



Planning and Development Acts 2000 to 2017

Planning Authority: Monaghan County Council

Planning Register Reference Number: EX17-14

WHEREAS a question has arisen as to whether the breaking out and remaking of a concrete service yard in order to stabilise an existing subsiding concrete slab at Tesco, Monaghan Shopping Centre, Monaghan, County Monaghan is or is not development or is or is not exempted development:

AND WHEREAS Tesco Ireland Limited care of GVA Planning of 2nd Floor, Seagrave House, 19-20 Earlsfort Terrace, Dublin requested a declaration on this question from Monaghan County Council and the Council issued a declaration on the 26th day of April, 2017 stating that the said matter is not exempted development:

AND WHEREAS the said Tesco Ireland Limited care of GVA Planning of 2nd Floor, Seagrave House, 19-20 Earlsfort Terrace, Dublin referred this declaration for review to An Bord Pleanála on the 22nd day of May, 2017:

AND WHEREAS An Bord Pleanála, in considering this referral, had particular regard to: -

- (a) sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,

- (c) Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended,
- (d) the planning history of the site, and
- (e) the location of the development within an existing service yard:

AND WHEREAS An Bord Pleanála concluded that –

- (a) the works constitute development, being works which come within the scope of section 3(1) of the Planning and Development Act 2000, as amended, and
- (b) the works for the breaking out and remaking of a concrete service yard in order to stabilise an existing subsiding concrete slab (but, by a 2:1 majority, not the works comprising the construction of the proposed dog-leg ramp) come within the scope of section 4(1)(h) of the Planning and Development Act 2000, as amended, being works which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides that the works for the breaking out and remaking of a concrete service yard in order to stabilise an existing subsiding concrete slab (but not the works for the construction of the proposed dog-leg ramp) are development and constitute exempted development, by virtue of the nature of works proposed, the location within an existing service yard and to the limited scale of the development. Therefore, it is considered that the breaking out and remaking of a concrete service yard in order to stabilise an existing subsided concrete slab is exempted development.

