



# CAVAN COUNTY COUNCIL

Comhairle Chontae an Chabháin

Telephone: (049) 433 1799/436 1799

Fax: (049) 436 1565

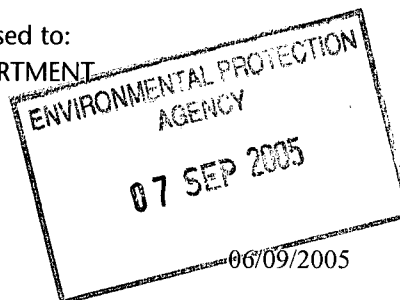
Courthouse

Teach Na Cúirte

Correspondence should be addressed to:  
CENTRAL ADMINISTRATION DEPARTMENT

Cavan

An Caobhán



**REF.NO:** 05/1064

**TO:** Environmental Protection Agency  
P.O. Box 3000  
Johnstown Castle Estate  
Co Wexford

**Re:** *Planning and Development Acts, 2000 to 2004*

A Chara

I refer to submission received from you in connection with an application by Bailie Foods Ltd for PERMISSION for the construction of a treatment wetlands and other works to polish treated effluent from their existing treatment plant prior to discharge to the river Lear. This development relates to an activity requiring an integrated pollution control licence at Lear & Pottle Lower Bailieborough. I attach for your information copy of the Council's decision by order dated 06/09/2005.

Please note that you have the right of appeal to An Bord Pleanála against the Council's decision on this application. Your appeal should be addressed to An Bord Pleanála, 64 Marlborough Street, Dublin 1 and should include, your name and address, details of the nature and site of the proposed development, the name of the Planning Authority, the planning register number and the applicants name and address. The appeal must be received by An Bord Pleanála within **four weeks** beginning on the date of the Council's decision.

The **full** grounds of appeal and supporting material and arguments must be submitted from the start. The correct **appeal fee** must also be enclosed (See Attached Schedule). If an appeal does not meet **all** the legal requirements, it will be **invalid** and **cannot** be considered by the Board.

Mise, le meas

*[Signature]*  
A/Administrative Officer.

**EPA**

MAIN FILE ☒

PUBLIC FILE ☒

EVALUATION FILE ☒

DATE 8/9/05 (CW)

**PLANNING & DEVELOPMENT ACTS 2000 - 2004**

**NOTIFICATION OF DECISION TO GRANT A PERMISSION**

**(SUBJECT TO CONDITIONS) UNDER THE ABOVE ACTS**

**CAVAN COUNTY COUNCIL**

**TO:** P.J.Barry  
Bailie Foods Ltd  
Lear  
Bailieborough  
Co. Cavan

**Planning Register Number:** 05/1064  
**Application Receipt Date:** 14/07/2005  
**Valid Application Date:** 14/07/2005  
**Further Information Received Date:**

In pursuance of the powers conferred upon them by the above-mentioned Acts, Cavan County Council has by Order dated **06/09/2005** decided to **GRANT PERMISSION** for development of land, namely:- for the construction of a treatment wetlands and other works to polish treated effluent from their existing treatment plant prior to discharge to the river Lear. This development relates to an activity requiring an integrated pollution control licence at Lear & Pottle Lower, Bailieborough, Co.Cavan in accordance with the plans submitted with the application.

**Subject to the 2 condition(s) set out in the attached 2<sup>nd</sup> Schedule and for the reason set out in the 1<sup>st</sup> Schedule.**

Signed on behalf of Cavan County Council

  
A/Administrative Officer

Date: 6 September, 2005

Provided there is no appeal against this **DECISION** a grant of planning permission will issue at the end of period within which an appeal may be made.

**THIS NOTICE IS NOT A GRANT OF PERMISSION AND WORK SHOULD NOT COMMENCE UNTIL PLANNING PERMISSION IS ISSUED.**

**NOTE:**

An appeal against the decision may be made to An Bord Pleanála **within four weeks beginning on the date of the decision**. Any appeal must state in full the grounds of appeal and the reasons, considerations and arguments on which they are based. Any appeal must be accompanied by a copy of acknowledgement of your submission to the Planning Authority.

Appeal against a decision of a Planning Authority on a planning application must be accompanied by the appropriate fee set out in the 'Guide to fees payable to the Board' which is attached to decision.

