



An
Bord
Pleanála

Board Direction
BD-005009-20
ABP-304341-19

The submissions on this file, including the appellant's response to the Board's Section 132 notice and the observer's response to the Board's Section 131 notice, and the Inspector's report were considered at a further Board meeting held on 22/01/2020.

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

Reasons and Considerations

Having regard to

- the information provided with the application and the appeal,
- the appellant's response to the Board's Section 132 notice, which did not comply with the specific requirements of that notice in relation to the need for a detailed assessment to be carried out by a competent person and the need for hydrostatic leak detection testing, and did not demonstrate that the development proposed for retention has not impacted on the integrity of the existing sewer which traverses the site,
- the proximity of the site to the European Site: Dungarvan Harbour Special Protection Area (site Code: 004032),

and in the absence of a Screening Statement for Appropriate Assessment and, if necessary, a Natura Impact Statement carried out by a competent person, the Board cannot be satisfied that the proposed development and the development proposed for retention, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Site, or that the

proposed development and the development proposed for retention would not be likely to adversely affect the integrity of the European Site, in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission for the proposed development and for the development proposed for retention.

In deciding not to accept the Inspector's recommendation to grant permission, the Board was not satisfied that the proposed development and the development proposed for retention, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Site: Dungarvan Harbour Special Protection Area (site Code: 004032), or that the proposed development and the development proposed for retention would not be likely to adversely affect the integrity of the European Site, in view of the site's Conservation Objectives.

Board Member

Date: 22/01/2020

John Connolly