



## Board Direction

**Ref: PL21.246218**

Following meetings held on 10<sup>th</sup> June and 4<sup>th</sup> July 2016, and receipt of a revised Natura impact statement, the Board held a further meeting on 30<sup>th</sup> March 2017, and considered all the documentation and submissions on file, including those made in response to circulation of the revised Natura impact statement, as well as the Inspector's report. The Board decided to refuse permission generally in accordance with the Inspector's recommendation, and in accordance with the draft reasons and considerations set out below.

### REASONS AND CONSIDERATIONS

The proposed development of an upgraded water treatment plant is functionally dependent on the water supply from Lough Talt, which are integral elements of the overall Lough Talt Regional Water Supply Scheme. On the basis of the submissions and documentation on file, including the submissions of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, the report of the Heritage Officer, the reason for the determination of the planning authority, the report and recommendation of the Inspector, and in particular the revised Natura impact statement submitted in response to the request from An Bord Pleanála, the Board is not satisfied that the proposed development, in combination with the water abstraction on which it relies, would not adversely affect the integrity of the Lough Hoe Bog Special Area of Conservation (Site Code 000633) or of the River Moy Special Area of Conservation (Site Code 002298) in view of the conservation objectives for those Sites. Possible adverse effects on qualifying interests for these European Sites have been identified, which effects are linked to or may be exacerbated by water abstraction from the lake. Neither was the Board satisfied that the proposed mitigation measures would adequately protect against exacerbation of the effects of natural events. The conclusion of the revised Natura Impact Statement in Chapter 9, which is that adverse effects on the integrity of these European Sites cannot be excluded, is notable. Without certainty as to the absence of adverse effects on the integrity of these Sites, the Board is precluded from giving further consideration to a grant of planning permission in this instance.

Board Member: \_\_\_\_\_ Date: 12<sup>th</sup> April 2017

Fionna O' Regan