



An  
Bord  
Pleanála

**Board Direction**  
**PL07.248983**

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The submissions on this file and the Inspector's report were further considered at a Board meeting held on February 1<sup>st</sup> 2018.

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 nature and scale of the development proposed for which retention is sought, which comprises a car repair garage, a car wash facility and an extensive area of surface car parking/storage, all of which may have given rise to unmanaged and contaminated surface water runoff, and the elevated position and close proximity of the subject site relative to a local Turlough which has a direct aquatic connection via groundwater to the nearby Ballinduff Turlough Special Area of Conservation (site code 002295), which in turn discharges to the Coole-Garryland Complex Special Area of Conservation (site code 000252) and the Coole-Garryland Special Protection Area (site code 004107) further to the south-west, and notwithstanding the plans and particulars that were provided with the application and appeal, the Board cannot be satisfied that the development for which retention is sought individually, or in combination with other plans or projects, would not have had a significant effect on the Ballinduff Turlough Special Area of Conservation (site code 002295), or any other European site, in view of the Conservation Objectives of such sites. In such circumstances, the Board is precluded from granting permission.
  
2. Notwithstanding the plans and particulars provided with the application and appeal, the Board cannot be satisfied that the proposed development and the development for which retention is sought can be adequately served by the existing wastewater treatment facilities associated with the adjoining dwelling house. In the absence of a Site Characterisation Report and a dedicated waste water treatment system, in compliance with EPA Code of Practice documents, it is considered that the proposed development and the development for which retention is sought, could give rise to groundwater pollution and would, therefore, be prejudicial to public health. The proposed development and the development for which retention is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

**Note 1:** The Board did not concur with the Inspector that the subject development would not constitute a traffic hazard, particularly having regard to the parking of vehicles for display and/or sale immediately adjoining the local roads on two sides of the site. The Board considered that these display areas lead to conditions prejudicial

to pedestrian and traffic safety. However, this issue could be resolved by a condition prohibiting any such parking of vehicles, and the Board did not pursue this matter further having regard to the substantive reasons for refusal outlined above.

**Note 2:** The Board did not consider that the first reason for refusal in its Order represented a new issue in the context of the application and appeal, particularly having regard to the content of the Planning Authority's reports on file, and in particular reason number 3 of the Planning Authority's decision.

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

**Board Member**

**Date:**

2/2/2018

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Philip Jones