



An  
Bord  
Pleanála

**Board Direction**  
**BD-004118-19**  
**ABP-304705-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/09/2019.

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 had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the the River Shannon and River Fergus Estuaries SPA (site code 004077) and the Lower River Shannon SAC (site code 002165),
- (e) the history of the site, and the nature and extent of the proposed works as set out in the application,
- (f) the information submitted in the Appropriate Assessment screening,

(g) the submissions and observations received in relation to the proposed development,

(h) Limerick City Development Plan 2010-2016 as extended.

On the basis of the information provided with the application, including the Appropriate Assessment screening, and in light of the assessment carried out, the Board is not satisfied that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of River Shannon and River Fergus Estuaries SPA (site code 004077) and the Lower River Shannon SAC (site code 002165), in view of the site's Conservation Objectives.

The excavation of circa 33,000m<sup>3</sup> of soil/ subsoil and removal of fuel tanks and hazardous substances on lands where the groundwater is extremely vulnerable, could result in a significant negative impact on the existing water quality of the River Shannon and River Fergus Estuaries. The Board could not be satisfied in the absence of a Natura Impact Statement that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of the European Sites in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting planning permission.

**Board Member**

**Date:** 26/09/2019

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Michelle Fagan