Appeal should be addressed to **An Bord Pleanála, 64 Marlborough Street, Dublin 1.**

**PLANNING & DEVELOPMENT ACTS 2000 – 2004**

**PLANNING APPLICATION :** Bailie Foods Ltd

**PLANNING REG NO :** 05/1064

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**SCHEDULE 1**

It is considered that, subject to compliance with the conditions set out below, the proposed development would not injure the amenities of the area, give rise to a traffic hazard or be prejudicial to public health and would be in accordance with the proper planning and sustainable development of the area.

**SCHEDULE 2**

1. Development shall be carried out in accordance with plans and particulars submitted to and received by the Planning Authority on (14<sup>th</sup> July 2005) subject to the requirements of the following condition(s).

In the interests of proper planning and sustainable development.

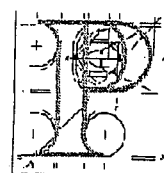
2. Prior to use of the proposed development the site and it's boundaries shall be landscaped to the satisfaction of the Planning Authority. A landscaping scheme shall be submitted to the Planning Authority prior to approval/commencement of any development which shall include

- a planting schedule for a tree screen along the boundaries of the site;
- All sound trees on site (including those in surrounding hedgerows) shall be retained except those that require to be removed to facilitate the actual physical development of the site;
- Any failures within the tree planting scheme within two seasons of planting shall be replaced;
- Planting shall comprise mainly of native deciduous species

In the interests of visual amenity.

*AM?Cabe*  
\_\_\_\_\_  
A/Administrative Officer

# Guide to Fees payable to the Board From 28<sup>th</sup> February 2005



Case Type	On or before 25 <sup>th</sup> February 2005 <sup>1</sup>	On or after 28 <sup>th</sup> February 2005 <sup>1</sup>
<b>Planning Acts<sup>1</sup></b>		
a. Appeal against a decision of a planning authority on a planning application relating to <u>commercial development</u> , made by the person by whom the planning application was made, where the application relates to <u>unauthorised development</u> .	€1,800	€1,900
b. Appeal against a decision of a planning authority on a planning application relating to <u>commercial development</u> , made by the person by whom the planning application was made, other than an appeal mentioned at (a).	€600	€630
c. Appeal against a decision of a planning authority on a planning application made by the person by whom the planning application was made, where the application relates to <u>unauthorised development</u> , other than an appeal mentioned at (a) or (b).	€600	€630
d. Appeal other than an appeal mentioned at (a), (b) (c) or (f) <sup>2</sup> .	€200	€210
e. Application for leave to appeal.	€100	€105
f. Appeal following a grant of leave to appeal.	€100	€105
g. Referral.	€200	€210
h. Reduced fee (payable by specified bodies <sup>3</sup> ).	€100	€105
i. Submissions or observations (by observer).	€50	€50
j. Request from a party for an oral hearing.	€90	€95
<b>Water Pollution Acts</b>		
Appeal.	€126	€126
Reduced fee (payable by certain prescribed bodies).	€63	€63
Submissions or observations (by observer).	€38	€38
Request from a party for an oral hearing.	€63	€63
<b>Air Pollution Act</b>		
Appeal.	€60	€60
Submissions or observations (by observer).	€10	€10
Request from a party for an oral hearing.	€60	€60
<b>Building Control Act</b>		
Appeal.	€250	€250

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1. Fees under the Planning and Development Acts 2000 to 2002 above only apply to appeals and referrals where the application was made to the planning authority on or after 11<sup>th</sup> March 2002. Otherwise, fees under the Local Government (Planning and Development) Regulations 2001 (SI 525 of 2001) apply.
2. Applies to:- All third party appeals except where the appeal follows a grant of leave to appeal; First party (section 37) planning appeals not involving commercial or unauthorised development; All other (non-section 37) first party appeals.
3. These bodies are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority.

N.B. This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fees under the Planning Acts is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

1. The appeal must be in writing (e.g. not made by electronic means).

2. State the -

- name of the appellant  
(not care of agent)
- address of the appellant  
(not care of agent)

3. If an agent is involved, state the -

- name of the agent
- address of the agent

4. State the Subject Matter of the Appeal\*

- Brief description of the development

- Location of the development

- Name of planning authority

- Planning authority register reference number

\* Alternatively, enclose a copy of the decision of the planning authority as the statement of the Subject Matter of the Appeal.

