



An
Bord
Pleanála

Board Direction
BD-007382-21
ABP-308070-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/01/2021.

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

Reasons and Considerations

On the basis of the information provided with the application and appeal, and in the absence of an Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans and projects, would not result in adverse effects on the integrity of European sites specifically the River Moy SAC (site code 002298) and the Lough Conn and Lough Cullin SPA (site code 004228) by reason of disturbance to birds and the potential for water pollution particularly during the construction phase. In such circumstances the Board is precluded from granting planning permission.

Note 1: The Board noted the description of the proposed development as consisting of the extension and refurbishment of an existing dwelling. However having regard to the totality of the documentation as lodged with the application and appeal, the reports of the Planning Authority, including photographs, and the report of the Inspector, it was not clear to the Board that the building on site was in fact functional and/or habitable as a dwelling and whether or not it could therefore be deemed to constitute an existing dwelling and thus whether or not a requirement on the part of the applicant to confirm a rural housing need was warranted. However as this constituted a new issue within the context of the appeal and given the substantive reason for refusal as set out above, it was decided not to pursue this matter further in this case.

Note 2: The Board noted the reason for refusal as recommended by the Inspector, related to traffic hazard and obstruction to road users. However, given the specific nature of the road in question, the likely low volumes of traffic and associated likely low speed of vehicles travelling along this section of road, and the commentary from the planning authority, it was decided that such a reason for refusal of permission was not warranted in this instance.

Board Member

Date: 21/01/2021

Chris McGarry