



An
Bord
Pleanála

**Board Direction
ABP-319561-24**

The submissions on this file and the Inspector's report were considered at Board meetings held on 27/02/2025, 20/03/2025 and 09/05/2025.

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

WHEREAS a question has arisen as to whether the laying of a rising main between Ballynagran Landfill, Coolbeg Cross to the Uisce Eireann connection point at Ballynerrin Upper, all in County Wicklow, along the local road L1113, crossing the M11 and along the R751 is or is not development or is or is not exempted development.

AND WHEREAS Ballynagran Landfill Ltd requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 21st day of March, 2024 stating that the matter was development and was not exempted development;

AND WHEREAS Ballynagran Landfill Ltd referred this declaration for review to An Bord Pleanála on the 17th day of April, 2024;

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

- (a) Sections 2(1) and 3(1) and 4 of the Planning and Development Act, 2000, as amended,

- (b) Article 6(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Classes 48 and 58, Parts 1, of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001, as amended,
- (e) The documentation on file and the report of the Planning Inspector;

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The laying of the rising main constitutes development;
- (b) The laying of the rising main falls within the scope of Class 48, Part 1, Schedule 2 of the Regulations and there are no relevant limitations;
- (c) There is no requirement for appropriate assessment on the basis of (i) the nature of the development within the existing road network (ii) the absence of any instream works and (iii) the treated leachate permeate will be pumped via the rising main from Ballynagran Landfill to Wicklow Wastewater Treatment Plant which has capacity to accept and treat the treated leachate permeate, so that the restriction on exemption under Article 9(1)(a)(viiB) of the Regulations does not apply,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5(3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the laying of a rising main between Ballynagran Landfill, Coolbeg Cross to Uisce Eireann connection point at Ballynerrin Upper, all in County Wicklow, along

the local road L1113, crossing the M11 and along the R751 is development and is exempted development.

Board Member:

Mary Gurrie
Mary Gurrie

Date: 22/05/2025