5. Attach, in full, the grounds of appeal and the reasons, considerations and arguments on which they are based.
6. Attach the acknowledgement by the planning authority of receipt of your submission or observations to that authority in respect of the planning application, the subject of this appeal. (Not applicable where the appellant is the applicant).
7. Fee of € \_\_\_\_\_ attached in respect of the appeal.
8. Fee of € \_\_\_\_\_ attached in respect of request for an oral hearing of the appeal, if a request is being made.
9. Ensure that the appeal is received by the Board in the correct manner and in time.

Signed \_\_\_\_\_ Date: \_\_\_\_\_

*A format similar to the above may also be used where a person is making submissions or observations on an appeal in accordance with section 130 of the Planning and Development Act 2000. Substitute 'observer' for 'appellant' and 'submission/observation' for 'appeal' at each reference. Items 6 and 8 above are not applicable to the making of submissions or observations.* /Over.....

## Notes (See Form/Check List overleaf)

### 1. Rules for Making Appeals

You are advised to check the latest version of "Making a Planning Appeal under the 2000 Planning Act" issued by the Board. It is available from the Board, telephone (01) 858 8100 and on our website [www.pleanala.ie](http://www.pleanala.ie). It may also be available from your planning authority.

A significant number of appeals are invalid because they are not made in accordance with the statutory rules.

### 2. Appeal Fees

You are advised to check the appropriate fee for making an appeal. Different fees apply depending on the nature of the appeal. A leaflet "Guide to Fees payable to the Board" is available from the Board, telephone (01) 858 8100 and on our website [www.pleanala.ie](http://www.pleanala.ie). It may also be available from your planning authority. Note that appeal fees may change from time to time.

A significant number of appeals are invalid either because no fee or an incorrect fee is included.

### 3. Time Limits

The time limit for making an appeal is, except where the appeal is made following a successful application for leave to appeal, four weeks beginning on the date of the planning authority decision (not the day it is sent or received). Day one is the day the planning authority decision is made. For example, if the decision of a planning authority is made on Wednesday 2<sup>nd</sup> of a month, the last day for receipt of the appeal is Tuesday 29<sup>th</sup> of the same month, NOT Wednesday 30<sup>th</sup>. There are special rules where the last day falls on a day the Board's offices are closed or where the appeal period falls over the Christmas/New Year period. Check our leaflet for further information.

A significant number of appeals are invalid because they are late – sometimes, just one day late.

### 4. Delivering the Appeal

- Send the appeal by post to *The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1*, or,
  - deliver it by hand, to an employee of the Board (not a security person), during office hours (9.15 a.m. to 5.30 p.m.) on Monday to Friday,
- so that the appeal reaches the Board by the last day for making an appeal.

Do not place the appeal in the Board's letter box. A significant number of appeals are invalid because they are incorrectly delivered.

### 5. Completeness

The appeal must be fully complete from the start. You are not permitted to submit any part of it at a later time, even within the time limit. Neither are you permitted to clarify, elaborate or make further submissions either for the purposes of complying with the rules for making an appeal or otherwise, unless invited by the Board.

*This document is issued as an aid to making a valid planning appeal to the Board. It may be used as a 'cover page' in making such an appeal but there is no legal or other requirement to do so. The document should be read in conjunction with the latest versions of the Board's leaflets "Making a Planning Appeal under the 2000 Planning Act" and "Guide to Fees payable to the Board". The guidance given in those leaflets and in this document also applies generally to the making of submissions and observations by 'observers' under section 130 of the 2000 Planning Act. A significant number of submissions and observations by 'observers' are also invalid because the appropriate rules are not observed.*

*This document does not purport to be a legal interpretation of the law in relation to making a planning appeal – you should consult the appropriate legislation, including sections 37 and 127 of the Planning and Development Act 2000 for the statutory rules governing the making of appeals (section 130 for 'observers').*

*An appeal or a submission or observation on an appeal that is not made strictly in accordance with the statutory rules will be invalid. The Board has no discretion to relax or vary the rules. The onus is on YOU to meet all the legal requirements at the time you make the appeal/submission/observation.*

26<sup>th</sup> January 2005