



An
Bord
Pleanála

Board Direction
BD-006541-20
ABP-307460-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/09/2020.

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

Reasons and Considerations

1. Having regard to the location of the site in an unzoned and unserved rural area on lands at risk of flooding, the nature of the proposed development which has no functional association with neighbouring land or development, and the key principles of the risk-based sequential approach to flood risk management set out in 'The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009', it is considered that in the absence of any proven reason for its location in this area of open countryside, the proposed development would be inappropriately located and would, therefore, be contrary to the proper planning and sustainable development of the area

Note: The Board considered that, on the basis of the information provided with the application, including the 'Appropriate Assessment Screening' received by the planning authority on the 1st day of April, 2020, which concluded that the proposed development would not have significant effects on the River Barrow and River Nore Special Area of Conservation, subject to the implementation of precautionary measures, and noting that such measures appear to the Board to be measures that are intended to avoid or reduce the harmful effects of the development on the European site concerned and accordingly cannot be taken into account in screening

for Appropriate Assessment having regard to the judgement of the European Court of Justice in case C-323/17, the Board cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, in the absence of those mitigation measures, would not have significant effects in the light of the conservation objectives and qualifying interests of the European site. Therefore, 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 European Site No. 002162, or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission. The Board decided not to include this as an additional reason having regard to the substantial reason for refusal above.

[Please issue a copy of this Direction with the Board Order to the parties.]

Board Member

Date: 24/09/2020

Stephen Bohan