



An
Bord
Pleanála

Board Direction
BD-008913-21
ABP-308326-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/08/2021.

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

Reasons and Considerations

1. The documentation and details submitted with the planning application and appeal has not demonstrated adequate proposals for the proper and satisfactory management of surface water at the proposed development. 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, or the ecological potential 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.
2. On the basis of the information provided with the application and appeal, 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 the River Foyle and Tributaries SAC (Site Code: UK0030320) and River Finn SAC (Site Code: 002301), in view of the sites'

Conservation Objectives. Having regard to the Board's concerns in relation to the adequacy of the proposals for the proper and satisfactory management of surface water at the proposed development, likely significant effects on these European sites could not be ruled out. In such circumstances the Board is precluded from granting approval/permission.

Note: Having regard to the surface water management proposals and the potential for impacts arising for receiving surface water bodies, to the criteria set out in Schedule 7 of those Regulations, to the provisions of the document 'Guidance for Consent Authorities regarding Sub-threshold Development' issued by the Department of the Environment, Heritage and Local Government in August 2003, it is considered on the basis of the information on the file, that the proposed development could be likely to have significant effects on the environment and may 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 could, therefore, require an Environmental Impact Assessment Report, which should contain the information set out in Schedule 6 of the said Regulations.

Copy of Board Order to issue with the Direction.

Board Member

Maria Fitzgerald
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Date: 16/08/2021