

**An
Bord
Pleanála**

**Board Direction
BD-010443-22
ABP-311526-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/03/2022.

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

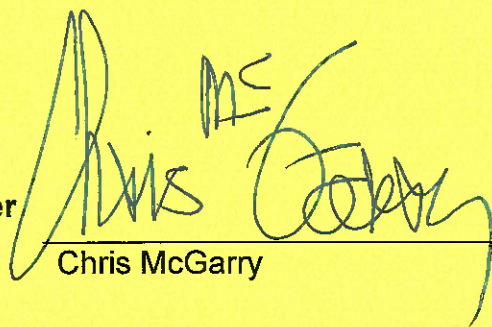
Reasons and Considerations

1. On the basis of the information provided with the application and 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 Barrow and River Nore Special Area of Conservation (site code: No. 002162) or any other European site, in view of the site's Conservation Objectives. In this regard the Board is precluded from granting planning permission.
2. It is proposed to connect the proposed development to the public sewer in an area where the sewerage network is stated to be constrained. On the basis of the information submitted with the application and appeal and in the absence of documentary evidence, the Board is not satisfied as to the capability of the network to accommodate the sewage generated by the proposed development. In this regard and in the absence of confirmed evidence as to the capability of the sewerage network to accommodate the proposed development, it is considered that the proposed development would be

prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the documentation submitted with the application and appeal it appears that landfilling has occurred on the subject site. From the information available on the file, which is limited in terms of the detail provided as to the source and content of this landfilling material, the Board cannot be satisfied that the nature of the fill material would not impact on the environment either in its current state or as a consequence of development works on site related to the proposed development, or that the altering of land levels would not impact on flood risk by reason of displacement of floodplain storage. In this regard and in the absence of sufficient detail as to the nature and content of the landfilled material on site and the precise nature of changes to this material, in terms of removal, retention or other physical alterations, as part of the construction and operation of the proposed development, it is considered that the proposed development could lead to adverse effects on the environment including potential flood risks and accordingly the proposed development would be contrary to the proper planning and sustainable development of the area.

Board Member


Chris McGarry

Date: 05/04/2022