



An
Bord
Pleanála

Board Direction
BD-007567-21
ABP-308205-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/02/2021.

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 information provided with the application and the appeal including the Stage 1 Screening Report for Appropriate Assessment 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 result in adverse effects on the integrity of the Lough Derg (Shannon) Special Protection Area (Site Code 004058) in view of the sites Conservation Objectives by reason of a hydrological connection between the appeal site and the Natura 2000 site that may result in indirect effects due to construction and development related emissions including land spreading of slurry and therefore the Board is precluded from granting permission.
- 2) The documentation submitted with the planning application and appeal has not demonstrated adequate proposals for the management of surface water at the proposed development or within the overall farmyard complex, or detailed construction proposals to include for the storage and removal of topsoil and fill onsite, or that sufficient storage capacity is proposed for the effluent likely to arise from the proposed development, in a manner which complies with the EU (Good

Agricultural Practice for the Protection of Waters) Regulations 2017, as amended. In the absence of such information and having regard to Article 5 of the European Communities Environmental Objectives (Surface Waters) Regulations, 2009, as amended, which requires that a public authority, in the performance of its functions, shall not undertake those functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status of a body of surface water, it is considered that the proposed development would pose an unacceptable risk of environmental pollution and would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member

Date: 18/02/2021

John Connolly