



An  
Bord  
Pleanála

**Board Direction**  
**BD-002137-19**  
**ABP-302340-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/01/2019.

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

### **Reasons and Considerations**

1. From the evidence on file, the proposed development is in an area which is at risk of flooding. Having regard to the provisions of Objective 57 of the National Planning Framework, and having regard to guidance as set out in 'The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)', in relation to development proposals in areas at risk of flooding, it is considered that, in the absence of adequate information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk, the proposed development would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the lack of an adequate flood risk assessment, and having regard to the evidence on file relating to previous flooding events in the area, the Board is not satisfied that the site is suitable for the treatment and disposal of domestic foul effluent in accordance with the "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)", 2009 and subsequent clarifications issued by the Environmental Protection Agency, having regard to the potential contamination of flood waters resulting from an inundation of the site. The proposed development would, therefore, be prejudicial to public health.

3. Having regard to the lack of information on file in relation to the potential impact on the lesser horseshoe bat, and having regard to the potential of the contaminated floodwaters to enter the Ballygriffey Stream, and subsequently Ballyallia Lake, and on the basis of the information provided with the application and appeal, and in the absence of a Natura Impact Statement, 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 have a significant effect on the Toonagh Estate SAC (site code 002247), Ballyallia Lake SAC (000014) and Ballyallia Lough SPA (site code 004041), in view of the sites' Conservation Objectives. In such circumstances, the Board is precluded from granting approval/permission.

**Board Member**

**Date:** 15/01/2019

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Michelle Fagan