

Planning and Development Acts 2000 to 2020

Planning Authority: Wicklow County Council

Planning Register Reference Number: EX 80/2020

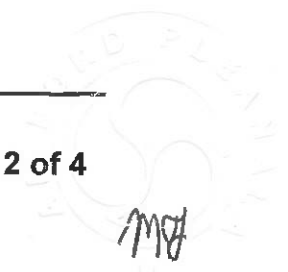
WHEREAS a question has arisen as to whether the replacement of the existing wastewater treatment plant at Potters Point, Brittas Bay, County Wicklow is or is not development or is or is not exempted development:

AND WHEREAS Potters Point Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 8th day of January, 2021 stating that this matter is development and is not exempted development:

AND WHEREAS Potters Point Limited referred the declaration for review to An Bord Pleanála on the 4th day of February, 2021:

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

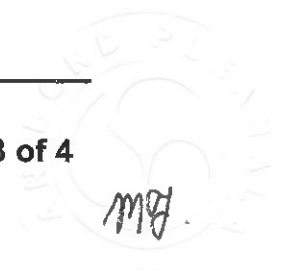
- (a) sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 41 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) the licence issued to Potters Point Limited under Section 34 of the Local Government (Sanitary Services) Act, 1948 and the Discharge Licence issued to Potters Point Limited under the Local Government (Water Pollution) Act, 1977,
- (e) the absence of an Appropriate Assessment Screening Report for the replacement wastewater treatment plant,
- (f) the submissions on file, including photographs submitted by the referrer, and
- (g) the report of the Inspector:



AND WHEREAS An Bord Pleanála has concluded that -

- (a) the provisions of Section 4(1)(h) of the Planning and Development Act, 2000, as amended, are not applicable as the development involves the replacement of an existing wastewater treatment plant with a new wastewater treatment plant,
- (b) the replacement wastewater treatment plant does not comprise works consisting of or, incidental to, the carrying out of any works on land which are in accordance with, and necessary for compliance with, the terms of the licence granted to Potters Point Limited under Section 34 of the Local Government (Sanitary Services) Act, 1948 and the Discharge Licence issued to Potters Point Ltd under the Local Government (Water Pollution) Act, 1977 and, therefore, the exemptions provided under Class 41 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, are not applicable, and
- (c) there are no other provisions in the Planning and Development Act 2000, as amended or in the Planning and Development Regulations, 2001, as amended, whereby this development would be classified as exempted development, and this development is, therefore, not exempted development:

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 replacement of the existing wastewater treatment plant at Potters Point, Brittas Bay, County Wicklow 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.

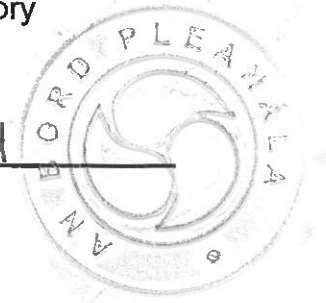
DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 9th day of June 2021.