



An
Bord
Pleanála

Board Direction
BD-006904-20
ABP-307492-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/11/2020.

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

Reasons and Considerations

1. The Board noted that a Natura Impact Statement had been submitted with the application and that the site was hydrologically connected via adjacent drains to downstream European Sites. However, on the basis of the information provided with the application and appeal, particularly in relation to the details and efficacy of the proposed surface water drainage and containment measures, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of Courtmacsherry Estuary Special Area of Conservation (Site Code: 001230) and Courtmacsherry Bay Special Protection Area (Site Code: 004219) in view of the sites' Conservation Objectives. In such circumstances the Board is precluded from granting permission for the proposed development.
2. The Board could not be satisfied on the basis of the information on the file in relation to the existing ground conditions of the site, to the nature and source of material to be imported including details of potential haul routes for transportation, to the absence of an Ecological Impact Assessment, and to the

suitability and efficacy of proposed drainage management measures, that the proposed development would not endanger public safety by reason of traffic hazard, would not give rise to a heightened risk of flooding on the proposed development site itself or on other lands and would not pose a risk of environmental pollution and be prejudicial to public health. The Board considered that the proposed development was contrary to the proper planning and sustainable development of the area.

Note: The Board noted the Inspector's recommendation to request further information from the applicant on these and other issues. However, the Board considered that given that the level of detail and information that is required that any further information submission by the applicant might engender additional requests and clarifications from An Bord Pleanála and thus considered in this instance that it was more appropriate to refuse permission for the proposed development.

Copy of Board Direction to issue with the Board Order.

Board Member

Date: 11/11/2020

Maria FitzGerald