



An
Bord
Pleanála

Board Direction
BD-002969-19
ABP-302944-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/05/2019.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

The subject application includes for, *inter alia*, retention permission to retain partially reclaimed lands, involving some 0.53 hectares of wetlands. Development consisting of the carrying out of drainage or reclamation of wetlands, where more than 2 hectares of wetlands would be affected, is included in Part 2 of Schedule 5 to the Planning and Development Regulations, 2001, as amended, being a class of development in relation to which environmental impact assessment is required under Section 176 of the Planning and Development Act, 2000, as amended. Having regard to this fact, and to the extent of the area concerned, being in excess of 25% of the applicable threshold, it is considered that the development for retention and the proposed development should be subject to an environmental impact assessment within the meaning of Part X of the Planning and Development Act 2000, as amended. The proposed development would therefore, require an Environmental Impact Assessment Report, which should contain the information as set out in Schedule 6 of the Planning and Development Regulations, 2001, as amended. In these circumstances, the Board is precluded from giving the application further consideration.

In coming to its decision, the Board had regard to all of the material on the planning application and appeal file, including the Inspector's report, and all submissions to the planning authority and to the Board.

In deciding not to accept the Inspector's recommendation to grant permission, the Board had specific regard to the land reclamation works relating to reclaimed land, for which retention permission is sought and to the provisions of Section 34(12) of the Planning and Development Act 2000, as amended.

Board Member

Date: 08/05/2019

Chris McGarry