



An
Bord
Pleanála

Board Direction
PL93.246487

The submissions on this file and the Inspector's report were considered at a Board meeting held on August 11th 2016.

The Board decided to refuse permission generally in accordance with the Inspector's recommendation, subject to the amendments shown in the reasons and considerations set out below.

Reasons and Considerations.

1. The development by reason of its height, design and use, contravenes materially a condition attached to the original permission for the development, namely Condition **No. 8** of planning registration number **PD 04/1494**, and is therefore contrary to the proper planning and sustainable development of the area.
2. Having regard to the underlying regionally important fissured aquifer where the groundwater is deemed to be extremely vulnerable to contamination and the T-value calculated on the site relating to the original permission, planning registration number, PD04/1494, which indicated rapid percolation rates, the Board is not satisfied the existing development on the site can be treated satisfactorily, the development would, therefore be, prejudicial to public health.

Note: On the basis of submissions made in connection with the planning application and the appeal, and general observations on site, it appears to the Board the use of the structure may not be as described in the submission documents, and may in fact be unauthorised. Accordingly it is considered it would be inappropriate for the Board to consider a grant of permission for the development under such circumstances.

Board Member _____ **Date:** 11th August 2016
Paul Hyde