of any material change in the use of any structures or other land', the proposal is considered to constitute development.
- (c) There are no provisions under either the Planning and Development Act 2000, as amended, or the Planning and Development Regulations 2001, as amended, which provide an exemption for the deposition of construction and demolition waste.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the deposition of construction and demolition waste at Keeagh, Maigh Cuilinn, County Galway is development and is not exempted development.



Tom Rabbette

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board



Dated this *28th* day of *March* 2023.