

An
Coimisiún
Pleanála

Commission Order
ACP-324231-26

Planning and Development Acts 2000, as amended

Planning Authority: Waterford City and County Council

Planning Register Reference Number: D5/2026/9

WHEREAS a question has arisen as to whether the replacement of a concrete slurry tank with a new concrete slurry tank at Baile na nGall Mór, An Rinn, Dungarvan, County Waterford is or is not development or is or is not exempted development:

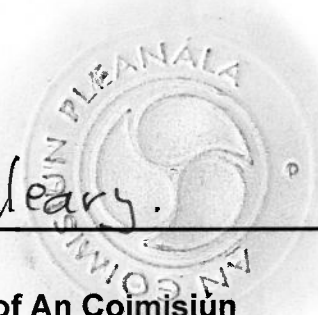
AND WHEREAS Declan Morrissey requested a declaration on the said question from Waterford City and County Council and the said Council did not issue a declaration:

AND WHEREAS Declan Morrissey referred the question for declaration to An Coimisiún Pleanála on the 23rd day of April 2026:

AND WHEREAS having regard to the nature of the referral, An Coimisiún Pleanála, is satisfied that, in the particular circumstances, the referral should not be further considered by it:

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 138(1)(b)(i) of the Planning and Development Act, 2000, dismisses the said referral based on the reasons and considerations set out below.

Having regard to the previous declaration (L.A. Reference D5/2025/35) by the planning authority, which declared that the replacing of an existing concrete slurry tank structure with a new concrete slurry tank structure, like for like in dimensions, is development and is not exempted development, and following review of this previous case by the Inspector and by the Commission, the Commission concluded that the facts presented in this current referral are not materially different to that presented to the planning authority in reference D5/2025/35. Having regard to the Naraconon Trust-v-An Bord Pleanála judgement, the Commission decided that the question referred to it should not be considered further as to do so would re-determine a question without any material change to the facts that are relevant to the same question previously determined by the planning authority (that wasn't referred to the Commission), and accordingly the Commission decided to dismiss the current referral case under section 138(1)(b)(i) of the Planning and Development Act, 2000, as amended.



Patricia Calleary.

Patricia Calleary

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this *28* day of *September* 2026.