

Planning and Development Acts 2000 to 2022

Planning Authority: Cavan County Council

Planning Register Reference Number: 299

WHEREAS a question has arisen as to whether the repair of machinery for mushroom casing plant within a building at Omard, Kilnaleck, County Cavan is or is not development or is or is not exempted development,

AND WHEREAS Niall O'Reilly of Aughalooora, Kilnaleck, County Cavan requested a declaration on this question from Cavan County Council,

AND WHEREAS the said question was referred to An Bord Pleanála by Cavan County Council on the 1st day of July, 2022,

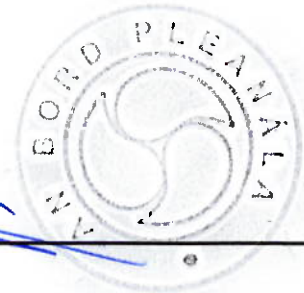
AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (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) Article 10(1) of the Planning and Development Regulations 2001, as amended,
- (d) the planning history of the site, and
- (e) the report and recommendation of the Inspector,

AND WHEREAS An Bord Pleanála has concluded that the repair of machinery within an existing building at Omard, Kilnaleck, County Cavan comprises a material change of use of the structure, thus comprising development as defined under Section 3(1) of the Planning and Development Act 2000, as amended, and does not consist of a change of use within a class of use specified in Part 4 of Schedule 2 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(4) of the Planning and Development Act 2000, as amended, hereby decides that the repair of machinery within an existing building at Omard, Kilnaleck, County Cavan is development and is not exempted development.



Liam Bergin

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

Dated this 14th day of November 2023.