

An
Bord
Pleanála

Board Order
ABP-315121-22

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

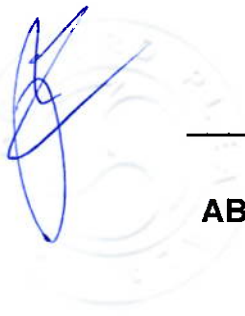
Planning Register Reference Number: ED 22/58

WHEREAS a question has arisen as to whether the construction of an agricultural storage shed (92 square metres) at Rossadillisk, Cleggan, County Galway is or is not development or is or is not exempted development:

AND WHEREAS Tom Termini care of Leahy Planning Limited of Mill Road House, Mill Road, Ennis, County Clare requested a declaration on the said question from Galway County Council and the Council issued a declaration on the 24th day of October, 2022 stating that the matter is development and is not exempted development:

AND WHEREAS Tom Termini referred the declaration to An Bord Pleanála on the 16th day of November, 2022:

NOW THEREFORE An Bord Pleanála is satisfied that, in the particular circumstances, the referral should not be further considered by it and, in exercise of the powers conferred on it by subsection (1) (b) (i) of section 138 of the Planning and Development Act, 2000, hereby dismisses the said referral based on the reasons and considerations set out below:



Reasons and Considerations

Having regard to the nature of the question raised in the referral and in respect of the same land as a Section 5 determination dated the 23rd day of June, 2021 (planning authority register reference number 21/54) and there is no evidence of any change in the planning facts or circumstances underpinning the application, the Board concluded that the question cannot be properly addressed or decided in isolation within the meaning of Section 5 of the Planning and Development Act 2000, as amended. Accordingly, the Board decided to exercise its absolute discretion to dismiss this referral under Section 138 (1)(b)(i) of the Planning and Development Act 2000, as amended.



Joe Boland

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

Dated this 16th day of January 2024.