



An
Bord
Pleanála

Board Direction
ABP-306258-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/10/2020.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the installation of a wastewater treatment effluent underground pipeline from Liffey Meats to the Mount Nugent River is or is not development or is or is not exempted development:

AND WHEREAS Cavan County Council has requested a declaration on this question from the Board on the 20th day of December, 2020:

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,
- (c) Section 4(4) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1), and article 9(1)(viiB) of the Planning and Development Regulations, 2001, as amended,
- (e) Class 21(a) (ii), Part 1, Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) The submissions on file,

- (g) The planning history of the site,
- (g) The route of the pipeline through lands which are also not occupied or in use by the referrer as part of their industrial undertaking and/or processes,
- (h) The potential for adverse environmental and ecological issues to arise, alongside the potential in such event for adverse impact on a Natura 2000 site.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The installation and construction of wastewater treatment effluent underground pipeline from Liffey Meats along the bank of the Pound Stream to the Mount Nugent River constitutes works that come within the scope of Section 2(1) of the Planning and Development Act, 2000,
- (b) The said works constitute development that comes within the scope of Section 3(1) of the said Act,
- (c) A significant portion of the pipeline relates to lands that are not occupied and/or used by the industrial undertaker for any of their industrial undertakings and as a consequence they do not come within the scope of the exemption provided under Article 6(1) and Part 1 and Part 3 of Schedule 2 of the said Regulations,
- (d) It has not been demonstrated clearly and unambiguously that the works do not require appropriate assessment.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(4) of the 2000 Act, hereby decides that the installation of an underground effluent pipeline for a distance of c2,500m (with c1000m already in place) and, all of its associated works is development and is not exempted development.

Board Member:

Date: 20/10/2020

Terry Prendergast