



An  
Bord  
Pleanála

**Board Direction**  
**BD-006915-20**  
**ABP-307777-20**

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. On the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the overall water management and drainage system as proposed, based on the baseline information as presented by the applicant, is adequate and at a level of detail to draw satisfactory conclusions in relation to the proper and satisfactory management of the volume of groundwater and surface water to be generated, on a site with downstream hydraulic connectivity from the site to receiving surface waters that are 'at risk' and to a neighbouring downstream fluvial flood risk area along the Milebush stream. The proposed development would pose an increased flood risk downstream of the site and an increased threat of water pollution, with potential to result in receiving waterbodies not being able to achieve the relevant 'good' ecological status, as required under the provisions of the River Basin Management Plan 2018-2021. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the nature and scale of the proposed development, including the maximum potential deposition of waste surplus inert soil and subsoil not exceeding 200,000 tonnes and to a maximum volume of 138,020m<sup>3</sup>, to the limited two to three year duration of the N5 Westport to Turlough Road project, which the development would solely serve, and to the thresholds set down in Class 11(b) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2020, it is considered that the proposed development would be likely to have significant effects on the environment and 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 set out in Schedule 6 of the said Regulations. In these circumstances, it is considered that the Board is precluded from giving further consideration to the granting of permission for the development the subject of the application.
  
3. On the basis of the information submitted with the planning application and the appeal and 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 the River Moy SAC (Site Code: 002298), or any other European site, in view of the sites' conservation objectives. In such circumstances, the Board is precluded from granting permission.

**Board Member**

**Date:** 11/11/2020

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Chris McGarry