



Planning and Development Acts 2000 to 2018

Planning Authority: Cavan County Council.

Planning Register Reference Number: 212.

WHEREAS a question has arisen as to whether the laying of crushed stone to a depth of 100 millimetres and the overlaying of gravel at a depth of 50 millimetres to accommodate a storage area for on-going works at Gartnaneane Wind Farm, in the townlands of Gartnaneane, Bailieborough, County Cavan is or is not development or is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Cavan County Council on the 23rd day of April, 2018:

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

- (a) sections 2, 3 and 4, and in particular 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, and
- (c) the nature, extent and scope of works proposed to be undertaken:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the excavation of lands and the laying of crushed stone and gravel constitutes works under the definition of the Planning and Development Act, 2000, as amended,
- (b) the act of excavation and the laying of crushed stone and gravel come within the definition of structure as set out in the Planning and Development Act 2000, as amended,
- (c) the excavation and layout of crushed stone and gravel constitute works for the maintenance, improvement or other alteration of any structure as defined in Section 4(1)(h) of the Planning and Development Act 2000, as amended, and having regard to the nature, scale, extent and location of the works, these works do not materially affect the external appearance of the existing windfarm so as to render the appearance inconsistent with the character of the windfarm and that of neighbouring structures,

- (d) having regard to the nature, scale and extent of the proposed storage area in the context of the existing windfarm, any change of use in the lands is not considered to be material in the context of the existing windfarm,
- (e) the proposed works either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Sites and, therefore, do not require an Appropriate Assessment, and
- (f) furthermore, having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, the proposed works do not require the submission of an Environmental Impact Assessment Report:

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 laying of crushed stone to a depth of 100 millimetres and the overlaying of gravel at a depth of 50 millimetres to accommodate a storage area for on-going works at Gartnaneane Wind Farm, in the townlands of Gartnaneane, Bailieborough, County Cavan is development and is 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.

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

Dated this day of 2018.