



An
Bord
Pleanála

Board Direction
PL18.248569

The submissions on this file and the Inspector's report were further considered at a Board meeting held on January 12th 2018. The Board noted, in particular, the applicant's response to its Section 137 notice of 14th November, received on December 1st 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. The documentation submitted with the planning application and appeal has not demonstrated that sufficient storage capacity is proposed for the effluent likely to arise from the housing of farm animals or the storage of silage, and the availability of sufficient land for spreading the amount of effluent calculated to arise from the proposed development, in a manner which complies with the EU (Good Agricultural Practice for the Protection of Waters) Regulations 2014, and in particular having regard to Articles 9 and 13 and Schedule 2 to these Regulations. In the absence of such information and having regard to article 5 of the European Communities Environmental Objectives (Surface Waters) Regulation, 2009, which requires that a public authority, in the performance of its functions, shall not undertake those functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status of a body of surface water, it is considered that the proposed development would constitute a threat of water pollution and would be contrary to the proper planning and sustainable development of the

area.

2. The proposed development is located within a farm complex close to a water course which appears to contribute to the hydrology of Upper Lough Erne Special Area of Conservation (UK0016614). The documentation submitted with the application and appeal has not demonstrated that the capacity of the slurry storage facilities or the capacity of the silage effluent storage facilities accords with the requirements of the EU (Good Agricultural Practice for the Protection of Waters) Regulations 2014 and that therefore the proposed development would not give rise to water pollution. On this basis, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on Upper Lough Erne Special Area of Conservation (UK0016614) or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

Note: The Board considered that the applicant's response to its Section 137 notice did not provide documentation or evidence sufficient to establish, beyond reasonable scientific doubt, that the proposed development would not have a significant effect on the Upper Lough Erne Special Area of Conservation. In this regard, the Board noted that one of the main threats to the Special Area of Conservation is further eutrophication, as a result of increased nutrient loading from agricultural run-off. In particular, the Board was not satisfied that there is, and would remain, sufficient land for spreading in a manner which complies with the EU (Good Agricultural Practice for the Protection of Waters) Regulations 2014, and which would not give rise to a threat of pollution from agricultural run-off, which has the potential to impact on the SAC.

[Please issue a copy of this Direction with the Board Order.]

Board Member

Date: 15th January 2018

Philip Jones