

## Board Order 18.RL.3532

## Planning and Development Acts 2000 to 2017

Planning Authority: Monaghan County Council

**WHEREAS** a question has arisen as to whether the installation of a septic tank and percolation area at Drumquill, Castleblaney, County Monaghan is or is not development or is or is not exempted development:

**AND WHEREAS** Martin Molloy of Drumquill, Castleblaney, County Monaghan requested a declaration on the question from Monaghan County Council and no declaration issued by the planning authority:

**AND WHEREAS** Martin Molloy of Drumquill, Castleblaney, County Monaghan referred the question for decision to An Bord Pleanála on the 6<sup>th</sup> day of January, 2017:

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and
- (d) the planning history of the site:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the installation of a septic tank and percolation area on, in or under the land involves the carrying out of works, as defined under section 3(1) of the Planning and Development Act, 2000, as amended, and is, therefore, development,
- (b) the development that has taken place does not come within the scope of section 4(1) of the Planning and Development Act 2000, as amended,
- (c) the development that has taken place does not come within the scope of any Class of development listed in Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and

 (d) there is no evidence that the septic tank and percolation area have the benefit of a grant of planning permission or pre-date the commencement of the Local Government (Planning and Development) Act,1963:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (b) of the 2000 Act, as amended, hereby decides that the installation of a septic tank and percolation area at Drumquill, Castleblaney, 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.

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

Dated this day of 2018