



An
Bord
Pleanála

Board Direction
PL07.247650

The submissions on this file and the Inspector's report were considered at a Board meeting held on June 9th 2017.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. Having regard to the location of the subject development and the pattern of development in the vicinity, and having regard to the nature and significant scale of the subject development, and the intensity of use, it is considered that the development for which retention is sought would seriously injure the amenities of the area, including existing neighbouring commercial premises, by reason of odour, litter and traffic, and would represent an inappropriate form and scale of development at this location. The development for which retention is sought would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The site of the proposed development is on a floodplain of the Clare River and is prone to flooding. The River forms part of the Lough Corrib Special Area of Conservation (site code 000297). Having regard to the Flood Risk Management Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in 2008, and notwithstanding the proposed flood management proposals, it is considered that the intensification and expansion of a waste management facility at this

location would be inappropriate and would pose an unacceptable risk of serious environmental pollution.

3. Having regard to the volumes of waste accepted at the subject site, based on the documentation submitted with the application and appeal, it is considered that a determination, as to whether an environmental impact assessment would have been required if an application for permission had been made in respect of the development concerned prior to the carrying out of the subject development, is required. In such circumstances, and having regard to the fact that the present application is seeking to retain the subject development, it is considered that, pursuant to Section 34 (12) of the Planning and Development Act 2000, as amended, the Board is precluded from considering a grant of planning permission in this instance.

4. Having regard to the operation of the facility other than solely as a materials recovery and management facility, the volumes of waste accepted at the site, which exceeds the permitted annual intake of 5,000 tonnes and the nature of the waste streams accepted, it is considered that the retention and completion of the development as proposed would materially contravene the provisions of the parent permission granted under Ref No. PL 07.205296 and would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member

Date: 14th June 2017

Philip Jones