



An  
Bord  
Pleanála

## Board Order ABP-319561-24

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: EX17/2024**

**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 Limited care of Genesis Planning Consultants of Dean Swift Building, Armagh Business Park, Hamiltonsbawn Road, Armagh, Northern Ireland requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 21<sup>st</sup> day of March, 2024 stating that the matter was development and was not exempted development:

**AND WHEREAS** Ballynagran Landfill Limited referred this declaration for review to An Bord Pleanála on the 17<sup>th</sup> day of April, 2024:

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

- (a) Sections 2(1), 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, and
- (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, and
- (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.



---

**Tom Rabbette**

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

Dated this 27<sup>th</sup> day of May 2025