



An
Bord
Pleanála

Board Direction
BD-002584-19
ABP-301924-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/03/2019.

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

Reasons and Considerations

The Board noted the appropriate assessment screening report submitted by the applicant, and the submission on this file from the Department of Culture, Heritage and the Gaeltacht, received by the Planning Authority on March 9th 2018. The Board also had regard to the Natura Impact Statement submitted by the applicant under file reference number 03.LS0020, which was based on surveys of the site carried out by the agents of the application on the 4th day of February 2015. The Board notes that the appropriate assessment screening report submitted with the current application was based on the same site surveys of 2015 but reaches a different conclusion.

The Board, as the competent authority under the Habitats Directive in relation to the subject development, had previously determined in its decision, under file reference number 03.LS0020, dated 5th January 2016, that an appropriate assessment is required in relation to the development in question. In assessing the current application, the Board has reviewed the documentation referred to above, and has considered the appropriate assessment report prepared by the Senior Planning Inspector. In carrying out screening for appropriate assessment, the Board concurs with the Inspector's view that the appropriate assessment screening report submitted as part of the current application has failed to properly evaluate the development's

impact on coastal processes and agrees with his conclusion that there is a reasonable scientific doubt in relation to the potential impacts which may have occurred or could occur on the qualifying interests and conservation objectives associated with the Inner Galway Bay Special Area of Conservation (site code 000268), as a result of the subject development. The Board therefore remains satisfied that appropriate assessment is required in relation to the subject development.

Accordingly, the present application, which is for, and is expressed to be for, retention of the subject development, comes within the scope of Section 34 (12) of the Planning and Development Act 2000, as amended. Therefore, the Board is precluded by law from considering the present application and hereby refuses to further consider the application, in accordance with the provisions of Section 34 (12).

Board Member

Date: 14/03/2019

Paul Hyde