



Planning and Development Acts 2000 to 2020

Planning Authority: Cavan County Council

Planning Register Reference Number: 242

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 at Kilcully, Ballyjamesduff, 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 20th day of December, 2019:

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) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (f) the submissions on file,
- (g) the planning history of the site,
- (h) 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, and
- (l) 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 the 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, as amended,
- (b) the said works constitute development that comes within the scope of Section 3(1) of the Planning and Development Act, 2000,
- (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, and
- (d) it has not been demonstrated clearly and unambiguously that the works do not require an 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 circa 2,500 metres (with circa 1000 metres already in place) and, all of its associated works 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.

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

Dated this day of 2020.